

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

September 22, 2009

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session

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

City Council Study Sessions

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

City Council Meetings

Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office at 951.413.3001 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.

Bonnie Flickinger, Mayor Pro Tem
Jesse L. Molina, Council Member

Richard A. Stewart, Mayor

Robin N. Hastings, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
September 22, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Community Health Charities of California - Corporate Excellence Award Recognizing the 2008 Employee Giving Campaign
2. Proclamation Recognizing Constitution Week - September 17 - 23, 2009
3. Recognition of Moreno Valley's Promise – Youth Leaders Making Change (YLMC)

**AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO
VALLEY AND THE BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING - 6:30 PM
SEPTEMBER 22, 2009**

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Bishop Randy Triplett, Victory Temple of Deliverance Ministries

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

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 Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report 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 TRACT 32834 OFFSITE SUPPLEMENTAL FOR STONERIDGE TOWN CENTER PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, DRACAEA AVENUE, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-86 authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system; and

Resolution No. 2009-86

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements for Tract 32834 Off Site Supplemental for the Stoneridge Town Center Project as Complete and Accepting the Portion of Nason Street, Dracaea Avenue, and Fir Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

A.3 TRACT 32836 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE "BACKBONE" PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, FIR AVENUE, EUCALYPTUS AVENUE, AND DRACAEA AVENUE INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: BEAZER HOMES

HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-87 authorizing the acceptance of the “backbone” public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue into the City’s maintained street system; and

Resolution No. 2009-87

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the “Backbone” Public Improvements for Tract 32836 as Complete and Accepting the Portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue Associated with the Project into the City’s Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

A.4 LEASE AGREEMENT WITH AMERICAN MEDICAL RESPONSE FOR FIRE STATION USE (Report of : Fire Department)

Recommendation:

Approve the lease agreement with American Medical Response for use of Fire Station 91, College Park.

A.5 TRACT MAP 31269 STORM DRAIN – REDUCE FAITHFUL PERFORMANCE BOND OF THE STORM DRAIN IMPROVEMENTS AS COMPLETE AND ADOPT THE RESOLUTION ACCEPTING QUINCY CHANNEL IMPROVEMENTS INTO THE CITY’S MAINTAINED STREET SYSTEM - DEVELOPER: PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA 92656 (Report of: Public Works Department)

Recommendation:

1. Accept the storm drain improvements within Tract Map 31269 as complete but not into the City’s maintained street system;
2. Accept the Quincy Channel improvements as complete and into the City’s maintained street system;
3. Adopt Resolution No. 2009-88 authorizing the acceptance of Quincy

Channel improvements into the city's maintained street system; and
Resolution No. 2009-88

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31269 - Storm Drain and Accepting the Portion of Quincy Channel Improvements Associated with the Project into the City's Maintained Street System

4. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

A.6 THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services;
2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper; and
3. Authorize an increase in the purchase order to Vali Cooper in the amount of \$275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.7 TRACT MAP 31424 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING WEXFORD AVENUE, TRACER COURT, STRAUSS LANE, ESSEN LANE, GALINO COURT AND PORTIONS OF EUCALYPTUS AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA 92656 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-89 authorizing the acceptance of the

public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system; and

Resolution No. 2009-89

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tract Map 31424 and Accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and Portions of Eucalyptus Avenue and Dracaea Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

A.8 P08-146 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SAN MICHELE ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: INDIAN AVENUE LLC, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-90 authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system; and

Resolution No. 2009-90

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within P08-146 and Accepting the Portion of San Michele Road Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one

year when all clearances are received.

- A.9 RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT JOINT COMMUNITY FACILITIES AGREEMENT PERTAINING TO COMMUNITY FACILITIES DISTRICT NO. 7 (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2009-91; a Resolution of the City Council of the City of Moreno Valley, California, approving the form of the Joint Community Facilities Agreement by and among the City of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC pertaining to Community Facilities District No. 7.

Resolution No. 2009-91

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form of the Joint Community Facilities Agreement By and Among the City Of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC, Pertaining To Community Facilities District No. 7

- A.10 APPROVAL OF CHECK REGISTER FOR JULY, 2009 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2009-92, approving the Check Register for the month of July, 2009 in the amount of \$24,334,280.12.

Resolution No. 2009-92

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of July, 2009

- A.11 ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR THE STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE - PROJECT NO. 08-41678827 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

A.12 PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE PROGRAM (Report of: Economic Development Department)

Recommendation:

Adopt Resolution 2009-93 authorizing the City's participation in Riverside County's Mortgage Credit Certificate Program.

Resolution No. 2009-93

A Resolution of the City Council of the City of Moreno Valley, California Approving Participation in the Riverside County Mortgage Credit Certificate (MCC) Program

A.13 CERTIFICATES OF ACCEPTANCE AND NEIGHBORHOOD STABILIZATION PROGRAM (NSP) DEVELOPMENT PARTNER AFFORDABLE HOUSING AGREEMENTS (Report of: Economic Development Department)

Recommendation:

1. Adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the Neighborhood Stabilization Program;

Resolution No. 2009-94

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City Manager to Accept and Consent to Deeds or Grants for Residential Properties Acquired Through the Neighborhood Stabilization Program

2. Authorize the City Clerk to record the Certificates of Acceptance and other related NSP Documents;
3. Authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to form by Special Counsel), and execute other NSP related documents; and
4. Authorize Financial & Administrative Services Director to fund payment for properties acquired through the NSP Program.

A.14 RESOLUTION AMENDING RESOLUTION NO. 2007-43 BY TEMPORARILY REDUCING RESIDENTIAL SINGLE-FAMILY AND RESIDENTIAL AFFORDABLE SINGLE-FAMILY DEVELOPMENT IMPACT FEES (Report of: Economic Development Department)

Recommendation:

Adopt Resolution 2009-95, amending Resolution No. 2007-43, by temporarily reducing residential single-family and residential affordable single-family development impact fees by fifty percent, with the opportunity to consider a possible one year renewal.

Resolution No. 2009-95

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution No. 2007-43 Regarding the Fee Structures for Residential Single-Family and Residential Affordable Single-Family Development Impact Fees

- A.15 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

- A.16 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

- A.17 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 September 2-15, 2009

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 SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

- B.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (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 SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

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

E.1 A PUBLIC HEARING REGARDING PA09-0018 (GENERAL PLAN

AMENDMENT) AND PA08-0099 (MUNICIPAL CODE AMENDMENT), A PROPOSAL TO ADD A NEW ZONING DESIGNATION TO THE GENERAL PLAN CREATING THE RESIDENTIAL 30 (R30) ZONING DISTRICT AND AMEND A RANGE OF ZONING REGULATIONS CONTAINED IN TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MULTIPLE FAMILY DEVELOPMENT STANDARDS (Report of: Community Development Department)

Recommendation: That the City Council:

1. Find that PA09-0018 (General Plan Amendment) and PA08-0099 (Municipal Code Amendment) are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines;
2. APPROVE Resolution No. 2009-96 approving PA09-0018, for creating the Residential 30 (R30) zoning district and amending Chapter 9 of the General Plan based on the findings in the Resolution and attached to the Resolution as Exhibit A; and

Resolution No. 2009-96

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan for the addition of the Residential 30 (R30) Zoning District (PA09-0018)

3. Introduce Ordinance No. 797 thereby approving PA08-0099, for creating the Residential 30 (R30) zoning district and amending various sections of Title 9 of the City of Moreno Valley Municipal Code.

Ordinance No. 797

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code regarding the addition of the new Zoning District Residential 30 (R30), separating single-family development standards from Multiple-Family Development Standards, defining Minimum Density Standards and deletion of repetitive Development Guidelines

E.2 A PUBLIC HEARING REGARDING PA09-0009 (GENERAL PLAN AMENDMENT) AND PA09-0007 (CHANGE OF ZONE), A PROPOSAL TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL/OFFICE (R/O). THE CHANGE OF ZONE WILL CHANGE THE ZONING FROM BUSINESS PARK (BP) TO RESIDENTIAL 15 (R15). THE PARCEL HAS AN EXISTING SINGLE FAMILY RESIDENCE AND A

MULTIPLE FAMILY DUPLEX (Report of: Community Development Department)

Recommendation: That the City Council:

1. ADOPT a Negative Declaration for applications PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone). The projects, individually and cumulatively, will not result in a significant effect on the environment;

2. APPROVE Resolution No. 2009-97 approving PA09-0009, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A; and

Resolution No. 2009-97

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan Land Use Element (PA09-0009) to change the Land Use Designation from Business Park (BP) to Residential/Office (R/O) for the approximately 1.62 acres located within Assessor's Parcel Number 263-160-027, located at 21652 Cottonwood

3. INTRODUCE Ordinance No. 798 approving a Zone Change (PA09-0007) from Business Park (BP) to Residential 15 (R15), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A.

Ordinance No. 798

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA09-0007 (Change of Zone) to change the Land Use District for approximately 1.62 acres located at 21652 Cottonwood (Assessor Parcel Number 263-160-027) from the Business Park (BP) Land Use District to the Residential 15 (R15)

- E.3 A PUBLIC HEARING REGARDING THE DESIGNATION OF A CITY-WIDE RECOVERY ZONE (Report of: Economic Development Department)

Recommendation: That the City Council:

Introduce Ordinance No. 799 relating to the designation of a city-wide Recovery Zone for the City of Moreno Valley.

Ordinance No. 799

An Ordinance of the City Council of the City of Moreno Valley, California,
Designating a City-Wide Recovery Zone

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

G. REPORTS

G.1 ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Receive and file this report.
2. Introduce Ordinance No. 800, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance). (Roll call required)

Ordinance No. 800

An Ordinance of the City Council of the City Of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

G.2 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

- a) Report by Council Member Robin N. Hastings on Western Riverside Council of Governments (WRCOG)
- b) Report by Council Member William H. Batey II on Riverside County Habitat Conservation Agency (RCHCA)

G.3 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

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

- H.1 .1 INTRODUCTION OF ORDINANCE NO. 796 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.12, FLOOD DAMAGE

PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP) (Report of: Public Works Department)

Recommendation: That the City Council:

Introduce Ordinance No. 796, amending Title 8 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP).

Ordinance No. 796

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP)

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

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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

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

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the 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.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the 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 and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

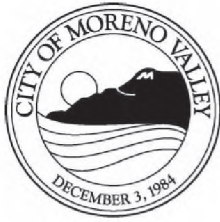
Number of Cases: 3

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

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

ADJOURNMENT



APPROVALS	
BUDGET OFFICER	<i>[Signature]</i>
CITY ATTORNEY	<i>[Signature]</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT 32834 OFFSITE SUPPLEMENTAL FOR STONERIDGE TOWN CENTER PROJECT – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, DRACAEA AVENUE, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM

Developer – Beazer Homes Holding Corp.
1800 Imperial Highway, Suite 200
Brea, CA 92821

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-86 authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City’s maintained street system.
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32834 was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, wheelchair ramps, and two traffic signals. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of \$1,006,000 issued by Arch Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*
2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center

Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009\9-22-09 Tract 32834 Offsite Supplemental - 90% Bond Reduction.doc

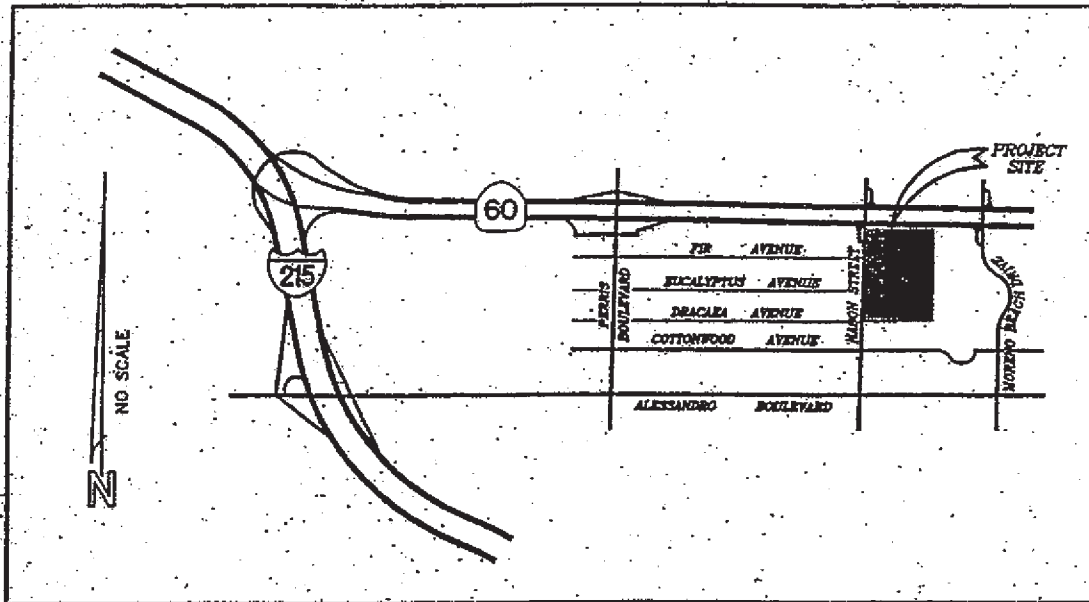


EXHIBIT A

**CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT**

**TRACT 32834
Offsite Supplemental
VICINITY MAP**

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RESOLUTION NO. 2009-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS FOR TRACT 32834 OFF SITE SUPPLEMENTAL FOR THE STONERIDGE TOWN CENTER PROJECT AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, DRACAEA AVENUE, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Beazer Homes Holding Corp. on the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract 32834 Offsite Supplemental for Stoneridge Town Center Project and accept the portion Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract 32834 Offsite Supplemental for Stoneridge Town Center Project are complete, and the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT B

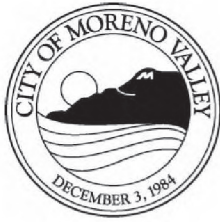
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Resolution No. 2009-_____
Date Adopted: September 22, 2009

EXHIBIT "B"
RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]



APPROVALS	
BUDGET OFFICER	<i>mg</i>
CITY ATTORNEY	<i>Ret</i>
CITY MANAGER	<i>RA</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT 32836 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE “BACKBONE” PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, FIR AVENUE, EUCALYPTUS AVENUE, AND DRACAEA AVENUE INTO THE CITY’S MAINTAINED STREET SYSTEM

Developer – Beazer Homes Holding Corp.
1800 Imperial Highway, Suite 200
Brea, CA 92821

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-87 authorizing the acceptance of the “backbone” public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue into the City’s maintained street system.
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract 32836 was conditionally approved requiring construction of certain “backbone” public improvements on Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, traffic signal, storm drain, sewer, and water. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City’s maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City’s maintained street system and to provide a 90% reduction to the Faithful Performance Bond of \$13,305,000 issued by Fidelity and Deposit Company of Maryland. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the “backbone” public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project into the City’s maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City’s maintained street system.*
2. Do not adopt the proposed Resolution authorizing the acceptance of the “backbone” public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue

associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

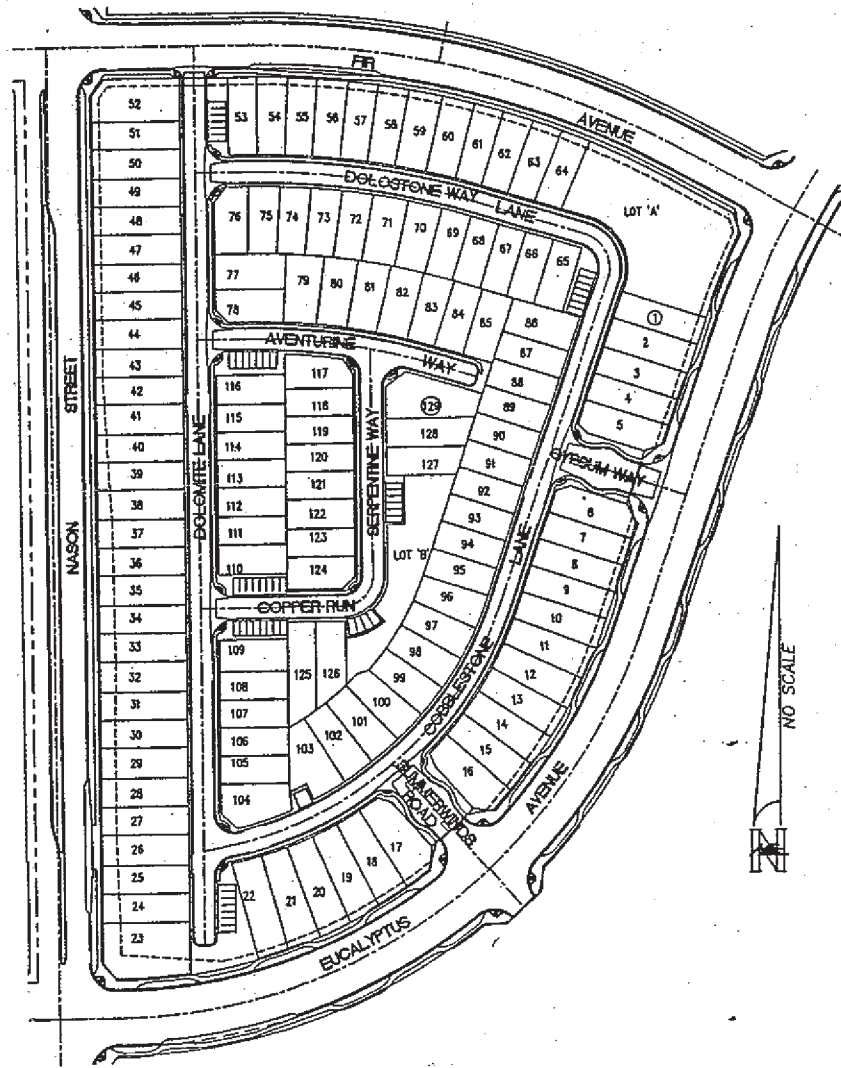
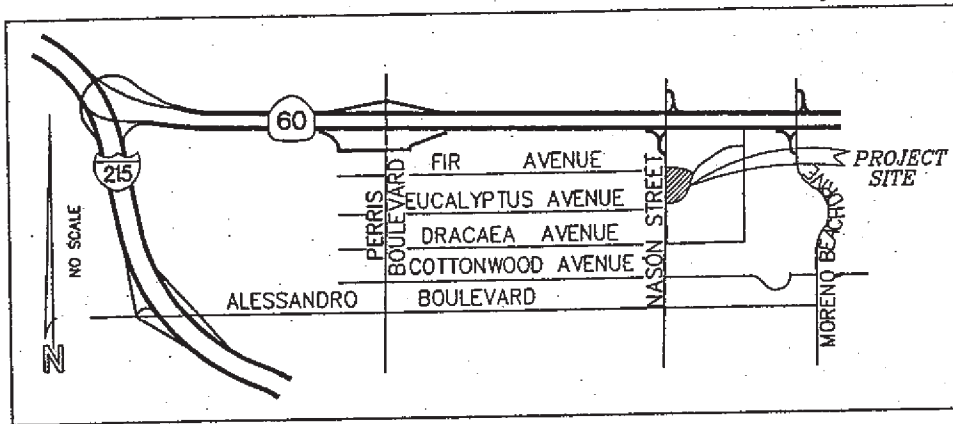
Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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EXHIBIT A
VICINITY MAP



CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
EXHIBIT "A"

TRACT MAP 32836
VICINITY MAP

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RESOLUTION NO. 2009-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE "BACKBONE" PUBLIC IMPROVEMENTS FOR TRACT 32836 AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, FIR AVENUE, EUCALYPTUS AVENUE, AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the "backbone" public improvements constructed by Beazer Homes Holding Corp. on the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract 32836 and accept the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the "backbone" public improvements within Tract 32836 are complete, and the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT B

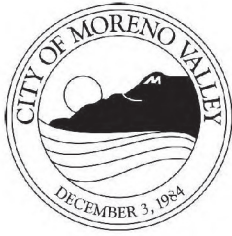
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Resolution No. 2009-_____
Date Adopted: September 22, 2009

EXHIBIT "B"
RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]



APPROVALS	
BUDGET OFFICER	<i>mg</i>
CITY ATTORNEY	<i>gt</i>
CITY MANAGER	<i>ph</i>

Report to City Council

TO: Mayor and City Council

FROM: Steve Curley, Fire Chief

AGENDA DATE: September 22, 2009

TITLE: Lease Agreement with American Medical Response for Fire Station Use

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the attached lease agreement (Attachment A) with American Medical Response for use of Fire Station 91, College Park.

BACKGROUND

American Medical Response (AMR) is the emergency medical service (EMS) provider under contract with the County of Riverside EMS Agency to provide Advanced Life Support (ALS) ambulance services throughout the County, including incorporated cities. AMR has provided ALS ambulance services to the City of Moreno Valley since the late 1990's when they acquired Goodhew Ambulance Services.

DISCUSSION

On November 23, 2004, the City entered into a lease agreement with AMR for use of Fire Station 48 (Sunnymead Ranch) and Fire Station 91 (College Park). This agreement has been continuing on a day-to-day basis since the expiration of the lease on June 30, 2007.

The lease agreement is for the use of Fire Station 91 as AMR terminated their lease agreement for Fire Station 48 effective August 31, 2009. The lease of Fire Station 91 by AMR will allow them to meet the County contract standard that requires AMR to respond to at least 90% of the calls for service in less than 10 minutes in the City. This lease also allows for Fire Department personnel and AMR employees to jointly train on

EMS delivery as well as become familiar with each other's standard operating procedures (SOP).

ALTERNATIVES

1. Authorize the Mayor to execute the lease agreement with American Medical Response for use of Fire Station 91, College Park Station. *This alternative will allow AMR to continue to operate their ambulances from this location.*
2. Do not authorize the Mayor to execute the lease agreement with American Medical Response for use of Fire Station 91, College Park Station. *This alternative would require the City to terminate the existing lease with AMR.*

FISCAL IMPACT

AMR will pay the City of Moreno Valley rent as set forth by the County of Riverside Fire Department. Currently this is \$500.00 per month.

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.

ATTACHMENTS/EXHIBITS

ATTACHMENT A – Lease Agreement

Prepared By:
Cynthia Owens
Management Assistant

Department Head Approval:
Steve Curley
Fire Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AMERICAN MEDICAL RESPONSE
FIRE STATION LEASE

The CITY OF MORENO VALLEY, herein called City, leases to AMERICAN MEDICAL RESPONSE – INLAND EMPIRE (AMR), a California corporation, herein called Lessee, the property described below upon the following terms and conditions:

1. Recitals.

City owns land and improvements throughout the City and is desirous of leasing a portion of facilities listed in Exhibit "A" to Lessee in order that it may provide direct responsive ambulance services.

Lessee has an interest, desire and willingness to provide such services.

2. Description. The premises leased hereby consist of land and a portion of the building thereon shown on Exhibit "A".

3. Use.

(a) The premises are leased to Lessee for the purpose of providing facilities to accommodate an advanced life support ambulance and paramedic personnel and office and communication equipment in connection therewith.

(b) Lessee shall have the right to use the leased premises jointly with the City Fire Department and the volunteer fire company.

4. Term.

(a) The term of this lease shall become effective on the date signed by the City and remain in effect until June 30, 2012, subject to the provisions contained in Paragraphs 16, 17, and 18 herein. Any holding over by Lessee, after the expiration of this lease shall be on a day-to-day basis strictly and continuing tenancy rights shall not accrue to Lessee.

(b) Lessee shall have the right of first refusal as to renewal of this lease at the expiration of said term on whatever terms and conditions City may then offer, provided that Lessee is not otherwise in default under the lease and has a valid permit to operate an ambulance service in the City.

(c) Exhibit "A" may be amended by agreement of both parties to update lease amounts of facilities occupied.

5. Utilities.

ATTACHMENT A

City shall provide for all utilities including gas, water, electricity, and rubbish collection services except Lessee shall provide for its own disposal of medical waste at Lessee's expense. Lessee shall provide and pay for the own telephone services. In consideration for such services provided by the City, Lessee shall pay to City that amount as described in Exhibit "A".

6. Repairs.

Lessee, at its expense, shall be responsible for the repair or replacement of the exterior and/or interior of the building, related equipment and property due to damage caused by acts or omissions of Lessee's personnel. All repair or replacement shall be completed in a manner acceptable to the City. In the event Lessee fails, or refuses to perform such repairs, or any portion thereof, City reserves the right to perform same and Lessee shall pay City forthwith for any costs incurred in connection therewith upon an accounting and billing therefore. If Lessee uses commercial vendors to perform the repairs and maintenance work required in this agreement, vendors shall maintain and provide proof of coverage for the insurance requirements (workers' compensation, commercial general liability, vehicle liability, etc.) in Article 18 except for Professional Liability. In lieu of Article 18.d., vendors shall maintain Equipment Floater coverage (Property Physical Damage) for the full replacement value of any and all equipment brought on the leased premises.

7. Security of Leased Premises.

Lessee shall be jointly responsible for the security and safekeeping of the leased premises and all equipment, supplies and other personal property situated therein on a 24-hour basis, except at such times that Lessee is responding to an emergency.

8. Improvements by Lessee.

(a) Any alteration, improvements or installation of fixtures to be undertaken by Lessee, shall have the prior written consent of the City's Fire Chief after the Lessee has submitted proposed plans for such alterations, improvements or fixtures to the City's Fire Chief in writing.

(b) All alterations, improvements and fixtures installed by Lessee, or caused to be made or installed by Lessee, shall become the property of City, with the exception of trade fixtures as such term is used in Section 1019 of the California Civil Code. At, or prior to, the expiration of this lease, Lessee may remove such trade fixtures; provided, however, that such removal does not cause injury or damage to the leased premises, or in the event it does, Lessee shall restore the premises to their original shape and

ATTACHMENT A

condition as nearly as practicable at Lessee's sole expense.. In the event such trade fixtures are not removed, City may, at its election, either (1) remove and store such fixtures and restore the premises for the account of Lessee, and in such event, Lessee shall, within thirty (30) days after billing and accounting therefore reimburse City for the costs so incurred, or (2) take and hold such fixtures as its sole property.

9. City's Reserved Rights.

- (a) Lessee has inspected the leased premises and Lessee accepts such premises in their present condition. Lessee also takes the premises subject to any and all existing easements or other encumbrances, and City shall have the right to enter upon the leased premises and to install, lay, construct, maintain, repair and operate such sanitary sewers, drains, storm water sewers, pipelines, manholes, connections, water, oil and gas pipelines, and telephone, telegraph and computer service lines and such other appliances and appurtenances necessary or convenient to premises or any part thereof. City also reserves the right to grant franchises, easements, rights of way and permits in, over, and upon, along side, or across any, and all portions of said leased premises as City may elect to do; provided however, that no right of the City provided for in this paragraph shall be so executed as to interfere unreasonably with Lessee's use hereunder. Any right, as set forth, in this paragraph shall not be exercised unless a prior written notice of thirty (30) days is given to Lessee; provided, however, in the event such right must be exercised, by reason of emergency, then City shall give such notice in writing as soon as is reasonable under the circumstances.
- (b) City, through its duly authorized agent(s), shall have the full and unrestricted right to enter the leased premises for the purpose of inspection or maintenance, and for the purpose of doing any and all things which it is obligated and has a right to do under this lease.

10. Additional Obligations/Rights of Lessee.

- (a) Lessee shall not display, brandish or discharge any firearms within or upon the leased premises.
- (b) Lessee shall not cut any trees within or upon the leased premises or remove any trees therefrom unless approval is first obtained in writing from City's Fire Chief.
- (c) Except as may be required in the performance of its maintenance obligations as provided in Paragraph 7 herein, Lessee shall not cut or

ATTACHMENT A

otherwise remove any brush or other vegetation from or within the leased premises unless approval is first obtained in writing from City's Fire Chief.

- (d) Lessee shall not interfere in any manner whatsoever with City's Fire Department operations or the volunteer fire company, relative to its activities within the leased premises.
- (e) Lessee's employees shall adhere to all City Fire Department policies and procedures relating to the day-to-day operation of the fire station.
- (f) Lessee's employees shall adhere to local rules and regulations affecting specific station routines as directed by the Fire Department.
- (g) Television will not be on during normal business hours (0800 to 1700). Exceptions will include lunch hours and necessary use for training.
- (h) Visitors will be allowed only in common areas of the fire station and shall not interfere with daily business.
- (i) Lessee's employees will wear the AMR work uniform during normal business hours and will be properly attired when interacting with the general public at the station.
- (j) Lessee will ensure their employees are familiar with the Fire Department code of conduct and will adhere to them while on station property.
- (k) Conflict resolution will start with the local, on-duty Battalion Chief and AMR Field Supervisor.

11. Signs.

Lessee shall not erect, maintain or display any signs or other forms of advertising upon the leased premises without first obtaining the written approval of City's Fire Chief.

12. Compliance with Law.

Lessee, at its sole cost and expense, shall comply with the requirements of all local, state, and federal statutes, regulations, rules, ordinances and orders now in force, or which may be hereafter in force, pertaining to the leased premises. The judgment, decree or order of any court of competent jurisdiction, or the admission of Lessee in any action or proceeding against Lessee, whether Lessee be a party thereto or not, that Lessee has violated any such statutes, regulations, rules, ordinances, or orders, in the use of the leased premises, shall be conclusive of that fact a between City and Lessee.

ATTACHMENT A

13. Discrimination or Segregation.

- (a) Lessee shall not discriminate in its recruitment, hiring, promotion, demotion or termination practices on the bases of race, religious creed, color, national origin, ancestry, sex, gender, age, physical handicap, medical condition or marital status with respect to the use of the leased premises hereunder, and Lessee shall comply with the provision of the California Fair Employment Practice Act (commencing with Section 1410 of the Labor Code), the Federal Civil Rights Act of 1965 (P.L. 88-352), and all amendments thereto, Executive Order No. 12266 (30 Federal Register 12319), as amended, and all Administrative Rules and Regulations issued to said Acts and Orders with respect to its use of the leased premises.
- (b) Lessee shall not discriminate against or cause the segregation of any person or group of person on account of race, religious creed, color, national origin, ancestry, sex, gender, age, physical handicap, medical condition or marital status, in the occupancy, use tenure or enjoyment of the leased premises nor shall Lessee, or any person claiming under or through it, establish or permit any such practice or practices or discrimination or segregation with reference to the selection, location, number, use or occupancy of any person within the leased premises.
- (c) Lessee assures that it will undertake an affirmative action program as required by 49 CFR, Part 21, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered in 49 CFR, Part 21, with respect to its use of the leased premises. Lessee further assures that no person shall be excluded on these grounds from participating in or receiving services or benefits of any program or activity covered herein with respect to its use of the leased premises. Lessee further assures that it will require that its subcontractors and independent contractors provide assurance to Lessee that they similarly will undertake affirmative action programs and that they will require assurances form subcontractors and independent contractors, as required by 49 CFR, Part 21, to the same effect with respect to its use of the leased premises.

14. Free from Liens.

Lessee shall pay, when due, all sums of money that may become due for any labor, services, material supplies, or equipment, alleged to have been furnished or to be furnished to Lessee, in, upon, or about the leased premises, and which may be secured by a mechanic's, materialmen's or other lien against the leased premises or City' interest therein, and will cause each such lien to be fully discharged and released at the time the performance of

ATTACHMENT A

any obligation secured by such lien matures or becomes due; provided, however, that if Lessee desires to contest any such lien, it may do so, but not withstanding any such contest, if such lien shall be reduced to final judgment, and such judgment or such process as may be issued for the enforcement thereof is not promptly stayed, or if so stayed, and said stay thereafter expires, then and in such event, Lessee shall forthwith pay and discharge said judgment forthwith.

15. Termination by City.

City shall have the right to terminate this lease:

- (a) In the event a petition is filed for voluntary or involuntary bankruptcy, for the adjudication of Lessee as a debtor and is not dismissed within thirty (30) days.
- (b) In the event that Lessee makes a general assignment, or Lessee's interest hereunder is assigned involuntarily or by operation of law, for the benefit of creditors.
- (c) In the event of the abandonment of, or the discontinuance of, the use of the leased premises by Lessee.
- (d) In the event Lessee fails to perform, keep or observe any of its duties or obligations hereunder provided, however, that Lessee shall have fifteen (15) days in which to correct its breach or default after written notice thereof has been served on it by City Fire Chief or his/her designee.
- (e) In the event Lessee's permit to operate an ambulance service as required under City Ordinance is not renewed, or is suspended, revoked or otherwise terminated.
- (f) By giving sixty (60) days written notice thereof to Lessee.

16. Termination by Lessee.

Lessee shall have the right to terminate this lease:

- (a) In the event the City fails to perform, keep or observe any of its duties or obligations hereunder; provided, however, that City shall have fifteen (15) days in which to correct its breach or default, after written notice thereof has been served on it by Lessee; provided, further, however, that in the event such breach or default is not corrected, Lessee may elect to terminate this lease in its entirety or as to any portion of the premises

ATTACHMENT A

affected thereby, and such election shall be given by an additional fifteen (15) days written notice to City Fire Chief.

(b) By giving sixty (60) days written notice thereof to City.

17. Insurance.

Without limiting or diminishing the Lessee's obligation to indemnify or hold the City harmless, Lessee shall procure and maintain or cause to be maintained, at its sole cost and expense, the following insurance coverage's during the term of this Agreement:

- (a) Worker's Compensation: Lessee shall maintain statutory Workers' Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employers' Liability (Coverage B) including Occupational Disease with limits not less than \$1,000,000 per person per accident. The policy shall be endorsed to waive subrogation in favor of the City of Moreno Valley, and if applicable, to provide a Borrowed Servant/Alternate Employer Endorsement.
- (b) Commercial General Liability: Commercial General Liability insurance coverage, including but not limited to, premises liability, contractual liability, products and completed operations liability, personal and advertising injury, cross liability coverage and employment practices liability, covering claims which may arise from or out of Lessee's performance of its obligations hereunder. Policy shall name the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives as Additional Insured. Policy's limit of liability shall not be less than \$2,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two (2) times the occurrence limit.
- (c) Vehicle Liability: Lessee shall maintain liability insurance for all owned, non-owned or hired vehicles so used in an amount not less than \$1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two (2) times the occurrence limit. Policy shall name the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representative as Additional Insured.

ATTACHMENT A

(d) Property (Physical Damage): All-Risk real and personal property insurance coverage for the full replacement cost value of all alterations, improvements, trade fixtures, furniture and equipment, systems and other Lessee property as it may appear on the premises. Policy shall name the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives as Additional Insured and provide a Waiver of subrogation in favor for the City of Moreno Valley.

(e) General Insurance Provisions – All lines:

1. Any insurance carrier providing insurance coverage hereunder shall be admitted to the State of California and have an A M BEST rating of not less than A-VII (A 7).
2. The Lessee's insurance carrier(s) must declare its insurance deductibles or self-insured retentions.
3. Lessee shall cause Lessee's insurance carrier(s) to furnish the City of Moreno Valley with a properly executed original Certificate(s) of Insurance and certified original copies of Endorsements effecting coverage as required herein. Further, said Certificate(s) and policies of insurance shall contain the covenant of the insurance carrier(s) that thirty (30) days written notice shall be given to the City of Moreno Valley prior to material modification, cancellation, expiration or reduction in coverage of such insurance. In the event of a material modification, cancellation, expiration, or reduction in coverage, this Agreement shall terminate forthwith, unless the City of Moreno Valley receives, prior to such effective date, another properly executed original Certificate of Insurance and original copies of endorsements, including all Insurance and original copies of endorsements, including all endorsements and attachments thereto evidencing coverage's set forth herein and the insurance required herein is in full force and effect. Lessee shall not commence operations until the City has been furnished original Certificate(s) of Insurance and certified original copies of endorsements and if requested, certified original policies of insurance including all endorsements and any and all other attachments as required in this Section. An individual authorized by the insurance carrier to do so on its behalf shall sign the original endorsements for each policy and the Certificate of Insurance.

ATTACHMENT A

4. It is understood and agreed to by the parties hereto and the insurance company(s), that the Certificate(s) of Insurance and policies shall so covenant and shall be construed as primary insurance, and the City's insurance and/or deductibles and/or self-insured retention's or self-insured programs shall not be construed as contributory.
5. The City's Reserved Rights--Insurance. If, during the term of this Agreement or any extension thereof, there is a material change in the scope of services; or there is a material change in the equipment to be used in the performance of the scope of work which will add to additional exposures (such as the use of aircraft, watercraft, cranes, etc); or, the term of this Agreement including any extensions thereof exceeds five (5) years the City reserves the right to adjust the types of insurance required under this Agreement and the monetary limits of liability for the insurance coverage's currently required herein if, in the City's Risk Manager's reasonable judgment, the amount or type of insurance carried by the Lessee has become inadequate.
6. Lessee shall pass down the insurance obligations contained herein to all tiers of subcontractors working under this Agreement.
7. The insurance requirement contained in this Agreement may be met with a program(s) of self-insurance acceptable to the City.
8. Lessee agrees to notify the City of any claim by a third party or any incident or event that may give rise to a claim arising from the performance of this Agreement.

18. Hold Harmless.

- (a) Lessee represents that it has inspected the leased premises, that it accepts the condition thereof and that it fully assumes any and all risks incidental to the use thereof. City shall not be liable to Lessee, its officers, agents, employees, subcontractors or independent contractors, for any personal injury or property damage suffered by them which may result from hidden, latent or other dangerous conditions within the leased premises; provided, however, that such dangerous conditions are not caused by the negligence of the City, its officers, agents or employees.
- (b) Lessee shall indemnify and hold harmless the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives from any liability whatsoever, based or asserted upon any services of Lessee, its officers,

ATTACHMENT A

employees, subcontractors, agents or representatives arising out of or in any way relating to this Agreement, including by not limited to property damage, bodily injury, or death or any other element of any kind arising from the performance of Lessee, its officers, agents, employees, subcontractors, agents or representatives from this Agreement. Lessee shall defend, at its sole expense, all costs and fees including, but not limited to, attorney fees, cost of investigation, defense and settlements or awards the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives in any claim or action based upon such alleged acts or omissions.

- (c) With respect to any action or claim subject to indemnification herein by Lessee, Lessee shall, at their sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle, or compromise any such action or claim without the prior consent of City; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes Lessee's indemnification to the City as set forth herein.
- (d) Lessee's obligation hereunder shall be satisfied when Lessee has provided to City the appropriate form of dismissal relieving City from any liability for the action or claim involved.
- (e) The specified insurance limits required in this Agreement shall in no way limit or circumscribe Lessee's obligation to indemnify and hold harmless the City herein from third party claims.
- (f) In the event there is conflict between this clause and California Civil Code Section 2782, this clause shall be interpreted to comply with Civil Code 2782. Such interpretation shall not relieve the Lessee from indemnifying the City to the fullest.

19. Permits, Licenses and Taxes.

Lessee shall secure, at its own expense, all necessary permits and licenses as it may be required to obtain, and Lessee shall pay for fees and taxes levied or required by any authorized public entity. Lessee recognizes and understands that this lease may create a possessory interest subject to property taxation and that Lessee may be subject to payment of property taxes levied on such interest.

20. Toxic Materials.

ATTACHMENT A

During the term of this lease, and any extensions thereof, Lessee shall not violate any federal, state or local law or ordinance or regulations, relating to industrial hygiene or to the environmental condition on, under, or about the leased premises including, but not limited to, soil and groundwater conditions. Further, Lessee, its successors, assigns and sublessees, shall not use, generate, manufacture, produce, store or dispose of, on, under, or about the leased premises, or transport to or from the leased premises, any flammable explosives, asbestos, radioactive materials, hazardous materials, hazardous wastes, toxic substances or related injurious materials, whether injury is by themselves or in combination with, other materials (collectively "hazardous materials"). For the purpose of this lease, hazardous materials shall include, but not be limited to, substances defined as "hazardous substances", "hazardous materials", or "toxic substances" in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq.; The Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq.; and those substances defined as "hazardous wastes" in section 25117 of the California Health and Safety Code or as "hazardous substances" in Section 25316 of the California Health and Safety Code; and in the regulations promulgated pursuant to said laws.

21. Assignment.

Lessee cannot assign, sublet, mortgage, hypothecate or otherwise transfer any of its rights, duties or obligations hereunder to any person or entity without the written consent of City being first obtained.

22. Binding on Successors.

Lessee, its heirs, assigns and successors in interest shall be bound by all terms and conditions contained in this lease, and all of the parties thereto shall be jointly and severally liable hereunder.

23. Employees and Agents of Lessee.

It is understood that all person hired or engaged by Lessee shall be considered to be employees or agents of Lessee and not of City.

24. Surrender in Good Condition.

Lessee shall not permit waste or damage to the leased premises, and upon the expiration, or earlier termination, of this lease, Lessee shall return the premises to City in as good a shape and condition as they now are, reasonable wear and tear and damage by the elements accepted.

ATTACHMENT A

25. Waiver of Performance.

No waiver by City at any time of any of the terms and conditions of this lease shall be deemed or construed as a waiver at any time thereafter of the same or of any other terms or conditions contained herein or of the strict and timely performance of such terms and conditions.

26. Severability.

The invalidity of any provision in this lease as determined by a court of competent jurisdiction shall in no way affect the validity of any other provision herein.

27. Venue.

Any action at law or in equity brought by either of the parties hereto, for the purpose of enforcing a right or rights provided for by this lease, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other City.

28. Attorney's Fees.

In the event of any litigation, or arbitration, between Lessee and City to enforce any of the provisions of this lease, or any right of either party hereto, the unsuccessful party to such litigation or arbitration, agrees to pay to the successful party, all costs and expenses, including reasonable attorney's fees incurred therein, by the successful party, all of which shall be included in, and as a part of, the judgment or award rendered in such litigation or arbitration.

29. Notices.

Any notices required or desired to be served by either party upon the other shall be addressed to the respective parties as set forth below:

<u>CITY</u>	<u>LESSEE</u>
City of Moreno Valley	American Medical Response
Fire Department Headquarters	879 Marlborough Ave.
22850 Call San Juan de Los Lagos	Riverside, CA 92507
Moreno Valley, CA 92552-0805	

or to such other addresses as from time to time shall be designated by the respective parties

30. No Third Party Rights.

ATTACHMENT A

This lease does not create any rights in any party not a signatory to this lease.

31. City's Representative.

City hereby appoints the City Fire Chief as its authorized representative to administer this lease.

ATTACHMENT A

32. Entire Lease.

This lease is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of terms and conditions thereof and supersedes any and all prior and contemporaneous leases, agreements and understandings, oral or written consent of the parties hereto.

Dated: _____

CITY OF MORENO VALLEY

CITY ATTORNEY
Approved as to Form

By: _____
Mayor

By: _____ Date

ATTEST:

Alice Reed
City Clerk

By: _____

(SEAL)

AMERICAN MEDICAL RESPONSE – INLAND EMPIRE
A CALIFORNIA CORPORATION

By: _____

Title: _____

(Corporate Seal)

ATTACHMENT A

EXHIBIT "A"

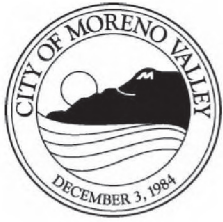
FIRE STATION FACILITY LEASE

<u>Facility</u>	<u>Lease Amount Monthly</u>
Fire Station 91 – College Park	\$500.00*
Monthly Payment in Advance	\$500.00
Annual Payment	\$6,000.00

*Amount subject to change based on study being conducted by Riverside County Fire Department.

ATTACHMENT A

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APPROVALS	
BUDGET OFFICER	<i>[Signature]</i>
CITY ATTORNEY	<i>[Signature]</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT MAP 31269 STORM DRAIN – REDUCE FAITHFUL PERFORMANCE BOND OF THE STORM DRAIN IMPROVEMENTS AS COMPLETE AND ADOPT THE RESOLUTION ACCEPTING QUINCY CHANNEL IMPROVEMENTS INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Pinnacle Moreno Valley 72, LLC
15 Enterprise, Suite 250
Aliso Viejo, CA 92656

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system.
2. Accept the Quincy Channel improvements as complete and into the City's maintained street system.
3. Adopt Resolution No. 2009-88 authorizing the acceptance of Quincy Channel improvements into the city's maintained street system.
4. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 31269 was conditionally approved requiring construction of Quincy Channel and storm drain improvements. The improvements included slope protection, access road, headwall, wingwalls, catch basins, laterals, and main storm drain lines to be maintained by the City of Moreno Valley and Riverside County Flood Control and Water Conservation District (RCFC & WCD). Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development and RCFC & WCD performed inspections and punch lists were generated. The required corrective actions have been completed. The Quincy Channel improvements are now eligible for acceptance into the City's maintained street system. The other storm drain improvements are eligible for acceptance but not into the City's maintained street system because other public improvements remain incomplete.

Pinnacle Moreno Valley 72, LLC has requested a reduction to the Faithful Performance security for all the storm drain public improvements. The developer understands that in-tract public improvements must be completed in order for the City to accept the other storm drain improvements into the City's maintained street system. The public improvements not completed include: asphalt paving, curb, gutter, sidewalk, signing and striping work. The street improvements were bonded separately.

DISCUSSION

The completed storm drain improvements have received a final inspection and were constructed in accordance with the approved plans and the standards of the City of Moreno Valley and RCFC & WCD. It is appropriate to consider storm drain improvements as complete and to provide a 90% reduction to the Faithful Performance Bond of \$550,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system. Accept the Quincy Channel improvements as complete and into the City's maintained street system. Adopt the proposed

resolution authorizing the acceptance of Quincy Channel improvements into the city's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received. *The required Quincy Channel and storm drain improvements have been completed according to City of Moreno Valley and RCFC & WCD Standards and therefore should be accepted.*

2. Do not accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system. Do not accept the Quincy Channel improvements as complete and into the City's maintained street system. Do not adopt the proposed resolution authorizing the acceptance of Quincy Channel improvements into the city's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received. *The required Quincy Channel and storm drain improvements have been completed according to City of Moreno Valley and RCFC & WCD Standards and therefore should be accepted.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" – Resolution

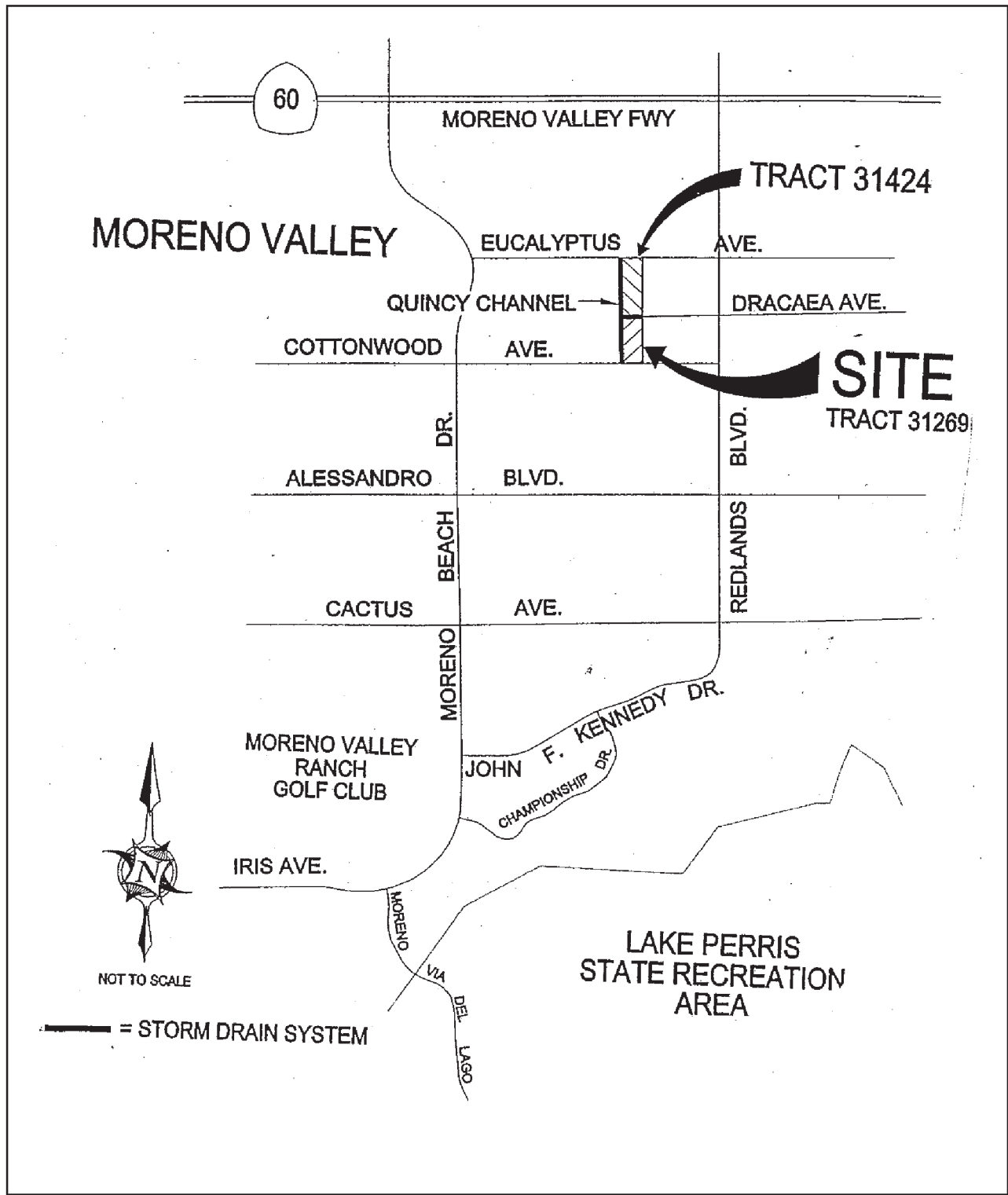
Prepared By
Liz Plazola
Senior Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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**CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
EXHIBIT "A"**

**TRACT 31269
STORM DRAIN
LOCATION MAP**

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RESOLUTION NO. 2009-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 31269 - STORM DRAIN AND ACCEPTING THE PORTION OF QUINCY CHANNEL IMPROVEMENTS ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Pinnacle Moreno Valley 72, LLC on the portion of Quincy Channel associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 31269 – Storm Drain and accept the portion of Quincy Channel associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements for the Quincy Channel within Tract Map 31269 – Storm Drain, are complete and accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

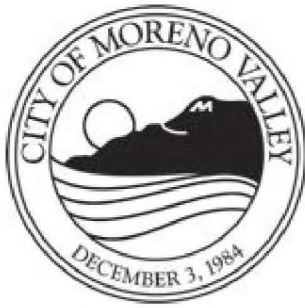
City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]



APPROVALS	
BUDGET OFFICER	<i>mg</i>
CITY ATTORNEY	<i>kt</i>
CITY MANAGER	<i>pm</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services.
2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto.
3. Authorize an increase in the purchase order to Vali Cooper in the amount of \$275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On May 1, 2008, the City Manager approved the "Agreement for Professional Consultant Services" in the amount of \$99,000 for temporary professional consultant services for the Capital Projects Division. On July 22, 2008, the City Council approved the "First Amendment to Agreement for Professional Consultant Services" in the amount of \$150,000. On February 10, 2009, the City Council approved the "Second Amendment to Agreement for Professional Consultant Services" for \$150,000.

DISCUSSION

Due to the continued heavy workload in managing capital improvement projects for FY09/10, the Capital Projects Division requires additional resources at this time. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to amend the agreement with Vali Cooper to continue the temporary professional staffing services. This action is necessary due to a shortage of qualified contract administrative staff and the need for resources to complete budgeted City capital improvement projects.

Vali Cooper staff will be responsible for the contract administration of capital projects. The work will include developing contracts and contract amendments, ensuring contract requirements are met, processing change orders, managing purchase requisitions, reviewing progress payments, processing payments, closely tracking individual project expenditure reports, assisting with construction bid openings, bid analysis, scheduling of meetings, contacting utilities, vendors and contractors, and writing staff reports.

Over the past twelve months Vali Cooper staff has provided professional staffing services to assist City staff with key projects that are integral to the community of Moreno Valley. These projects include, but are not limited to, Lasselle Street Improvements, Traffic Signal/Street Improvements at Redlands Boulevard and State Route 60, Sheila Street Sidewalk Improvements, Graham Street Bridge, Iris Street Widening, Proposition 1B Citywide Street Resurfacing Improvements Phase I, Public Safety Building Tenant Improvements, Emergency Operations Center construction, Day Street Roadway Improvements.

Over the next fourteen months Vali Cooper staff will continue to work on projects such as the Lasselle Street Improvements, Heacock Street Bridge Rehabilitation project, Patriot Park, Cactus East Bound 3rd Lane Improvements, Heacock Street Improvements, Auto Mall Street Upgrades, Proposition 1B Citywide Street Resurfacing Improvements Phase II, Reche Vista Realignment, Water Conservation Demonstration Garden, and Perris Boulevard Widening Project, and other tasks as assigned to facilitate the timely design and construction of budgeted capital improvement projects.

ALTERNATIVES

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services; authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto; and authorize an increase in the purchase order to Vali Cooper in the amount of \$275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the “Third Amendment to Agreement for Professional Consultant Services” with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services; do not authorize the City Manager to execute said “Third Amendment to Agreement for Professional Consultant Services” with Vali Cooper, in the form attached hereto; and do not authorize an increase in the purchase order to Vali Cooper in the amount of \$275,000 when “Third Amendment to Agreement for Professional Consultant Services” has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The “Third Amendment to Agreement for Professional Consultant Services” with Vali Cooper will be fully expended in October 2009. This Third Amendment increases the purchase order by \$275,000 to extend the temporary professional staffing services to December 31, 2010. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary staff. The agreement provides the City the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Lasselle Street Improvements project budget (Account No. 501.82725) to encumber the purchase order. As costs are incurred in this purchase order, the expenditures will be transferred to the capital projects for which services were performed. The associated costs for the “Agreement for Professional Consultant Services” will be funded through Measure A Transportation Fund (Fund 125), CDBG Fund (Fund 282), Proposition 1B (Fund 226), and DIF Arterial Streets (Fund 416):

Lasselle Street Widening (Account No. 501.82725).....	\$45,000
Traffic Signal & Street Imp. at Redlands / SR 60 (Account No. 125.66625)	\$22,000
Citywide Street Resurfacing Phase II (Account No. 226.79728)	\$30,000
Heacock Street Bridge (Account No. 125.66825).....	\$15,000
Patriot Park (Account No. 282.68628).....	\$17,500
Perris Blvd. Widening (Account No. 416.78526)	\$20,500
Ironwood Avenue Improvements from Perris to Nason (415.72727)	\$10,500
Reche Vista Alignment (Account No. 416.78626)	\$7,000
Heacock from San Michele to Cactus (Account No. 416.78825).....	\$27,500
Cactus EB 3 rd Lane Improvements (Account No. 416.83328).....	\$32,000
Auto Mall Street Upgrades (Account No. 897.91725)	\$30,000
Day Street Widening (Account No. 897.91724)	\$18,000
Total.....	\$275,000

There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:

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

SUMMARY

Due to the need for additional temporary professional consultant services on a variety of projects, the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper is necessary to extend the temporary professional staffing services to the Capital Projects Division. Staff recommends an increase in the purchase order to Vali Cooper in the amount of \$275,000.

ATTACHMENT

Attachment "A" - Third Amendment to Agreement for Professional Consultant Services

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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**THIRDDAMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES**

This Third Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **Vali Cooper and Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Third Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated **May 1, 2008**.

Whereas, the Consultant is providing consultant contract administration services of a temporary nature as more specifically described in Exhibit "A" (City's Scope of Work) and Exhibit "B" (Consultant's Proposal) of the Agreement dated May 1, 2008.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Third Amendment.

Whereas, the City has provided a description for the expansion of the scope of work to be performed, dated June 25, 2009 and a copy of said description is attached as Exhibit "A-1" hereto and incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from December 31, 2009 to December 31, 2010.

1.2 Exhibit "A" to the May 1, 2008 Agreement is hereby amended by adding to the

Attachment "A"

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES**

"SCOPE of WORK" section described in Exhibit "A-1" to this Third Amendment, entitled "Amended Scope of Work".

1.3 Exhibit "D" to the May 1, 2008 Agreement is hereby further amended by adding to the "COST PROPOSAL" section thereof Exhibit "A-1" to this Third Amendment, entitled "Amended Scope of Work".

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of \$275,000, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant's performance of the work set forth in Exhibit "A-1" to this Third Amendment.

1.5 The total "Not to Exceed" fee for this contract is \$674,000 (\$99,000 for the original Agreement plus \$150,000 for the First Amendment to Agreement, \$150,000 for the Second Amendment to Agreement, and \$275,000 for the Third Amendment to Agreement).

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.

SIGNATURE PAGE TO FOLLOW

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES**

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

City of Moreno Valley

Vali Cooper and Associates, Inc.

BY: _____
City Manager

BY: _____

TITLE: _____
(President or Vice President)

Date

Date

<u>INTERNAL USE ONLY</u>
APPROVED AS TO LEGAL FORM:
_____ City Attorney
_____ Date
RECOMMENDED FOR APPROVAL:
_____ Department Head
_____ Date

BY: _____

TITLE: _____
(Corporate Secretary)

Date

Attachments: Exhibit "A-1" – Amended Scope of Work

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Third Amendment 09-2009.DOC
Revised Mar. 2007

June 25, 2009

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

Vali Cooper and Associates, Inc. (Vali Cooper) staff will work as directed by the City Engineer on various projects of the Capital Projects Division. The City may assign a variety of projects and tasks to the assigned Vali Cooper staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

Hourly rates effective for the duration of the Agreement follow.

In addition to the scope of work defined in Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1. Work on a variety of tasks and projects as assigned by the City Engineer.
2. Perform temporary contract administration services to complete budgeted City capital improvement projects.

Cost Proposal

1. The total "Not-to-Exceed" fee for the aforementioned services is \$674,000 (\$99,000 for original Agreement, \$150,000 for First Amendment to Agreement, \$150,000 for Second Amendment to Agreement, and \$275,000 for the Third Amendment to Agreement).

Exhibit "A-1" – Amended Scope of Work Page 1 of 2

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Vali Cooper & Associates, Inc.

CONSTRUCTION MANAGEMENT CONSULTANTS

June 30, 2009

Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer Public Works Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, Ca 92552-0805

Dear Mr. Kumar:

The Vali Copper & Associates, Inc. contract for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley, dated October 26, 2007, for the Contract Administration Specialist positions will be out of budget soon. We are requesting an amendment to this contract in order that we may continue our services with the City of Moreno Valley.

Per our letter, dated February 5, 2009, Vali Cooper & Associates will honor the reduced rates for Sharon Duensing and Linda Smoot through the end of the calendar year 2009 for this new amendment. The reduced rate for Sharon Duensing is \$70.00/hr and the reduced rate for Linda Smoot is \$77.50/hr. We will revisit the rates with the City of Moreno Valley for the year 2010.

As specified in our letter of September 5, 2008, Ms. Smoot will continue working on a part time basis of 3.5 to 4 days a week, as previously agreed upon with the City.

Please do not hesitate to contact me if you have any questions.

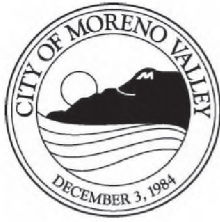
Sincerely,

VALI COOPER & ASSOCIATES, INC.

Douglas S. Franco, PE
Vice President / Area Manager

Exhibit "A-1" - Amended Scope of Work
Page 2 of 2

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APPROVALS	
BUDGET OFFICER	<i>my</i>
CITY ATTORNEY	<i>Set</i>
CITY MANAGER	<i>PA</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT MAP 31424 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING WEXFORD AVENUE, TRACER COURT, STRAUSS LANE, ESSEN LANE, GALINO COURT AND PORTIONS OF EUCALYPTUS AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Pinnacle Moreno Valley 72, LLC
15 Enterprise, Suite 250
Aliso Viejo, CA 92656

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-89 authorizing the acceptance of the public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system.
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 31424 was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, storm drain, sewer, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of \$1,586,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" - Proposed Resolution

Prepared By
Clement Jimenez
Senior Engineer, P.E.

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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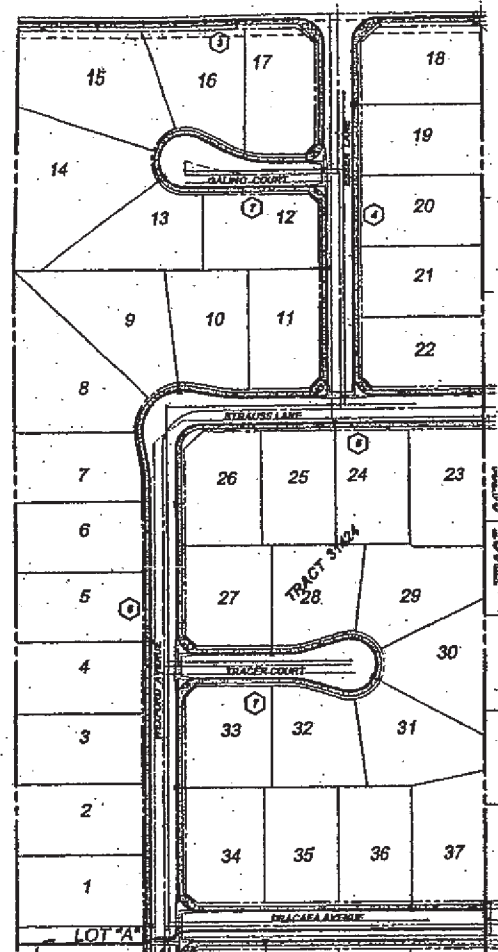
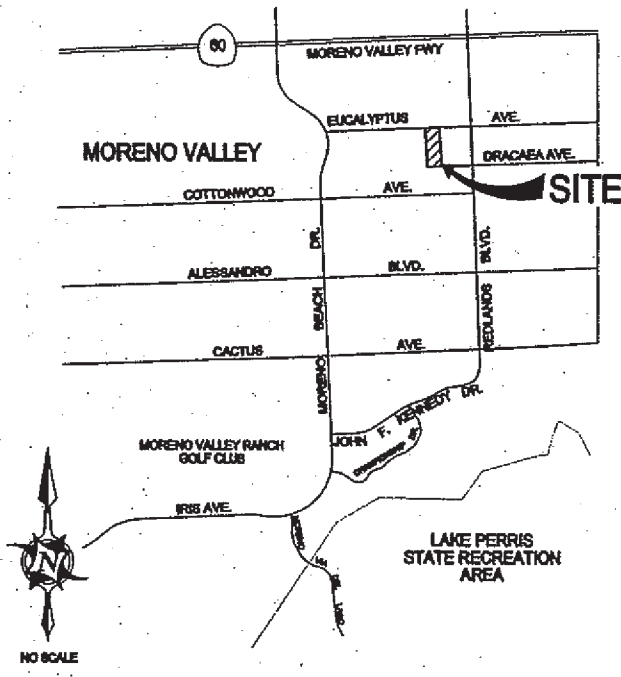


EXHIBIT A

**CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT**

**TRACT 31424
VICINITY MAP**

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RESOLUTION NO. 2009-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 31424 AND ACCEPTING WEXFORD AVENUE, TRACER COURT, STRAUSS LANE, ESSEN LANE, GALINO COURT AND PORTIONS OF EUCALYPTUS AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Pinnacle Moreno Valley 72, LLC on Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 31424 and accept Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue Associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract Map 31424 are complete, and Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

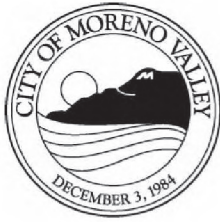
1
Exhibit B Resolution No. 2009-____
Date Adopted: September 22, 2009

City Attorney

EXHIBIT "B"
RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]



APPROVALS	
BUDGET OFFICER	<i>hvj</i>
CITY ATTORNEY	<i>SK</i>
CITY MANAGER	<i>PA</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: P08-146 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SAN MICHELE ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Indian Avenue LLC
100 Bayview Circle, Suite 310
Newport Beach, CA 92660

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-90 authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system.
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

P08-146 was conditionally approved requiring construction of certain public improvements. The public improvements included but were not limited to asphalt concrete, curb, gutter, sidewalk, driveway approaches, signage, street lights, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of \$263,000 issued by U.S. Bank. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*
2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" - Proposed Resolution

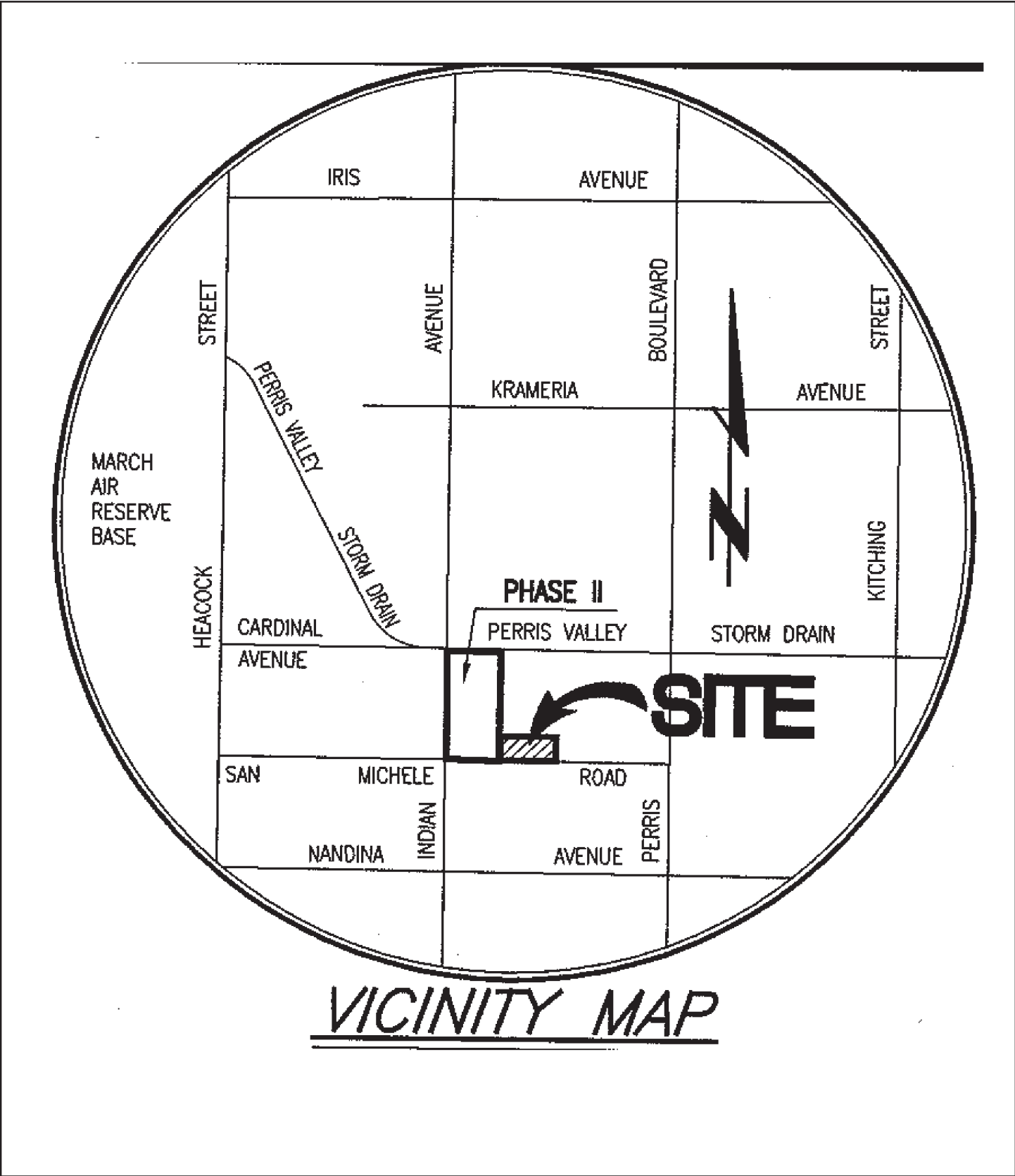
Prepared By
Liz Plazola
Senior Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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**CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
EXHIBIT A**

**P08-146
VICINITY MAP**

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RESOLUTION NO. 2009-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN P08-146 AND ACCEPTING THE PORTION OF SAN MICHELE ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Indian Avenue LLC (Alere Property Group LLC) on the portion of San Michele Road associated with the project was constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within P08-146, and accept the portion of San Michele Road associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within P08-146 are complete, and the portion of San Michele Road associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

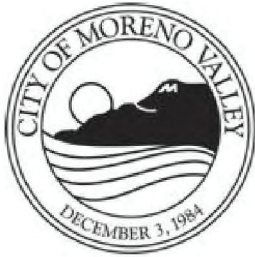
City Attorney

Exhibit "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]



APPROVALS	
BUDGET OFFICER	<i>hvj</i>
CITY ATTORNEY	<i>gsk</i>
CITY MANAGER	<i>pa</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT JOINT COMMUNITY FACILITIES AGREEMENT PERTAINING TO COMMUNITY FACILITIES DISTRICT NO. 7

RECOMMENDED ACTION

Staff recommends that the City Council approve and adopt Resolution No. 2009-91; a Resolution of the City Council of the City of Moreno Valley, California, approving the form of the Joint Community Facilities Agreement by and among the City of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC pertaining to Community Facilities District No. 7.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

On June 24, 2008, the City Council authorized the formation of Community Facilities District No. 7 ("CFD No. 7" or "District") in order to finance the construction of certain public facilities to be constructed by, or on behalf of FR/CAL Moreno Valley, LLC, First Industrial, LP, or FR/CAL Indian Avenue, LLC (collectively, "Property Owners") with the purchase price to be paid from bond proceeds. Once bonds have been sold a special tax shall be levied and collected on parcels within the District in order to make the annual debt service payments.

CFD No. 7 consists of three improvement areas ("IA"). Each IA will have separate public facilities; however, the scope of the public facilities from one IA to the others will

be similar. Each IA requires public facilities in order to facilitate future development within the vicinity. Public facilities within the District include, but are not limited to: flood control facilities, street improvements, and utility infrastructure.

DISCUSSION

This Joint Community Facilities Agreement (“JCFA”) is an agreement between the City, Riverside County Flood Control and Water Conservation District (“Flood Control District”), and the Property Owners for the purpose of financing certain public facilities. The public facilities are to be owned, operated, and maintained by the Flood Control District, or the City, upon the completion of the construction by the Property Owners and the acceptance by the Flood Control District or the City, as applicable. The provisions of the JCFA are intended to apply only to the flood control facilities, unless expressly stated otherwise. The construction and acceptance of the City maintained public facilities shall be governed by the Acquisition/Financing Agreement, which was approved by the City Council on April 8, 2008.

ALTERNATIVES

1. **Approve and adopt** the attached Resolution to approve the form of the JCFA pertaining to CFD No. 7. *Approval of the JCFA will provide for acquisition of the identified public facilities through future sales of CFD No. 7 bonds.*
2. **Do not approve** the attached Resolution to approve the form of the JCFA pertaining to CFD No. 7. *This alternative may delay the completion and acceptance of the public facilities.*

FISCAL IMPACT

Acquisition of the public facilities shall be paid for through future bond issuances. The proposed funding for IA No. 1 is approximately \$10 million and for IA No. 2 and No. 3 is \$8.25 million combined. Reimbursement of the bonded indebtedness shall be secured through an annual special tax levied on properties within the appropriate IA.

Future CFD No. 7 bond issuances shall not constitute a general obligation of the City. Neither the City nor CFD No. 7 has a legal obligation to construct or finance the public facilities.

CITY COUNCIL GOALS

Public Facilities and Capital Projects

Bond proceeds shall be used to acquire necessary public facilities.

Revenue Diversification and Preservation

The debt service on the bonds will be paid through an annual special tax levied on the properties within the District.

SUMMARY

The JCFA is an agreement by and among the City of Moreno Valley and the Flood Control District, and the Property Owners pertaining to CFD No. 7. The Property Owners and the legislative body of the Flood Control District have approved the form of the proposed JCFA. The agreement is now being presented to City Council for approval.

NOTIFICATION

N/A

ATTACHMENTS

Attachment 1: Site Map

Attachment 2: A Resolution approving the form of the Joint Community Facilities Agreement by and among the City of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC pertaining to Community Facilities District No. 7

Attachment 3: Joint Community Facilities Agreement by an among the City of Moreno Valley, Riverside County Flood Control and Water Conservation District, and FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

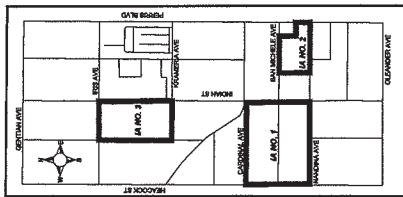
Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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**MAP OF PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 7**

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA



Location Map

MAP REF. NO.	ASSESSOR'S PARCEL NO.
1	315-170-001
2	315-170-002
3	315-170-003
4	315-170-004
5	315-170-005
6	315-170-006
7	315-170-007
8	315-170-008
9	315-170-009
10	315-170-010
11	315-170-011
12	315-170-012
13	315-170-013
14	315-170-014
15	315-170-015

ATTACHMENT 1

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS _____ DAY OF _____, 2008.

I HEREBY CERTIFY THAT THE WITHIN MAPS SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____, 2008, BY ITS RESOLUTION NO. _____.

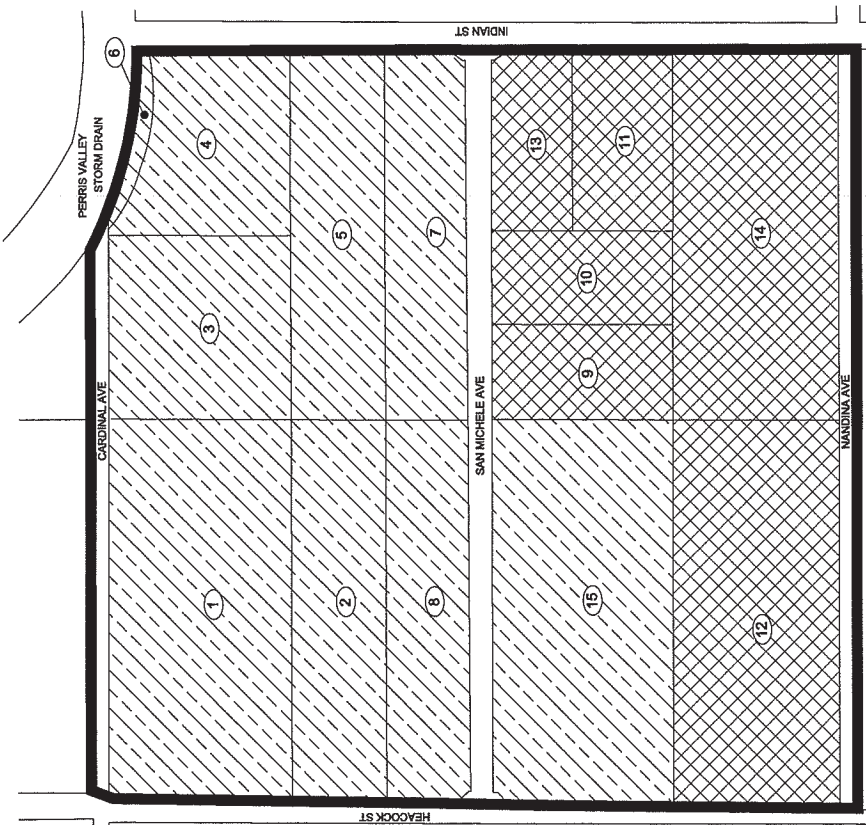
CITY CLERK
CITY OF MORENO VALLEY
RIVERSIDE COUNTY RECORDERS CERTIFICATE
FILED THIS _____ DAY OF _____, 2008, AT _____ IN THE OFFICE OF THE COUNTY CLERK OF RIVERSIDE COUNTY, STATE OF CALIFORNIA.

INSTRUMENT NO. _____
LARRY WARD, ASSESSOR-COUNTY CLERK-RECORDER

BY DEPUTY
COUNTY RECORDER
COUNTY OF RIVERSIDE

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

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN OVER ALL OTHER MAPS SHOWING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



LEGEND FOR SHEET 1

IMPROVEMENT AREA NO. 1 (IA NO. 1) BOUNDARY

MAP REFERENCE NUMBER

ZONE 1

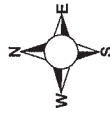
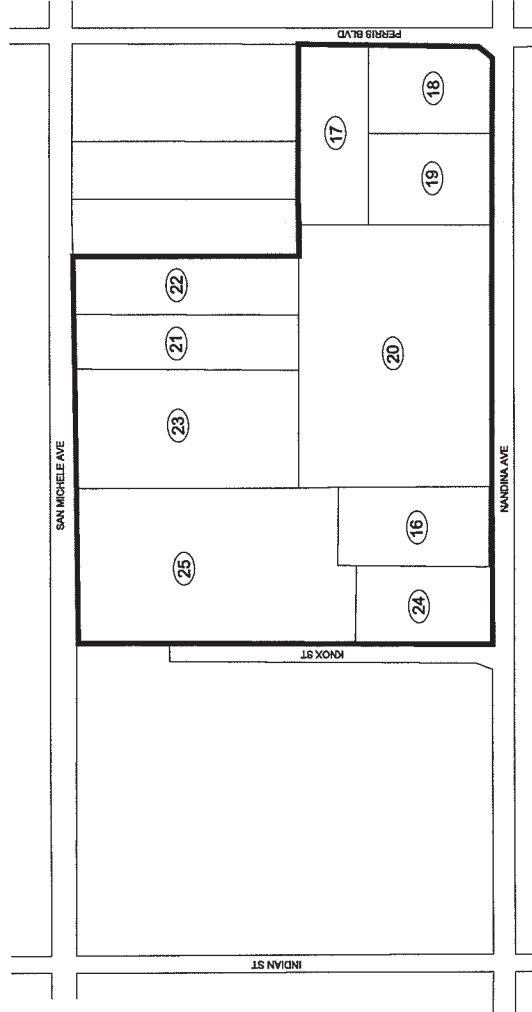
ZONE 2



MuniFinancial
27000 W. 14th Street
Torrance, California 90503
Phone: (310) 597-5000 Fax: (310) 597-5010

**MAP OF PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 7**

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA



MAP REF. NO.	ASSESSOR'S PARCEL NO.
16	318-200-003
17	318-200-009
18	318-200-010
19	318-200-011
20	318-200-012
21	318-200-013
22	318-200-014
23	318-200-015
24	318-200-028
25	318-200-029

LEGEND FOR SHEET 2

— IMPROVEMENT AREA NO. 2 (IA NO. 2) BOUNDARY

① MAP REFERENCE NUMBER

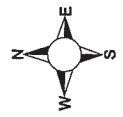


MuniFinancial
 2000 W. HARBURCH
 SUITE 100
 MORENO VALLEY, CA 92553
 PHONE (951) 877-9000 FAX (951) 877-9010

MAP OF PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 7

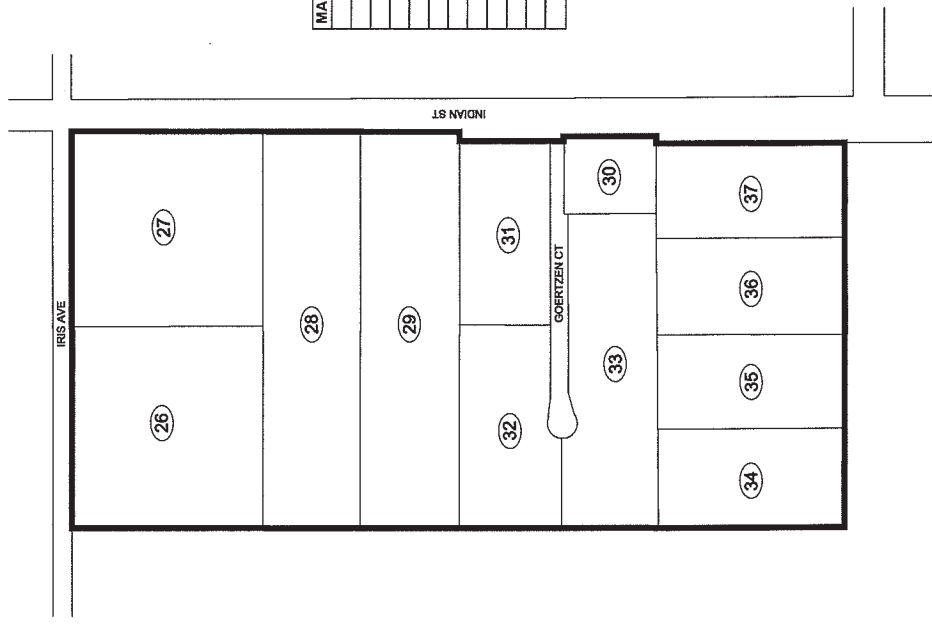
CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

SHEET 3 OF 3



LEGEND FOR SHEET 3
 ——— IMPROVEMENT AREA NO. 3 (IA NO. 3) BOUNDARY

① MAP REFERENCE NUMBER



MAP REF. NO.	ASSESSOR'S PARCEL NO.
26	316-020-002
27	316-020-003
28	316-020-004
29	316-020-005
30	316-020-012
31	316-020-013
32	316-020-014
33	316-020-015
34	316-020-016
35	316-020-017
36	316-020-018
37	316-020-019



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RESOLUTION NO. 2009 -91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE FORM OF THE JOINT COMMUNITY FACILITIES AGREEMENT BY AND AMONG THE CITY OF MORENO VALLEY AND THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, FR/CAL MORENO VALLEY, LLC, FIRST INDUSTRIAL, LP, AND FR/CAL INDIAN AVENUE, LLC, PERTAINING TO COMMUNITY FACILITIES DISTRICT NO. 7

WHEREAS, the City Council of the City of Moreno Valley, California (the "City Council"), previously initiated proceedings to create and did create a Community Facilities District pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act") for the purpose of providing for the financing of the acquisition or construction of certain public facilities. This Community Facilities District shall hereinafter be referred to as Community Facilities District No. 7 of the City of Moreno Valley (the "District"); and,

WHEREAS, included among the public facilities proposed to be acquired are certain flood control facilities which will be owned, operated and maintained by the Riverside County Flood Control and Water Conservation District (the "Flood Control District"); and,

WHEREAS, the Act provides that the District may finance the acquisition of facilities to be owned or operated by an entity other than the City of Moreno Valley (the "City") only pursuant to a Joint Community Facilities Agreement adopted pursuant to Government Code Section 53316.2; and

WHEREAS, Government Code Section 53316.2 provides that the City Council and the legislative body of the Flood Control District may enter into a joint community facilities agreement at any time prior to the adoption by the City Council of the resolution of formation creating the District or a resolution authorizing the issuance of bonds for the District pursuant to the Act if each legislative body declares that such joint community facilities agreement would be beneficial to the residents of each respective agency; and

WHEREAS, the resolution of formation creating the District has been adopted, however, no resolution authorizing the issuance of bonds for the District has been adopted; and

WHEREAS, the legislative body of the Flood Control District has considered the approval of and has approved the form of the proposed joint community facilities agreement by and among the City, the Flood Control District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC, (the "Joint Community Facilities Agreement") and thereby declared that such Joint Community Facilities Agreement would be beneficial to the residents of the Flood Control District; and

WHEREAS, the form of the Joint Community Facilities Agreement has been presented to this City Council for its consideration.

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

SECTION 1. RECITALS. The above recitals are all true and correct.

SECTION 2. DECLARATION. The City Council hereby declares that the Joint Community Facilities Agreement would be beneficial to the residents of the City.

SECTION 3. APPROVAL OF JOINT COMMUNITY FACILITIES AGREEMENT. The form of the Joint Community Facilities Agreement as presented to this City Council and on file with the City Clerk is hereby approved. The Mayor or such other official of the City as may be designated by the Mayor (an "Authorized Officer") is hereby authorized and directed to execute and deliver the Joint Community Facilities Agreement subject to such additions or changes therein as such Authorized Officer shall deem to be in the best interests of the City and the District following consultation with and review by the City Attorney and Best Best & Krieger LLP, the District's bond counsel.

APPROVED AND ADOPTED this _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

3

Resolution No. 2009-____
Date Adopted: September 22, 2009

ATTACHMENT 2

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JOINT COMMUNITY FACILITIES AGREEMENT
(Flood Control Improvements)

by and among

CITY OF MORENO VALLEY,

**RIVERSIDE COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT,**

**FR/CAL MORENO VALLEY, LLC,
a Delaware limited liability company,**

**FIRST INDUSTRIAL, LP,
a Delaware limited partnership**

and

**FR/CAL INDIAN AVENUE, LLC,
a Delaware limited liability company**

Dated as of _____, 2009

**Relating to:
Community Facilities District No. 7
of
The City of Moreno Valley**

ATTACHMENT 3

**ARTICLE I
DEFINITIONS**

Section 1.1. Definitions..... 3

**ARTICLE II
CONDITIONS PRECEDENT**

Section 2.1. Formation Proceedings 9
Section 2.2. County’s Approval of this Joint Community Facilities
Agreement..... 9

**ARTICLE III
ACQUISITION OF CONTROL FACILITIES**

Section 3.1. Acquisition of Flood Control Facilities 10
Section 3.2. Payment of Purchase Price..... 10
Section 3.3. Dedication of Property and Easements to the Riverside County
Flood Control and Water Conservation District 11
Section 3.4. Modifications to Estimated Costs 12
Section 3.5. Limitation on the Aggregate Amount paid for Flood Control
Facilities..... 13
Section 3.6. Application of Realized Savings..... 13

**ARTICLE IV
CONSTRUCTION OF FLOOD CONTROL FACILITIES**

Section 4.1. Preparation and Approval of Plans and Specifications..... 14
Section 4.2. Duty of Property Owner to Construct..... 14
Section 4.3. Bid and Construction Requirements 15
Section 4.4. Notice of Intent to Commence Construction 17
Section 4.5. Insurance Requirements 17
Section 4.6. Ownership of Facilities 19

**ARTICLE V
REPRESENTATIONS, WARRANTIES AND COVENANTS;
INDEMNIFICATION**

Section 5.1. Representations, Warranties and Covenants of the Property
Owner..... 21
Section 5.2. Representations, Warranties and Covenants of the City 22
Section 5.3. Representations, Warranties and Covenants of the Riverside
County Flood Control and Water Conservation District 23
Section 5.4. Indemnification..... 23

**ARTICLE VI
MISCELLANEOUS**

Section 6.1. Property Owner as Independent Contractor..... 25

Section 6.2.	Other Agreements	25
Section 6.3.	Binding on Successors and Assigns.....	25
Section 6.4.	Amendments	26
Section 6.5.	Waivers	26
Section 6.6.	No Third Party Beneficiaries	26
Section 6.7.	Notices	26
Section 6.8.	Jurisdiction and Venue.....	27
Section 6.9.	Attorneys' Fees	28
Section 6.10.	Governing Law	28
Section 6.11.	Usage of Words.....	28
Section 6.12.	Counterparts.....	28
Section 6.13	Interpretation.....	28
EXHIBIT A	MAP OF THE PROPERTY	A-1
EXHIBIT B	FACILITIES DIAGRAM	B-1
EXHIBIT C	DESCRIPTION OF FACILITIES AND ESTIMATED COSTS	C-1
EXHIBIT D	FUNDING AGREEMENT	D-1
EXHIBIT E	PAYMENT AND PERFORMANCE BONDS.....	E-1
EXHIBIT F	PAYMENT REQUEST	F-1

JOINT COMMUNITY FACILITIES AGREEMENT

THIS JOINT COMMUNITY FACILITIES AGREEMENT (this “Joint Community Facilities Agreement”) is made and entered into as of _____, 200__, by and among City of Moreno Valley, a municipal corporation organized and existing under the laws of the State of California (hereinafter “City”), Riverside County Flood Control and Water Conservation District, a public agency organized and existing pursuant to Chapter 48 of the Appendix to the California Water Code (hereinafter the “Flood Control District”), and FR/CAL Moreno Valley, LLC, a Delaware limited liability company (“FR/CAL MV”), First Industrial, LP, a Delaware limited partnership (“FILP”) and FR/CAL Indian Avenue, LLC, a Delaware limited liability company (“FR/CAL IA”). FR/CAL MV, FILP and FR/CAL IA may be referred to individually as a “Property Owner” or collectively as the “Property Owners”.

R E C I T A L S :

A. The City Council of the City (the “City Council”) formed a community facilities district identified as “Community Facilities District No. 7 of the City of Moreno Valley,” (the “Community Facilities District”) pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”) (commencing with Section 53311 of the California Government Code (the “Code”)).

B. The boundaries of the Community Facilities District include all of the territory shown on the map entitled “Map of Proposed Boundaries of Community Facilities District No. 7, City of Moreno Valley, County of Riverside, State of California” recorded in the Office of the County Recorder of the County of Riverside on May 16, 2008 in Book 73 of Maps of Assessment and Community Facilities Districts at pages 6-8 thereof (the “Boundary Map”). A copy of the Boundary Map is attached as Exhibit A hereto.

The Property Owners are the owners of certain real property located in the City and the Community Facilities District. Each parcel owned by the Property Owners may be referred to individually as a “Parcel” or collectively as the “Parcels.”

In forming the Community Facilities District, three improvement areas were designated therein as Improvement Area No. 1, Improvement Area No. 2 and Improvement Area No. 3 (each an “Improvement Area” and collectively, the “Improvement Areas”). Improvement Area No. 1 includes two (2) zones designated as Zone 1 and Zone 2. Each of the Improvement Areas and the zones within Improvement Area No. 1 are depicted on the Boundary Map. The Parcels owned by FR/CAL MV, known as Parcel Map 35150, are all of the parcels included in Zone 1 of Improvement Area No. 1. Certain additional parcels of property not owned by the Property Owners are included in Zone 2 of Improvement Area No. 1. The Parcels owned by FILP, known as Parcel Map 35672, are all of the parcels included in Improvements Area No. 2. The Parcels owned by FR/CAL IA, known as Tentative Parcel Map 35859, are all of the parcels included in Improvement Area No. 3.

It is the intention of the parties hereto that each Improvement Area shall be authorized to finance certain of the Flood Control Facilities (described in Exhibit C).

C. The Community Facilities District has been formed to finance the construction of certain public facilities to be constructed by, or on behalf of a Property Owner with the purchase price therefore to be paid from the proceeds of bonds to be sold and issued by the Community Facilities District for each of the Improvement Areas and the proceeds of special taxes levied and collected within each Improvement Area. The Flood Control Facilities are to be owned, operated and maintained by the Flood Control District, or the City, upon the completion of the construction thereof by the Property Owners and the acceptance thereof by the Flood Control District or the City, as applicable. The Flood Control Facilities are described in Exhibit C and their estimated costs are stated in Exhibit C attached hereto and incorporated herein by this reference.

D. Section 53313.5 of the Code provides that a community facilities district may only finance the purchase of facilities whose construction has been completed, as determined by the legislative body of the community facilities district, before the resolution of formation to establish the community facilities district is adopted pursuant to Section 53325.1 of the Code, except that a community facilities district may finance the purchase of facilities completed after the adoption of a resolution of formation (regardless if such construction is commenced prior to or after the adoption of the resolution of formation) if the facility is constructed as if it had been constructed under the direction and supervision, or under the authority of, the local agency, in this case, the Flood Control District.

E. Section 53314.9 of the Code provides that at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds or work in-kind from any source, including, but not limited to, private persons or entities, and may provide, by resolution, for the use of those funds or that work in-kind for any authorized purpose, under all of the following conditions: (a) the proposal to repay the funds or the value or cost of the work in-kind, whichever is less, is included in both the resolution of intention to establish the community facilities district adopted pursuant to Section 53321 of the Code and in the resolution to establish the community facilities district pursuant to Section 53325.1 of the Code, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any work in-kind accepted pursuant to Section 53314.9 of the Code shall have been performed or constructed as if the work had been performed or constructed under the direction and supervision, or under the authority, of the local agency.

F. Upon approval of this Joint Community Facilities Agreement by the City, the Flood Control District and the Property Owners, the City Council, acting pursuant to the Act and on behalf of the Community Facilities District, will use its best efforts to sell and issue special tax bonds for the Improvement Areas the proceeds of which will be used in part to pay each Property Owner the purchase price of the Flood Control Facilities constructed or caused to be constructed by such Property Owner, provided all of the conditions of Sections 53313.5 and 53314.9 of the Code are satisfied and provided

further that the purchase price shall only be paid from the proceeds of special tax bonds, if any are sold and issued by the proposed Community Facilities District for the Improvement Areas therein.

G. The Act provides that the proposed Community Facilities District may finance the Flood Control Facilities, to be owned operated and maintained by the Flood Control District or the City, as applicable, only pursuant to a joint community facilities agreement adopted pursuant to Sections 53316.2, 53316.4 and 53316.6 of the Code.

H. The City, the Flood Control District and the Property Owners desire to enter into this Joint Community Facilities Agreement, as required by the aforementioned sections of the Code and prior to the adoption of the resolution of issuance of bonds of the Community Facilities District. The provisions of this Agreement are intended to apply only to the Flood Control Facilities, unless expressly stated otherwise. Notwithstanding the forgoing, payment for the City Flood Control Facilities shall be governed by the provisions of the Funding Agreement.

I. The City and the Flood Control District have determined that this Joint Community Facilities Agreement will be beneficial to the respective residents of the Flood Control District and the City.

NOW, THEREFORE, for and in consideration of the mutual premises and covenants contained herein, the parties hereto agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1 Definitions. Unless the context otherwise requires, the terms defined in this Article I shall have the meaning herein specified:

“Acceptable Title” means title to land, or an easement therein, delivered free and clear of all liens, taxes, assessments, leases, easements and encumbrances, whether any such item is recorded or unrecorded, except those non-monetary items which are reasonably determined by the Flood Control District not to interfere with the intended use of such land or easement and therefore are not required to be cleared from title.

“Acceptance Date” means, with respect to Flood Control District Facilities, the date that such Flood Control District Facilities are accepted by the Flood Control District into its maintained system.

“Act” means the Mello-Roos Community Facilities Act of 1982, constituting Sections 53311 *et seq.* of the California Government Code, as amended.

“Actual Cost” means, with respect to a Flood Control District Facility, to the extent authorized by law, an amount equal to the sum of (a) the Property Owner’s actual, reasonable cost of constructing such Flood Control District Facility, including labor, material and equipment costs, (b) the Property Owner’s actual reasonable cost of

designing and preparing the Plans and Specifications for such Flood Control District Facility, including engineering services provided in connection with designing and preparing such Plans and Specifications, (c) the Property Owner's actual, reasonable cost of environmental evaluations and any mitigation measures required by any governmental agency with jurisdiction with regard to such Flood Control District Facility, or portions thereof, (d) the amount of any fees actually paid by the Property Owner to governmental agencies in order to obtain permits, licenses or other necessary governmental approvals and reviews for such Flood Control District Facility including but not limited to plan check and inspection fees by the Flood Control District and the County, (e) the Property Owner's actual reasonable cost for professional services directly related to the construction of such Flood Control District Facility, including engineering, inspection, construction staking, materials testing and similar professional services, (f) the Property Owner's actual, reasonable cost for construction management, bid administration and contract administration services which shall not exceed 5% of construction costs, (g) the Property Owner's actual reasonable cost of payment, performance or maintenance bonds and insurance for such Flood Control District Facility, (h) the actual, reasonable cost of easements or other real property or interest therein acquired from a party other than the Property Owner, which real property or interest therein is either necessary for the construction of such Flood Control District Facility (e.g., temporary construction easements) or is required to be conveyed with such Flood Control District Facility in order to convey Acceptable Title thereto to the Flood Control District, all as specified in a Payment Request that is to be reviewed and approved by the Contract Administrator; provided, however, that (x) no item of cost relating to a Flood Control District Facility shall be included in more than one category of cost specified in clauses (a) through (h) of this definition, and (y) each item of cost shall include only amounts actually paid by the Property Owner to third parties and shall not include overhead or other internal expenses of the Property Owner, except that, if Property Owner employees perform construction management, bid administration or contract administration services with respect to a Flood Control District Facility, the actual reasonable cost of the salaries and benefits paid by the Property Owner to such employees for performing such services may be included as an item of cost relating to such Flood Control District Facility for the category of cost specified in clause (f) of this definition and subject to the 5% limitation specified in clause (f). The term "Property Owner" as used in this definition shall have the meaning ascribed to it in Section 3.1., hereof.

"Administrator" means the City of Moreno Valley, Special Districts Division manager (or any successor to the responsibilities thereof if such office is no longer in existence), or his/her designee.

"Board of Supervisors" means the Board of Supervisors of the Riverside County Flood Control and Water Conservation District.

"Bonds" means the bonds that the Community Facilities District may attempt to sell and issue for each Improvement Area in one or more series, a portion of the proceeds of which will be used to acquire, among other authorized facilities, the Flood Control Facilities allocated to such Improvement Area.

“Business Day” means a day which is not a Saturday or Sunday or a day of the year on which the Flood Control District or the City are not required or authorized to be open.

“CEQA” means the California Environmental Quality Act (CEQA), constituting Sections 21000 *et seq.* of the California Public Resources Code, as amended.

“City” means the City of Moreno Valley, an incorporated municipality, or its successors.

“City Flood Control Facilities” means those Flood Control Facilities to be owned, operated and maintained by the City.

“Code” means the California Government Code.

“Community Facilities District” means “Community Facilities District No. 7 of the City of Moreno Valley,” a community facilities district organized and existing under the Act and all Improvement Areas therein.

“Construction Manager” means an individual or professional consulting company retained by a Property Owner to provide construction management services for and on behalf of such Property Owner in accordance with the terms and construction of this Joint Community Facilities Agreement.

“Construction Site” means the site on which the Flood Control Facilities are to be constructed, including off site staging areas and material storage areas.

“Cooperative Agreement(s)” means an agreement or agreements by and among the Flood Control District, the City and the applicable Property Owner, or its successor or assigns, further defining the parties’ respective rights and responsibilities pertaining to the design, construction, inspection and acceptance of one or more of the Flood Control Facilities.

“County” means the County of Riverside, a political subdivision of the State, and its successors.

“FILP” means First Industrial, LP, a Delaware limited partnership, and its successors and assigns, acting as the developer of infrastructure within Improvement Area No. 2 of the Community Facilities District, including but not limited to the Improvement Area No. 2 Flood Control Facilities.

“Flood Control District” means the Riverside County Flood Control and Water Conservation District, a public agency organized and existing pursuant to Chapter 48 of the Appendix to the California Water Code.

“Flood Control District Facilities” means those Flood Control Facilities that are to be owned, operated and maintained by the Flood Control District.

“Flood Control Facility” or “Flood Control Facilities” means one or more of those certain Flood Control Facilities, which are identified and described in Exhibit C attached hereto and that are to be owned, operated and maintained by the Flood Control District or the City subject to the terms and conditions of the applicable Cooperative Agreement..

“Flood Engineer” means, the General Manager-Chief Engineer of the Flood Control District (or any successor to the responsibilities thereof if such office is no longer in existence), or his/her designee.

“FR/CAL MV” means FR/CAL Moreno Valley, LLC, a Delaware limited liability company, and its successors and assigns, acting as the developer of infrastructure within Improvement Area No. 1 of the Community Facilities District, including but not limited to the Improvement Area No. 1 Flood Control Facilities.

“FR/CAL IA” means FR/CAL Indian Avenue, LLC, a Delaware limited liability company, and its successors and assigns, acting as the developer of infrastructure within Improvement Area No. 3 of the Community Facilities District, including but not limited to the Improvement Area No. 3 Flood Control Facilities.

“Funding Agreement” means “Acquisition/Financing Agreement” entered into by and among the City and the Property Owners, as originally executed or as the same may be amended from time to time in accordance with its terms; a final version of which is attached hereto and marked as Exhibit D.

“General Prevailing Wage Rates” means those rates as determined by the Director of the Department of Industrial Relations of the State.

“Hazardous Material” means any hazardous or toxic substance, material or waste which is or becomes regulated by any local governmental authority, the State or the United States Government, including, without limitation, any material or substance which is (a) designated as a “hazardous substance” pursuant to Section 311 of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* (33 U.S.C. § 1321), (b) defined as a “hazardous waste” pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (42 U.S.C. § 6903), (c) defined as a “hazardous substance” pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.*, (d) petroleum, or (e) asbestos.

“Improvement Area” or “Improvement Areas” means, either individually or collectively, Improvement Areas 1, 2 and/or 3, as the context would indicate, that are to be designated within the Community Facilities District.

“Improvement Area No. 1 Flood Control Facilities” means the Flood Control Facilities so identified in Exhibit C hereto the construction of which are the responsibility of FR/CAL MV.

“Improvement Area No. 2 Flood Control Facilities” means the Flood Control Facilities so identified in Exhibit C hereto the construction of which are the responsibility of FILP.

“Improvement Area No. 3 Flood Control Facilities” means the Flood Control Facilities so identified in Exhibit C hereto the construction of which are the responsibility of FR/CAL IA.

“Joint Community Facilities Agreement” means this Joint Community Facilities Agreement, dated as of _____, by and among the City, the Flood Control District and the Property Owners, as originally executed or as the same may be amended from time to time in accordance with its terms.

“Legislative Body” means the City Council of the City acting *ex officio* as the legislative body of the Community Facilities District.

“MVU” means the City of Moreno Valley Electric Utility.

“Parcel” or **“Parcels”** means, individually or collectively, the real property identified in Exhibit A hereto.

“Payment Request” means the document to be provided by the Property Owner to the Administrator and the Flood Engineer to substantiate the Purchase Price of a Flood Control District Facility, which shall be substantially in the form of Exhibit F attached hereto.

“Plans and Specifications” mean the plans and specifications for the Flood Control Facilities prepared or to be prepared at the direction of the Property Owner pursuant to Section 4.1 hereof.

“Property” means the real property located within the Community Facilities District.

“Property Owner” means, individually, FR/CAL MV, FR/CAL IA, or FILP.

“Property Owner Representative” means the person or persons designated as such in a certificate signed by each Property Owner and delivered to the City, the Community Facilities District and the Flood Control District, which certificate shall contain an original or specimen signature of each person so designated.

“Purchase Price” means the Actual Cost or a lesser amount requested by the Property Owner.

“Rate and Method” means the adopted rate and method of apportionment of special taxes authorized to be levied within each Improvement Area of the Community Facilities District.

“Risk Manager” means the Risk Manager of the County.

“Resolution of Formation” means Resolution No. 2008-82 of the City Council of the City, adopted June 24, 2008, forming and establishing the Community Facilities District.

“State” means the State of California.

ARTICLE II

CONDITIONS PRECEDENT

Section 2.1 Formation Proceedings. All necessary actions have been taken by the City to establish the Community Facilities District and to designate the Improvement Areas therein for the purpose of financing the acquisition or construction of certain public facilities, including the Flood Control Facilities, to authorize the levy of special taxes within each Improvement Area of the Community Facilities District pursuant to the Rate and Method for each Improvement Area, the incurrence of bonded indebtedness and to authorize the sale and issuance of the Bonds for each Improvement Area.

It is the intent of the Legislative Body to use its best efforts to cause to be sold and issued, pursuant to the terms of the Act and the applicable provisions of the Funding Agreement, Bonds for each Improvement Area in one or more series and a portion of the proceeds of which are intended to provide funds that will allow the Community Facilities District to finance the acquisition of the Flood Control Facilities. Should the Legislative Body not be able to sell and issue the Bonds, the City, the Flood Control District and the Property Owners will not be bound by the terms of this Joint Community Facilities Agreement and it shall be considered null and void by the parties to it. The City will notify all parties to this Joint Community Facilities District within fifteen (15) calendar days of the occurrence of this event.

The Property Owners acknowledge that the decision of the Legislative Body to authorize the sale and issuance of the Bonds for each Improvement Area is an exercise of the legislative discretion of the Legislative Body and that the City may not enter into a contract or obligate the Legislative Body to exercise its legislative discretion in a particular manner. This Joint Community Facilities Agreement does not, therefore, in any way create a contractual, legal or equitable obligation of or commitment by the Legislative Body to authorize the sale and issuance of the Bonds for any Improvement Area.

The Legislative Body will have sole responsibility and authorization to cause the special tax to be levied and to sell and issue the Bonds, consistent with the provisions of the Act and the applicable provisions of the Funding Agreement.

Section 2.2 Flood Control District's Approval of this Joint Community Facilities Agreement. The Flood Control District's approval of this Joint Community Facilities Agreement is conditioned upon the Legislative Body authorizing the sale and issuance of the Bonds for each Improvement Area consistent with the City's policies and procedures regarding land secured financings (the "Policies") and that no waivers of the provisions of the Policies will be extended to the Property Owners or any one of them either with regard to the sale and issuance of the Bonds and that said sale and issuance of the Bonds is further conditioned as specified in the applicable provisions of the Funding Agreement.

ARTICLE III

ACQUISITION OF FLOOD CONTROL FACILITIES

Section 3.1 Responsibility for the Design, Engineering, Acquisition, and Construction of the Flood Control District Facilities. The Property Owner shall have the sole responsibility for the design, engineering, acquisition and construction of the Flood Control District Facilities. Consequently, when the term “Property Owner” is used in Article I for the definition of “Actual Costs”, Article III, Article IV and Exhibit C of this Joint Community Facilities Agreement, it is understood that the term is referring to only the Property Owner, and its successors and assigns, unless the context would indicate otherwise. If the terms of Article III and IV of this Joint Community Facilities Agreement are in conflict with the terms of the Funding Agreement, this Joint Community Facilities Agreement will control.

Section 3.2 Acquisition of Flood Control District Facilities. Each Property Owner hereby agrees to transfer to the Flood Control District each of the Flood Control District Facilities, and the Community Facilities District hereby agrees to pay the Purchase Price thereof, subject to the terms and conditions hereof and the applicable Cooperative Agreement for each facility. Acceptable Title to any parcels on which any Flood Control District Facility is constructed and for which title is not presently held by the Flood Control District as well as the Flood Control District Facility financed pursuant hereto shall be transferred to the Flood Control District as of the Acceptance Date; provided, however, that notwithstanding such transfer, , the Property Owner constructing such Flood Control District Facilities shall be solely responsible for the operation and maintenance of such Flood Control District Facilities until the Acceptance Date thereof.

The Purchase Price of the Flood Control District Facilities is to be paid solely from Bond proceeds, and the Community Facilities District shall not be obligated to pay the Purchase Price of the Flood Control District Facilities except from said Bond proceeds. Neither the City, the Community Facilities District, nor the Flood Control District make any warranty, either expressed or implied, that the amount of Bond proceeds available for the payment of the Purchase Price of any Flood Control District Facility will be sufficient for such purpose.

Notwithstanding any other provision of this Joint Community Facilities Agreement, the fact that there may not be sufficient Bond proceeds available to pay the Purchase Price for one or more of the Flood Control District Facilities in an Improvement Area will not relieve the applicable Property Owner from its obligations consistent with the conditions of approval for the subdivision and development of the parcels within the applicable Improvement Area to construct the Flood Control District Facilities.

Failure of a Property Owner to comply with the terms of Articles III and IV of this Joint Community Facilities Agreement and the applicable Cooperative Agreement, will result in the Flood Control District Facilities that such Property Owner is responsible to construct not being accepted into the Flood Control District’s maintained system and

such Property Owner shall not receive reimbursement from the Community Facilities District for any costs it incurs in the design, engineering, acquisition, and construction of said Flood Control District Facilities.

Section 3.3 Determination of the Purchase Price and Processing of Payment Requests. The determination of the Purchase Price and its payment shall be made consistent with the applicable provisions of this Section 3.3.

In order for the Administrator and the Flood Engineer to be able to determine the Purchase Price for a completed Flood Control District Facility, the applicable Property Owner shall deliver to both the Administrator and the Flood Engineer:

(a) A Payment Request for said Flood Control District Facility, together with all attachments and exhibits to be included therewith;

(b) A copy of the documents conveying or which previously conveyed to the Flood Control District Acceptable Title to the real property on, in or over which such Flood Control District Facilities are located, as described in the applicable "Cooperative Agreement" and Section 3.3 thereof;

(c) A copy of the Notice of Completion for said Flood Control Facility that will be filed in accordance with Section 3093 of the California Civil Code, if applicable. Final lien releases addressed to the City, the Community Facilities District, and the Flood Control District must be received by the Administrator and the Flood Engineer prior to the Administrator executing the Payment Request determining the Purchase Price and authorizing payment thereof.

(d) The applicable Property Owner's civil engineer of record or construction civil engineer of record duly registered in the State shall provide to the Flood Control District redlined "as-built" plans and profile sheets for the Flood Control Facility. After the Flood Control District's approval of the redlined "as-built" drawings, such engineer shall schedule with the Flood Control District a time to transfer the redlines onto the Flood Control District's original mylars at the Flood Control District's office, after which, said engineer shall review, stamp and sign the original mylars "As-Built."

Once the Administrator has been provided with a complete Payment Request and all other documents as required by her/him to determine the Purchase Price, the Flood Engineer will substantiate the Payment Request and provide comments and recommendations to the Administrator in the form of a written notice to the Community Facilities District as provided above.

Notwithstanding anything to the contrary contained herein, no payment of the Purchase Price of any Flood Control District Facility shall be made unless the Flood Control District has by written notice to the Community Facilities District stated that the

Flood Control District is willing to accept such Flood Control District Facility as constructed into its maintained system as of the Acceptance Date. Said notice will not be provided to the City until the following documents, as appropriate, have been provided or caused to be provided to the Flood Control District by the Property Owner which has constructed or caused the construction of such Flood Control District Facility:

- (a) Documents by which such Property Owner conveys to the Flood Control District an easement, including ingress and egress, in a form approved by the Flood Control District, for the rights of way shown in concept cross-hatched red on Exhibit B, and policies of title insurance, in an amount not less than fifty percent (50%) of the estimated fee value, as determined by the Flood Control District, for each parcel so conveyed have been provided to the Flood Control District.

Section 3.4 Dedication of Property and Easements to Flood Control District. Acceptable Title to all property not presently held by the Flood Control District on, in or over which the Flood Control District Facilities will be located shall be deeded over to Flood Control District by way of grant deed, quitclaim, or dedication of such property, or easement thereon, if such title or easement is approved by Flood Control District as being a sufficient interest therein to permit Flood Control District to properly own, operate and maintain such Flood Control District Facility located therein, thereon or thereover, and to permit each Property Owner to perform its obligations as set forth in this Joint Community Facilities Agreement.

A Property Owner shall furnish to the Flood Control District a title report for such property not previously dedicated or otherwise conveyed to the Flood Control District for review and approval at least thirty (30) calendar days prior to such Property Owner giving the notice required by Section 4.4 hereof. The Flood Control District shall approve the title report unless it reveals a matter that, in the sole judgment of the Flood Control District, could materially affect the Flood Control District's use and enjoyment of any part of the property or easement covered by the title report. In the event the Flood Control District does not approve such title report, the Flood Control District shall notify the Administrator in writing and the Flood Control District shall not be obligated to accept title to said Flood Control District Facility, and the Community Facilities District shall not be obligated to pay any portion of the Purchase Price for said Flood Control Facility until the Property Owner has cured such objections to title to the satisfaction of the Flood Control District.

Consistent with the preceding paragraph, each Property Owner shall obtain and provide to the Flood Control District duly executed irrevocable offer(s) of dedication to the public for flood control and drainage purposes, including ingress and egress, for rights of way deemed necessary by the Flood Control District for the construction, inspection, operation and maintenance of the Flood Control District Facilities to be constructed by such Property Owner as shown in concept, cross-hatched in either blue or red, on Exhibit B, which is attached hereto and by this reference incorporated herein. The irrevocable offer(s) of dedication shall be in a form approved by the Flood Control

District and shall be executed by all legal and equitable owners of the property described in the offer(s).

Section 3.5 Modifications to Flood Control District Facilities or Estimated Cost Thereof. The Administrator, Flood Control District, and the applicable Property Owner may make modifications in the description of the Flood Control District Facilities , whenever the Administrator, the Flood Engineer and Property Owner deem such modifications to be appropriate; provided, however, that any such Flood Control Facility, as so modified, must be fully functioning and capable of being used for its intended purpose and must be consistent with the description of the Flood Control Facilities in the Resolution of Formation. Any such modification shall be approved and implemented by the Administrator, on behalf of the Community Facilities District, the Flood Engineer, on behalf of the Flood Control District, and such Property Owner by executing a supplement to Exhibit C containing a description of the modified Flood Control Facility and, if applicable, the estimated cost. Upon the execution of any such supplement to Exhibit C, the description of the Flood Control Facility and, if applicable, the Estimated Cost in Exhibit C shall be deemed to have been modified in accordance therewith. Any modification made pursuant to this Section shall not be deemed to be an amendment of this Joint Community Facilities Agreement for purposes of Section 6.4 hereof. No Flood Control Facility may be deleted from or added to Exhibit C pursuant to this Section 3.5. The deletion or addition of a Flood Control Facility from Exhibit C constitutes an amendment to this Joint Community Facilities Agreement and may only be made pursuant to Section 6.4 hereof.

Section 3.6 Application of Realized Savings. If the Purchase Price determined by the Administrator and the Flood Engineer for a Flood Control District Facility to be financed from the proceeds of Bonds issued for an Improvement Area is less than the estimated cost of said Flood Control Facility, then the difference is to be identified as “savings” that are available and can be applied to increase the Purchase Price of another Flood Control Facility or other improvements the acquisition or construction of which is authorized to be funded with proceeds of the Bonds issued for such Improvement Area. The determination as to whether an adjustment to the estimated cost pursuant to this Section is to be made by the Administrator, the Flood Engineer and the applicable Property Owner and an appropriate supplement to Exhibit C is to be prepared by the initiating party and approved by the Administrator, on behalf of the Community Facilities District, the Flood Engineer on behalf of the Flood Control District and the applicable Property Owner.

ARTICLE IV

CONSTRUCTION OF THE FLOOD CONTROL FACILITIES

Section 4.1 Preparation and Approval of Plans and Specifications. To the extent that the responsible Property Owner has not already done so, it shall cause Plans and Specifications to be prepared for the Flood Control Facilities. The applicable Property Owner shall obtain the written approval of the Plans and Specifications from the Flood Engineer on behalf of the Flood Control District and from the Administrator on behalf of the City as to the City Flood Control Facilities. Approval of the Plans and Specifications will require that the Property Owner enter into a Cooperative Agreement regarding the Flood Control Facilities that Property Owner is responsible to construct improvements to develop their parcel of land. Each Property Owner shall provide a copy of all such Plans and Specifications to the Administrator and the Flood Engineer. Once the Plans and Specifications have been approved, no changes are to be made thereto without prior written consent of the Flood Control District.

The Property Owners acknowledge that the MVU has existing electric distribution infrastructure installed throughout the area adjacent to the Parcels and there could be a potential conflict between the location of such infrastructure and the proposed location of the Flood Control Facilities. The Property Owners are responsible for insuring that the design of the Flood Control Facilities does not conflict with such infrastructure and the Property Owners shall be solely responsible for the cost of the redesign and relocation of any Flood Control Facility necessitated by a conflict with such infrastructure.

Section 4.2 Duty of Property Owner to Construct. Each Property Owner shall construct or cause to be constructed the Flood Control Facilities which such Property Owner is responsible to construct in accordance with the applicable Plans and Specifications approved by the City and the Flood Control District, as applicable. Each Property Owner shall perform all of its obligations hereunder and its obligations per the Cooperative Agreement and shall conduct all operations with respect to the construction of the Flood Control Facilities which such Property Owner is responsible to construct in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken. Notwithstanding the foregoing, nothing set forth in this Joint Community Facilities Agreement shall be construed (i) to require any Property Owner to perform any work requiring a contractor's license, nor shall any Property Owner be deemed to be performing construction services pursuant to this Joint Community Facilities Agreement or (ii) require any Property Owner to cause any Plans and Specifications to be prepared for the Flood Control Facilities at a specific time or in a manner other than as required by the approved conditions for such entitlements granted by the City to permit the development of such Property Owner's Parcels.

Section 4.3 Bid and Construction Requirements.

(a) In order to insure that the Flood Control Facilities to be acquired with the proceeds of the Bonds are constructed as if they had been constructed under the direction and supervision, or under the authority of, the Flood Control District, so that they may be acquired pursuant to Section 53313.5 of the Code, each Property Owner or its Construction Manager shall comply with all of the requirements set forth in the Public Contract Code regarding the notice of bidding and award of contract for a public works project by a public agency, in this instance the Flood Control District.

Prior to soliciting any bids for the construction of any Flood Control Facility, the applicable Property Owner or the applicable construction manager shall submit a bid packet for review of technical specifications and compliance with the Public Contract Code, including the invitation and specifications for submitting a bid and the general and specific conditions regarding the construction of such Flood Control Facility. A copy of the bid packet, once approved, is to be provided to the Administrator. The contract for construction of any Flood Control Facilities is to be awarded to the responsible bidder submitting the lowest responsive bid after notice inviting sealed bids. The sealed bids are to be publicly solicited consistent with applicable provisions of the Public Contract Code dealing with the bidding of public works projects constructed by the Flood Control District. Public notice is to be given consistent with the Public Contract Code as to the date, time and place where bids will be opened. The Administrator and the Flood Engineer are to be provided with copies of all bids received and with a declaration stating that the solicitation of bids, the bid opening and award of bid was conducted in a manner consistent with the applicable provisions of the Public Contracts Code.

If a Property Owner intends to utilize the services of a Construction Manager in the bidding and construction of a Flood Control Facility, the Property Owner must, prior to soliciting bids for the construction of such Flood Control Facility, send a written notice to the Flood Control District and the City notifying such addressees of the name of the Construction Manager and the name, title, address, telephone number and e-mail address of the primary contact of the Construction Manager for such services.

(b) Each Property Owner shall require, and the Plans and Specifications, bid and contract documents shall require, all contractors, subcontractors, vendors, equipment operators and owner operators, in each such case to the extent such individuals or entities are engaged to perform work on a Flood Control Facility, as required by the California Labor Code, to pay not less than General Prevailing Wage Rates to all workers employed in the execution of the contract, to post a copy of the General Prevailing Wage Rates at the Construction Site in a conspicuous place available to all employees and applicants for employment, and to otherwise comply with applicable provisions of the California Labor Code, the California Government Code and the California Public Contracts Code relating to General Prevailing Wage Rates as required by the Plans and Specifications approved by the City and the Flood Control District. The Flood Control District has copies of tables setting forth the General Prevailing Wage Rates on file in the principal office of the Flood Control District, and are made available to each Property Owner upon request.

(c) Each Property Owner or its Construction Manager shall require each principal contractor to provide proof of insurance coverage to the Flood Engineer satisfying the requirements of Section 4.5, hereof throughout the term of the construction of such Flood Control Facilities. Rather than requiring its principal contractors to provide such insurance, the Property Owner may elect to provide the same for the benefit of its principal contractors.

(d) Each principal contractor engaged to perform work on Flood Control Facilities shall be required to furnish (i) labor and material payment bonds, and (ii) contract performance bonds, each in an amount equal to 100% of the contract price naming the applicable Property Owner, the City, the Community Facilities District and the Flood Control District as obligees and issued by a California admitted surety having a current A.M. Best A:VIII (A:8) rating or with an admitted surety insurer which complies with the provisions of Section 995.660 of the California Code of Civil Procedure. The Risk Manager of the County of Riverside, in his/her sole discretion, may accept a California admitted surety having a lower A.M. Best rating. All such bonds shall be in a form as shown in Exhibit E. The bonds tendered pursuant to this sub-section are to be accepted and held by the City.

(e) Each Property Owner or its Construction Manager shall comply, and shall cause each contractor, subcontractor, vendor, equipment operator and owner operator, in each such case to the extent such individual or entity is engaged to perform work on the Flood Control Facilities, to comply, with such other requirements relating to the construction of the Flood Control Facilities as the Flood Control District may impose by written notification delivered to such Property Owner, to the extent legally required as a result of changes in applicable federal, State or County laws, rules or procedures.

(f) Each Property Owner or its Construction Manager shall require, and the Plans and Specifications, and bid and contract documents shall require, all contractors, subcontractors, vendors, equipment operators and owner operators, in each such case to the extent such individuals or entities are engaged to perform work on the Flood Control Facilities, to submit certified weekly payroll records or other proof of payment of General Prevailing Wage Rates to the Property Owner or its Construction Manager for inspection by the Flood Control District, and to furnish certified payroll records or such other proof of payment of General Prevailing Wage Rates to the Flood Control District promptly upon request.

(g) All change orders shall be reviewed and, if appropriate, approved by the City and the Flood Engineer for the purpose of ensuring that they comply with Flood Control District standards, such review and approval shall not be unreasonably withheld. Notwithstanding the foregoing, in order for a change order to be accepted as an eligible element of the Purchase Price of the Flood Control Facilities, the provisions of Sections 3.5 and 3.6 hereof shall first be satisfied.

(h) Each Property Owner shall provide proof to the Administrator and the Flood Engineer, at such intervals and in such form as the Flood Engineer may require,

that the foregoing requirements have been satisfied as to all of the Flood Control Facilities to be constructed by such Property Owner.

(i) Each Property Owner has deposited with the County \$4,000 to cover the anticipated costs, deemed necessary and reasonable, associated with the review and approval of the Plans and Specifications for the respective Improvement Area, the review and approval of right of way and conveyance documents for the respective Improvement Area and with the processing and administration of this Joint Community Facilities Agreement. Each Property Owner, within thirty (30) days after receipt of an additional billing for such costs, will forward the billed amount to the Flood Control District. It is agreed that all costs incurred by the Flood Control District associated with inspecting a Flood Control Facility will be the responsibility of the Property Owner as described in details in the applicable Cooperative Agreement.

Section 4.4 Notice of Intent to Commence Construction. The Property Owner is to provide to the Administrator and the Flood Engineer a copy of each "Notice to Commence Construction" as prepared by the Property Owner consistent with the terms of the applicable "Cooperative Agreement" and a copy of each "Notice to Proceed" as issued by the Flood Control District pursuant to the terms of the "Cooperative Agreement"

Section 4.5 Insurance Requirements. Without limiting or diminishing a Property Owner's obligation to indemnify or hold the Flood Control District, Community Facilities District and the City harmless pursuant to Section 5.4 hereof, each Property Owner shall procure and maintain or cause to be maintained, at its sole cost and expense the following insurance coverages, or alternate coverages acceptable to the Risk Manager, during the term of this Joint Community Facilities Agreement and expires for any Improvement Area at the time the Flood Control District or the City, as applicable, accepts the constructed Flood Control Facilities for that Improvement Area into its maintained system:

(a) *Commercial General Liability:* Commercial General Liability insurance coverage, including but not limited to, premises liability, contractual liability, products and completed operations, explosion, collapse, use of cranes, and other heavy equipment and underground hazards, personal and advertising injury covering claims which may arise from or out of such Property Owner's performance of its obligations hereunder. Policy shall name by endorsement the Flood Control District, the Community Facilities District, the City, their respective directors, officers, Board of Supervisors, City Council, Legislative Body, elected officials, employees, agents or representatives as Additional Insureds. Policy's limit of liability shall not be less than \$2,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this Joint Community Facilities Agreement or be no less than two (2) times the occurrence limit.

(b) *Vehicle Liability:* Such Property Owner shall maintain liability insurance for all owned, non-owned or hired vehicles in an amount not less than

\$1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this Joint Community Facilities Agreement or be no less than two (2) times the occurrence limit. Policy shall name by endorsement the Flood Control District, Community Facilities District, the City, their respective directors, officers, Board of Supervisors, City Council, Legislative Body, elected officials, employees, agents or representatives as Additional Insureds.

(c) *Worker's Compensation Insurance:* Such Property Owner shall maintain Workers' Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employers' Liability (Coverage B) including Occupational Disease with limits not less than \$1,000,000 per person per accident. Policy shall be endorsed to waive subrogation in favor of the Flood Control District, the Community Facilities District, the City; and if applicable, to provide a Borrowed Servant/Alternate Employer Endorsement.

General Insurance Provisions - all lines:

(i) Any insurance carrier providing insurance coverage hereunder shall be licensed to do business in the State of California and have an A.M. Best rating of not less than an A:VIII (A:8) unless such requirements are waived, in writing, by the Flood Control District's Risk Manager.

(ii) Each Property Owner's insurance carrier(s) must declare its insurance deductibles or self-insured retentions. If such deductibles or self-insured retentions exceed \$500,000 per occurrence such deductibles and/or retentions shall have the prior written consent of the Risk Manager before the commencement of operations under this Joint Community Facilities Agreement. Upon notification of deductibles or self-insured retentions which are deemed unacceptable to the Flood Control District, at the election of the Risk Manager, such Property Owner's carriers shall either: (A) reduce or eliminate such deductibles or self-insured retentions as respects this Agreement with the Flood Control District, or (B) procure a bond which guarantees payment of losses and related investigations, claims administration, defense costs and expenses.

(iii) Each Property Owner shall cause its insurance carrier(s) to furnish the Flood Control District with (A) a properly executed original certificate(s) of insurance and certified original copies of endorsements effecting coverage as required herein; or (B) evidence of coverage acceptable to the Risk Manager that may include original certified copies of policies including all endorsements and all attachments thereto, showing such insurance is in full force and effect.

(iv) Further, said certificate(s) and endorsements to policies of insurance shall contain the covenant of the insurance carrier(s) that it shall provide no less than thirty (60) days written notice be given to the Flood Control District prior to any material modification or cancellation of such insurance. In the event of a material modification or cancellation or coverage, this Joint Community Facilities Agreement shall terminate forthwith as to the Property Owner providing such policies of insurance,

unless the Flood Control District receives, prior to such effective date, another properly executed original certificate of insurance and original copies of endorsements or certified original policies, including all endorsements and attachments thereto evidencing coverages and the insurance required herein is in full force and effect. Individual(s) authorized by the insurance carrier to do so, on its behalf shall sign the original endorsements for each policy and the certificate of insurance.

(v) ***No Property Owner shall commence construction of Flood Control Facilities until the Flood Control District has been furnished either original certificate(s) of insurance and certified original copies of endorsements, policies of insurance including all endorsements and any and all other attachments as required in this Section, or other evidence of coverage acceptable to the Risk Manager.***

(vi) It is understood and agreed by the parties hereto and each Property Owner's insurance company(s) that the certificate(s) of insurance and policies shall so covenant and shall be construed as primary insurance, the City, and the Flood Control District's insurance and/or deductibles and/or self-insured retentions or self-insured programs shall not be construed as contributory.

(vii) Each Property Owner, its Construction Manager, if any, and its contractors may pass down the insurance obligations contained herein to all tiers of subcontractors working under this Joint Community Facilities Agreement in order to meet the requirements herein. In addition, each Property Owner or its Construction Manager will require all such subcontractors to name on their insurance policies by endorsement the Flood Control District, Community Facilities District, the City, their respective directors, officers, Board of Supervisors, City Council, Legislative Body, elected officials, employees, agents or representatives as "Additional Insureds." Copies of such certificates and endorsements shall be provided to the Flood Control District and the City. The minimum limits of liability required of all tiers of subcontractors are \$1,000,000 Combined Single Limit for Commercial General Liability and \$1,000,000 Combined Single Limit for Vehicle Liability Insurance.

Section 4.6 Ownership of Flood Control District Facilities.

(a) Notwithstanding the fact that some or all of the Flood Control District Facilities may be constructed in dedicated street rights of way or on property which is owned by or has been or will be dedicated to the Flood Control District, Flood Control District Facilities constructed by a Property Owner shall be and remain the property of such Property Owner until Acceptable Title to parcels not owned by the Flood Control District is conveyed to the Flood Control District, as appropriate, as provided herein. Ownership of said parcels by such Property Owner or other third parties shall likewise not be affected by any agreement that such Property Owner may have entered into or may enter into with the Flood Control District pursuant to the provisions of the Subdivision Map Act, Section 66410 *et seq.* of the Code, and the provisions of this Section shall control.

(b) As of the Acceptance Date by the Flood Control District for a Flood Control District Facility, the City is to own, maintain and operate the appurtenant City Flood Control Facilities that have been identified on the approved drainage plans, pursuant to the applicable Cooperative Agreement, as drainage facilities within those street rights-of-way in which said Flood Control Facilities are located. The City, by execution of this Joint Community Facilities Agreement, grants to the applicable Property Owner the right to construct the Flood Control Facilities and to the Flood Control District the right to inspect, operate and maintain the Flood Control District Facilities located within those City rights-of-way in which such Flood Control District Facilities are located.

ARTICLE V

REPRESENTATIONS, WARRANTIES AND COVENANTS; INDEMNIFICATION

Section 5.1 Representations, Warranties and Covenants of the Property Owners. Each Property Owner makes the following representations, warranties and covenants for the benefit of the Flood Control District, the City and the Community Facilities District as of the date hereof:

(a) Organization. Such Property Owner represents and warrants that such Property Owner is a limited liability company (or, in the case of FILP, a limited partnership) duly organized and validly existing under the laws of the State of Delaware, is in good standing under the laws of such state, and has the power and authority to own its properties and assets and to carry on its business as now being conducted and as now contemplated.

(b) Authority. Such Property Owner represents and warrants that such Property Owner has the power and authority to enter into this Joint Community Facilities Agreement, and has taken all action necessary to cause this Joint Community Facilities Agreement to be executed and delivered, and this Joint Community Facilities Agreement has been duly and validly executed and delivered on behalf of such Property Owner.

(c) Binding Obligation. Such Property Owner represents and warrants that this Joint Community Facilities Agreement is a valid and binding obligation of such Property Owner and is enforceable against such Property Owner in accordance with its terms, subject to bankruptcy, insolvency, reorganization or other similar laws affecting the enforcement of creditors' rights in general and by general equity principles.

(d) Completion of Flood Control Facilities. Such Property Owner covenants that it will use its reasonable and diligent efforts to do all things that may be lawfully required of it in order to cause the Flood Control Facilities which such Property Owner is responsible to construct to be completed in accordance with this Joint Community Facilities Agreement.

(e) Compliance with Laws. Such Property Owner covenants that, while any Flood Control Facilities are owned by such Property Owner or required pursuant to this Joint Community Facilities Agreement to be maintained by such Property Owner, it will not commit, suffer or permit any of its agents, employees or contractors to commit any act to be done in, upon or to such Flood Control Facilities in violation in any material respect of any law, ordinance, rule, regulation or order of any governmental authority or any covenant, condition or restriction now or hereafter affecting such Flood Control Facilities.

(f) Payment Requests. Such Property Owner represents and warrants that (i) it will not request payment from the Community Facilities District under this Joint Community Facilities Agreement for the acquisition of any improvements that are not part of a Flood Control District Facility, and (ii) it will diligently follow all procedures set forth in this Joint Community Facilities Agreement.

(g) Financial Records. Until the final Acceptance Date of all Flood Control Facilities, such Property Owner covenants to maintain proper books of record and account for the Flood Control Facilities and all costs related thereto. Such Property Owner covenants that such accounting books will be maintained in accordance with generally accepted accounting principles, and will be available for inspection by the Community Facilities District, the Flood Control District and the City, and their respective agents, at any reasonable time during regular business hours on two Business Days' prior written notice, subject to mutually acceptable arrangements regarding the confidentiality of proprietary data.

(h) Hazardous Materials. Such Property Owner represents and warrants that neither such Property Owner, nor any subcontractor, agent or employee thereof will use, generate, manufacture, procure, store, release, discharge or dispose of any Hazardous Material on, under or about the Construction Site or the Flood Control Facilities which such Property Owner is responsible to construct or transport any Hazardous Material to or from the Construction Site or such Flood Control Facilities in violation of any federal, state or local law, ordinance, regulation, rule, decision or policy statement regulating Hazardous Material.

(i) Permits. Such Property Owner covenants that it will pursue in a commercially reasonable manner all governmental or other permits or licenses required to proceed with the construction of the Flood Control Facilities which such Property Owner is responsible to construct and that it will pay all fees relating thereto. Such Property Owner represents and warrants that to the best of such Property Owner's knowledge, as of the date hereof, there is no material legal impediment to such Property Owner's proceeding with and completing the construction of such Flood Control Facilities or to the development of the Construction Site as contemplated by such Property Owner, except for government or other permits to be obtained.

(j) Environmental Matters. Such Property Owner represents and warrants that it has complied with, or has caused compliance with, CEQA as required for the construction of the Flood Control Facilities which such Property Owner is responsible to construct and their conveyance to the Flood Control District.

Section 5.2 Representations, Warranties and Covenants of the City. The City makes the following representations, warranties and covenants for the benefit of the Flood Control District and the Property Owners:

(a) Authority. The City represents and warrants that the City has the power and authority to enter into this Joint Community Facilities Agreement, and has taken all actions necessary to cause this Joint Community Facilities Agreement to be executed and delivered, and this Joint Community Facilities Agreement has been duly and validly executed and delivered on behalf of the City.

(b) Binding Obligation. The City represents and warrants that this Joint Community Facilities Agreement is a valid and binding obligation of the City and is enforceable against the City in accordance with its terms, subject to bankruptcy, insolvency, reorganization or other similar laws affecting the enforcement of creditors' rights in general and by general equity principles.

(c) Payment Requests for the Flood Control District Facilities. The City represents and warrants that the City will follow all procedures set forth in this Joint Community Facilities Agreement.

(d) Financial Records. Until the final Acceptance Date, the City covenants to maintain, or cause to be maintained, proper books of record and account for the Special Taxes and the Bonds. The City covenants that such accounting books will be maintained in accordance with generally accepted accounting principles applicable to governmental entities, and will be available for inspection by the Property Owners and their agents at any reasonable time during regular business hours on two Business Days prior written notice.

Section 5.3 Representations, Warranties and Covenants of Flood Control District. Flood Control District makes the following representations, warranties and covenants for the benefit of the City and the Property Owners:

(a) Authority. Flood Control District represents and warrants that Flood Control District has the power and authority to enter into this Joint Community Facilities Agreement, and has taken all actions necessary to cause this Joint Community Facilities Agreement to be executed and delivered, and this Joint Community Facilities Agreement has been duly and validly executed and delivered on behalf of Flood Control District.

(b) Binding Obligation. Flood Control District represents and warrants that this Joint Community Facilities Agreement is a valid and binding obligation of Flood Control District and is enforceable against Flood Control District in accordance with its terms, subject to bankruptcy, insolvency, reorganization or other similar laws affecting the enforcement of creditors' rights in general and by general equity principles.

Section 5.4 Indemnification. Each Property Owner, with regard to its respective responsibilities and obligations under this Joint Community Facilities Agreement, agrees to protect, indemnify, defend and hold the City, the Community Facilities District, the Flood Control District, and their respective directors, officers,

Board of Supervisors, City Council, Legislative Body, elected officials, employees, representatives and agents, and each of them (each, an “Indemnified Party” and, collectively, the Indemnified Parties), harmless from and against any and all claims, liabilities, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorney’s fees, and court costs which the Indemnified Parties or any Indemnified Party, or any combination thereof, may suffer or which may be sought against or recovered or obtained from the Indemnified Parties or any Indemnified Party, or any combination thereof, as a result of or by reason of or arising out of or in consequence of (a) the acquisition, construction, installation or financing of the Flood Control Facilities, (b) an assertion, pursuant to Article I, section 19 of the California Constitution, the Fifth or Fourteenth Amendments of the United States Constitution, or any other law or ordinance which seek to impose any other liability or damage whatsoever, for the design, construction, or failure of the Flood Control Facilities or from the diversion of the waters from their natural drainage patterns, (c) the untruth or inaccuracy of any representation or warranty made by such Property Owner in this Joint Community Facilities Agreement or in any certifications delivered by such Property Owner hereunder, or (d) any act or omission of such Property Owner or any of its subcontractors, or their respective officers, employees or agents, in connection with the Flood Control Facilities. If such Property Owner fails to do so, the Indemnified Parties shall have the right, but not the obligation, to defend the same and charge all of the direct and actual costs of such defense, including reasonable attorneys’ fees or court costs, to and recover the same from such Property Owner.

No indemnification is required to be paid by any Property Owner as to an Indemnified Party for any claims, losses, liabilities, expenses, suits, actions, decrees, judgments, awards, reasonable attorney’s fees, and court costs (a) arising directly from the willful misconduct or sole or active negligence of that Indemnified Parties or (b) arising from the use or operation of a Flood Control Facility after the Acceptance Date of the Flood Control Facility, unless such claims, losses, liabilities, expenses, suits, actions, decrees, judgments, awards, reasonable attorney’s fees, and court costs results from the defective or improper design, construction or installation of such Flood Control Facility by such Property Owner or its contractors, subcontractors, or respective officers, employees or agents.

The provisions of this Section shall survive the termination of this Joint Community Facilities Agreement.

ARTICLE VI

MISCELLANEOUS

Section 6.1 Property Owners as Independent Contractors. In performing under this Joint Community Facilities Agreement, it is mutually understood that each Property Owner is acting as an independent contractor, and not as an agent of the City, the Community Facilities District or the Flood Control District. Neither the City nor the Flood Control District shall have any responsibility for payment to any contractor, subcontractor or supplier of such Property Owner. The Community Facilities District shall not have any responsibility for payment to any contractor, subcontractor or supplier of such Property Owner unless such entity or individual is specifically listed as a payee on a Payment Request submitted by such Property Owner pursuant to the Joint Community Facilities Agreement in which case the Community Facilities District shall only be responsible for making such payment only if such Payment Request is approved pursuant to the provisions of this Joint Community Facilities Agreement and solely from available proceeds of the Bonds.

Section 6.2 Other Agreements. Nothing contained herein shall be construed as affecting the Flood Control District or any Property Owner's respective duty to perform its respective obligations under other agreements, land use regulations or subdivision requirements relating to the development of the property within the applicable Improvement Area, which obligations are and shall remain independent of such Property Owner's rights and obligations, and the Flood Control District's rights and obligations, under this Joint Community Facilities Agreement; provided, however, that such Property Owner shall use its reasonable and diligent efforts to perform each and every covenant to be performed by it under any lien or encumbrance, instrument, declaration, covenant, condition, restriction, license, order, or other agreement, the nonperformance of which could reasonably be expected to materially and adversely affect the acquisition, construction and installation of the Flood Control District Facilities.

The payment for the City Flood Control Facilities shall be governed by the Funding Agreement.

Section 6.3 Binding on Successors and Assigns. Neither this Joint Community Facilities Agreement nor the duties and obligations of any Property Owner hereunder may be assigned to any person or legal entity other than an affiliate of such Property Owner without the written consent of the City, the Community Facilities District and the Flood Control District, which consent shall not be unreasonably withheld or delayed. Neither this Joint Community Facilities Agreement nor the duties and obligations of the City, the Flood Control District or the Community Facilities District hereunder may be assigned to any person or legal entity, without the written consent of the Property Owners, which consent shall not be unreasonably withheld or delayed. The agreements and covenants included herein shall be binding on and inure to the benefit of any partners, permitted assigns, and successors-in-interest of the parties hereto.

Section 6.4 Amendments. This Joint Community Facilities Agreement can only be amended by an instrument in writing executed and delivered by the City, the Community Facilities District, the Flood Control District and the Property Owners.

Section 6.5 Waivers. No waiver of, or consent with respect to, any provision of this Joint Community Facilities Agreement by a party hereto shall in any event be effective unless the same shall be in writing and signed by such party, and then such waiver or consent shall be effective only in the specific instance and for the specific purpose for which it was given.

Section 6.6 No Third Party Beneficiaries. No person or entity shall be deemed to be a third party beneficiary hereof, and nothing in this Joint Community Facilities Agreement (either express or implied) is intended to confer upon any person or entity, other than the City, the Community Facilities District, the Flood Control District and the Property Owners (and their respective successors and assigns), any rights, remedies, obligations or liabilities under or by reason of this Joint Community Facilities Agreement.

Section 6.7 Notices. Any written notice, statement, demand, consent, approval, authorization, offer, designation, request or other communication to be given hereunder shall be given to the party entitled thereto at its address set forth below, or at such other address as such party may provide to the other party in writing from time to time, namely

Flood Control District: Riverside County Flood Control and
Water Conservation District
Attn: Administrative Services
1995 Market Street
Riverside, California 92501
Telephone: (951) 955-1200
Fax: (951) 788-9965

City and Community
Facilities District: City of Moreno Valley
Public Works Department, Special Districts
Division
14325 Frederick Street, Suite 9
Moreno Valley, California 92553
Attention: Special Districts Division Manager
Telephone: (951) 413-3489
Fax: (951) 413-3498

With a copy to: City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92553
Attention: City Attorney
Telephone: (951) 413-3036
Fax: (951) 413-3034

Property Owners: c/o First Industrial Realty Trust, Inc.
114 Pacifica Court, Suite 220
Irvine, California 92618
Attention: Phil Bowman
Telephone: (949) 486-1970
Fax: (949) 486-1971

With a copy to: Barack Ferrazzano Kirschbaum Perlman &
Nagelberg LLP
333 West Wacker Drive, Suite 2700
Chicago, Illinois 60606
Attention: Brett A. Feinberg
Telephone: (312) 629-5168
Fax: (312) 984-3150

Each such notice, statement, demand, consent, approval, authorization, offer, designation, request or other communication hereunder shall be deemed delivered to the party to whom it is addressed (a) if personally served or delivered, upon delivery, (b) if given by electronic communication, whether by telex, telegram or telecopier, upon the sender's receipt of a document confirming satisfactory transmission, (c) if given by registered or certified mail, return receipt requested, deposited with the United States mail postage prepaid, 72 hours after such notice is deposited with the United States mail, (d) if given by overnight courier, with courier charges prepaid, 24 hours after delivery to said overnight courier, or (e) if given by any other means, upon delivery at the address specified in this Section.

Section 6.8 Jurisdiction and Venue. Each of the City, the Community Facilities District, the Flood Control District and the Property Owners (a) agrees that any suit action or other legal proceeding arising out of or relating to this Joint Community Facilities Agreement shall be brought in state or local court in the County of Riverside or in the Courts of the United States of America in the district in which said County is located, (b) consents to the jurisdiction of each such court in any suit, action or proceeding, and (c) waives any objection that it may have to the laying of venue or any suit, action or proceeding in any of such courts and any claim that any such suit, action or proceeding has been brought in an inconvenient forum. Each of the City, the Community Facilities District, the Flood Control District and the Property Owners agrees that a final and non-appealable judgment in any such action or proceeding shall be conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

Section 6.9 Attorneys' Fees. If any action is instituted to interpret or enforce any of the provisions of this Joint Community Facilities Agreement, the party prevailing in such action shall be entitled to recover from the other party thereto reasonable attorneys' fees and costs of such suit (including both prejudgment and postjudgment fees and costs) as determined by the court as part of the judgment.

Section 6.10 Governing Law. This Joint Community Facilities Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State.

Section 6.11 Usage of Words. As used herein, the singular of any word includes the plural, and terms in the masculine gender shall include the feminine.

Section 6.12 Counterparts. This Joint Community Facilities Agreement may be executed in counterparts, each of which shall be deemed an original.

Section 6.13 Interpretation. The parties to this Joint Community Facilities Agreement and their counsel have reviewed and revised this Joint Community Facilities Agreement, and the normal rule of construction to the effect that any ambiguities in an agreement are to be resolved against the drafting parties shall not be employed in the interpretation of this Joint Community Facilities Agreement.

[Balance of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have executed this Joint Community Facilities Agreement as of the day and year first hereinabove written.

CITY OF MORENO VALLEY

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By: _____
Richard A. Stewart, Mayor

By: _____
Marion Ashley, Chairman
Riverside County Flood Control and Water Conservation District Board of Supervisors

ATTEST:

RECOMMEND FOR APPROVAL:

By: _____
Jane Halstead, City Clerk

By: _____
Warren D. Williams
General Manager-Chief Engineer
Riverside County Flood Control and Water Conservation District

(Seal)

APPROVED AS TO FORM:

ATTEST:
KEISHA HARPER-IHEM,
Clerk of the Board of Supervisors

By: _____
Warren Diven, Best Best & Krieger LLP

By: _____
, Deputy Clerk

(Seal)

APPROVED AS TO FORM:
PAMELA J. WALLS, County Counsel

By: _____
, Deputy County Counsel

FR/CAL MORENO VALLEY, LLC,
a Delaware limited liability company

By: FirstCal Industrial, LLC
a Delaware limited liability company,
its sole member

By: FR First Cal, LLC,
a Delaware limited liability company,
its managing member

By: First Industrial Investment, Inc., a
Maryland corporation
its sole member

By: _____

Its: _____

(ATTACH NOTARY)

FIRST INDUSTRIAL, LP,
a Delaware limited partnership

By: First Industrial Realty Trust, Inc., a
Maryland corporation, its sole general
partner

By: _____

Its: _____

(ATTACH NOTARY)

FR/CAL INDIAN AVENUE, LLC,
a Delaware limited liability company

By: FirstCal Industrial, LLC
a Delaware limited liability company,
its sole member

By: FR First Cal, LLC,
a Delaware limited liability company,
its managing member

By: First Industrial Investment, Inc.,
a Maryland corporation
its sole member

By: _____

Its: _____

(ATTACH NOTARY)

EXHIBIT A

MAP OF THE PROPERTY

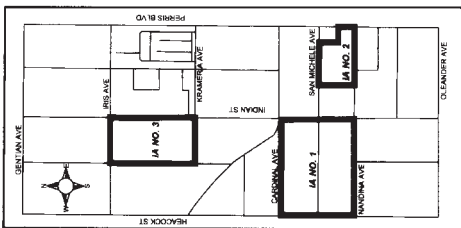
PM 35150: APN's 316-180-002Sheet 1
316-180-003
316-180-005
316-180-006
316-180-008
316-180-009

TPM 35859: APN's 316-200-003.....Sheet 2
316-200-009
316-200-010
316-200-011
316-200-012
316-200-013
316-200-014
316-200-018
316-200-028
316-200-029

PM 35672: APN's 316-020-002.....Sheet 3
316-020-003
316-020-004
316-020-005
316-020-012
316-020-013
316-020-014
316-020-015
316-020-016
316-020-017
316-020-018
316-020-019

MAP OF PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA



Vicinity Map

MAP REF. NO.	ASSESSOR'S PARCEL NO.
1	316-170-001
2	316-170-002
3	316-170-003
4	316-170-004
5	316-170-007
6	316-170-010
7	316-170-013
8	316-170-014
9	316-180-005
10	316-180-006
11	316-180-005
12	316-180-006
13	316-180-007
14	316-180-009
15	316-180-010

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 14 DAY OF MAY, 2008.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS PREPARED AND SUBMITTED TO THE CITY OF MORENO VALLEY RECORDS DEPARTMENT IN ACCORDANCE WITH RESOLUTION NO. 2008-1-50, HELD ON THE 13 DAY OF MAY, 2008.

[Signature]
CITY CLERK
CITY OF MORENO VALLEY

RIVERSIDE COUNTY RECORDER'S CERTIFICATE

FILED THIS 14TH DAY OF MAY, 2008, AT THE HOUR OF B O'CLOCK A.M. IN BOOK 73 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) 14-B. IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

FEE \$ 13.00

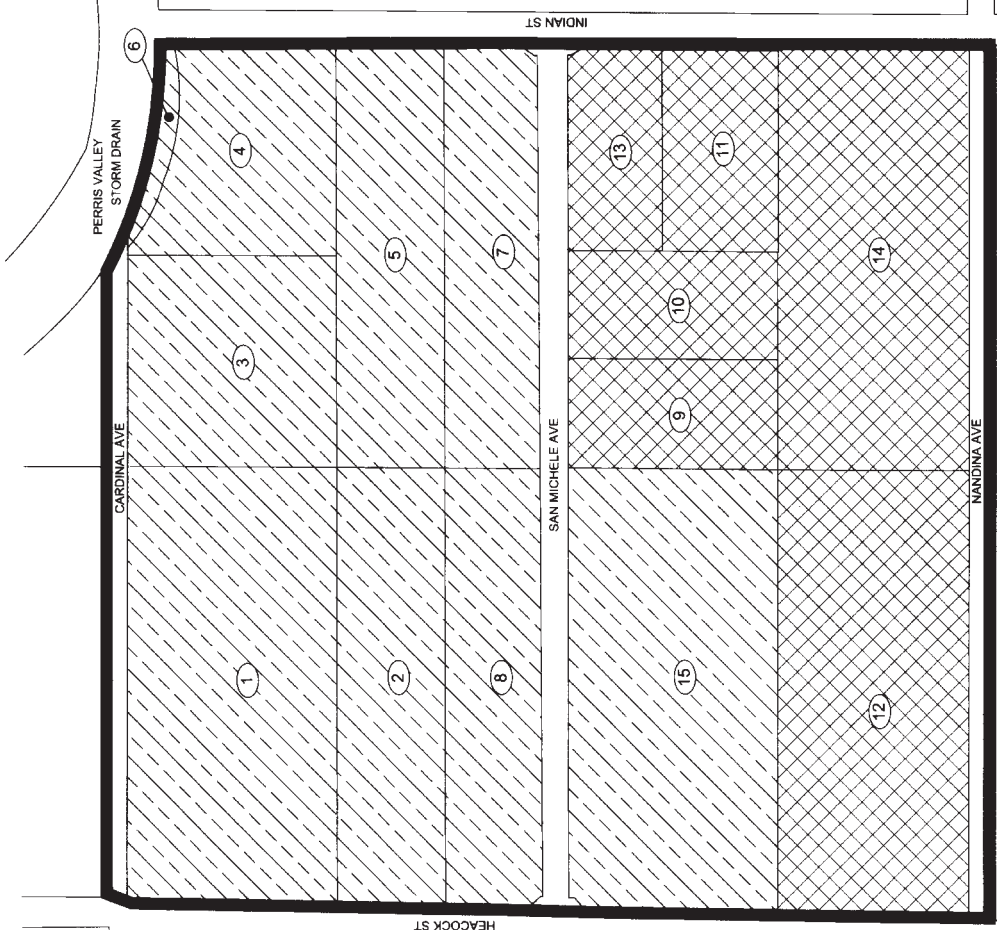
INSTRUMENT NO. 2008-0265595

LARRY WARD, ASSESSOR-COUNTY CLERK-RECORDER

[Signature]
BY DEPUTY
COUNTY RECORDER
COUNTY OF RIVERSIDE

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

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



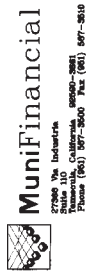
LEGEND FOR SHEET 1

IMPROVEMENT AREA NO. 1 (IA NO. 1) BOUNDARY

MAP REFERENCE NUMBER

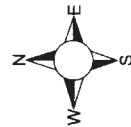
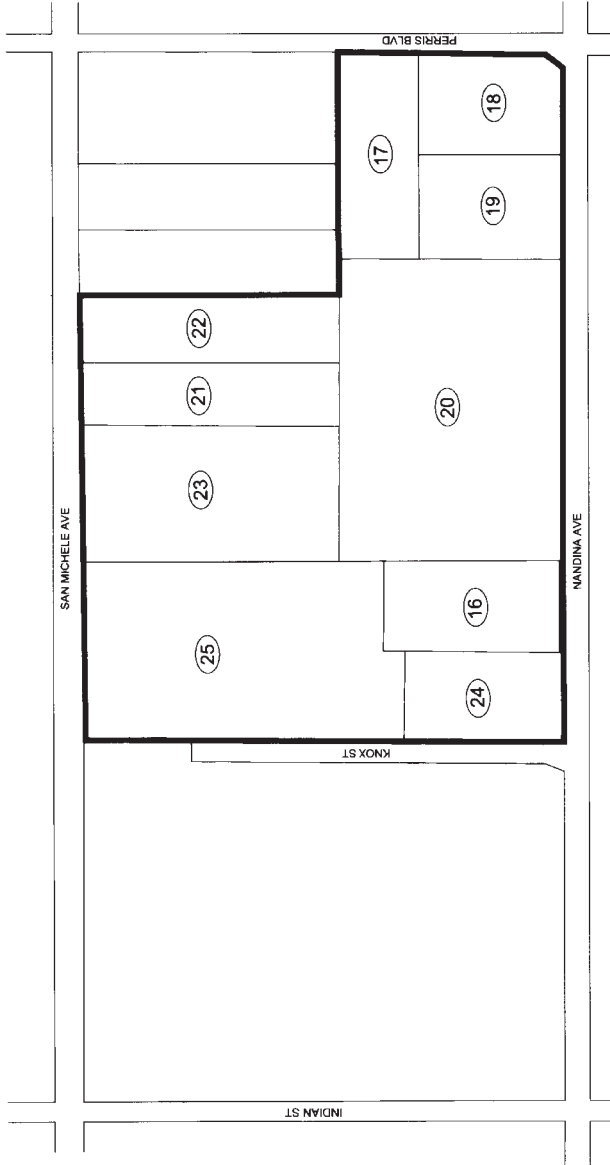
ZONE 1

ZONE 2



MAP OF PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA



LEGEND FOR SHEET 2

IMPROVEMENT AREA NO. 2 (IA NO. 2) BOUNDARY

MAP REFERENCE NUMBER



MAP REF. NO.	ASSESSOR'S PARCEL NO.
16	316-200-003
17	316-200-009
18	316-200-010
19	316-200-011
20	316-200-012
21	316-200-013
22	316-200-014
23	316-200-018
24	316-200-028
25	316-200-029



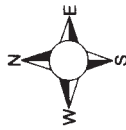
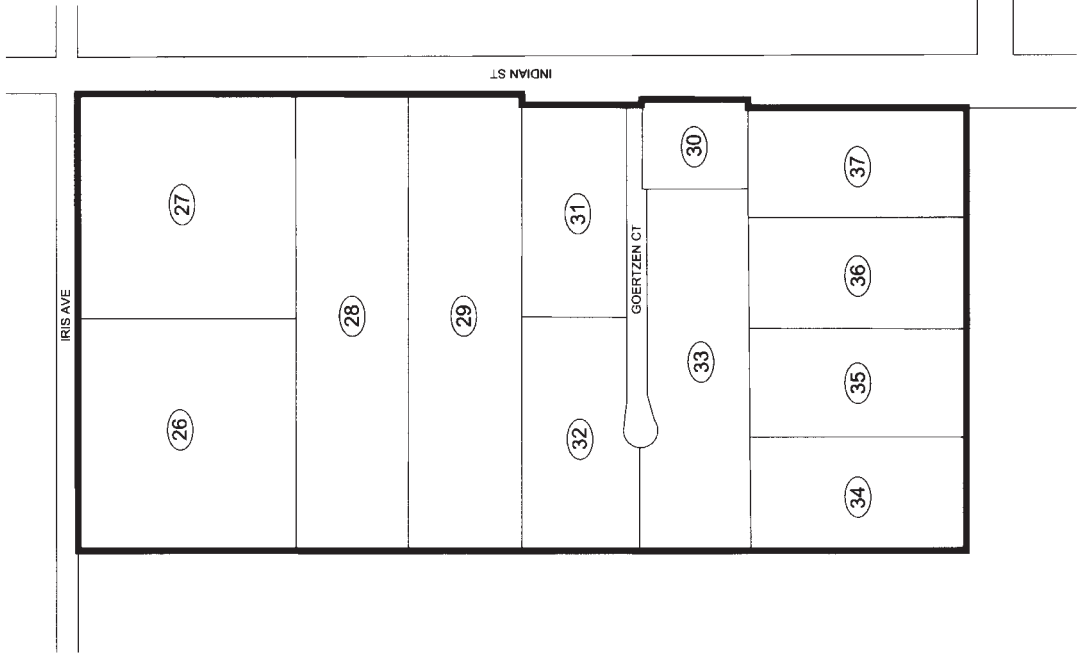
MuniFinancial

27000 Via Indivertita
Suite 110, California, 92505-3885
Phone (951) 997-8600 Fax (951) 997-8610

MAP OF PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

SHEET 3 OF 3



LEGEND FOR SHEET 3

IMPROVEMENT AREA NO. 3 (IA NO. 3) BOUNDARY

MAP REFERENCE NUMBER



MAP REF NO.	ASSESSOR'S PARCEL NO.
26	316-020-002
27	316-020-003
28	316-020-004
29	316-020-005
30	316-020-012
31	316-020-013
32	316-020-014
33	316-020-015
34	316-020-016
35	316-020-017
36	316-020-018
37	316-020-019



MuniFinancial
 27266 The Industries
 Suite 110 - California, 92506-3861
 Phone (951) 597-5500 Fax (951) 597-3810

EXHIBIT B

Flood Control Facilities Diagram

[Provided by Engineer per Flood Control District Specifications]

EXHIBIT B
Facilities Diagrams

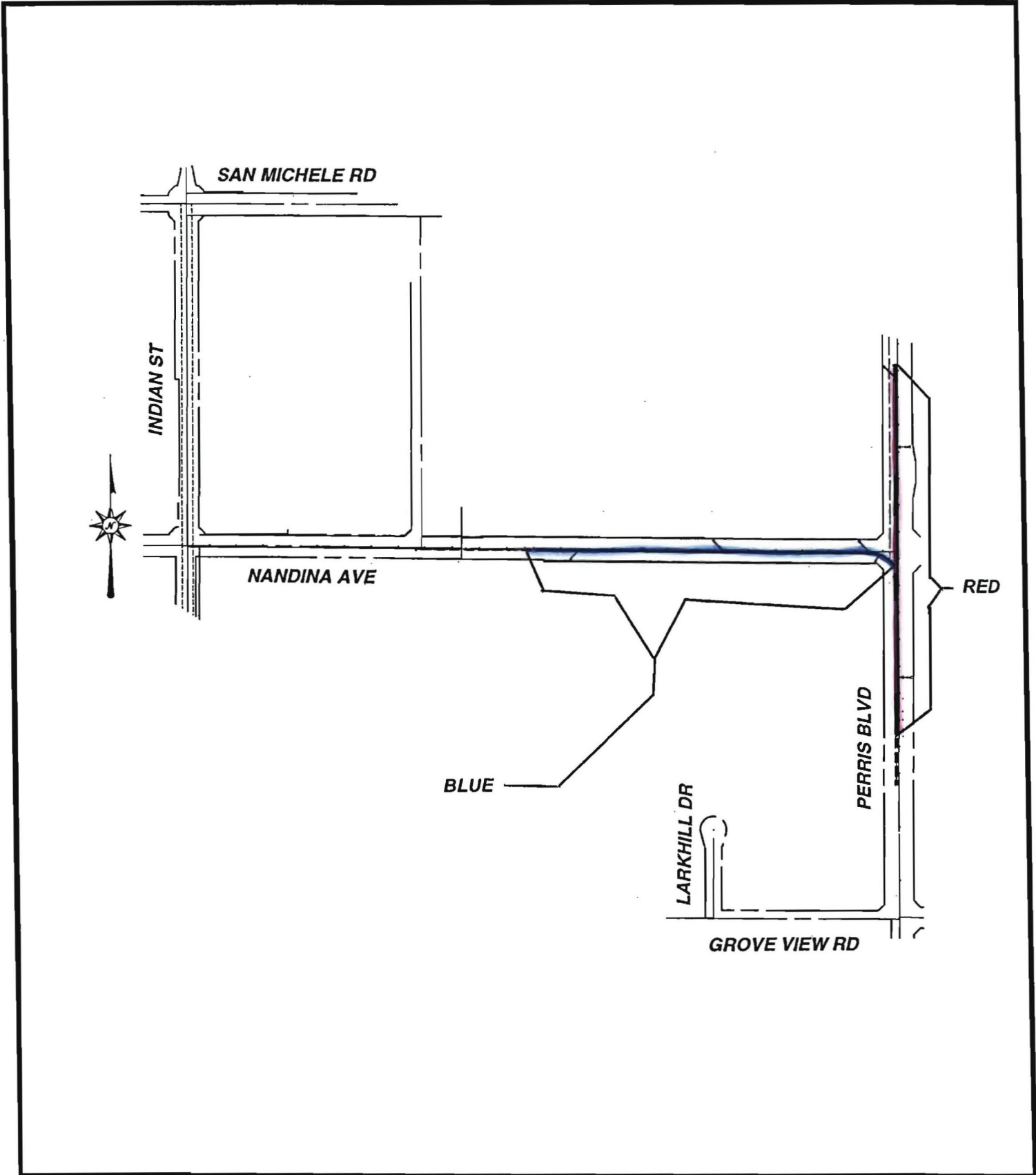


EXHIBIT B
Facilities Diagrams

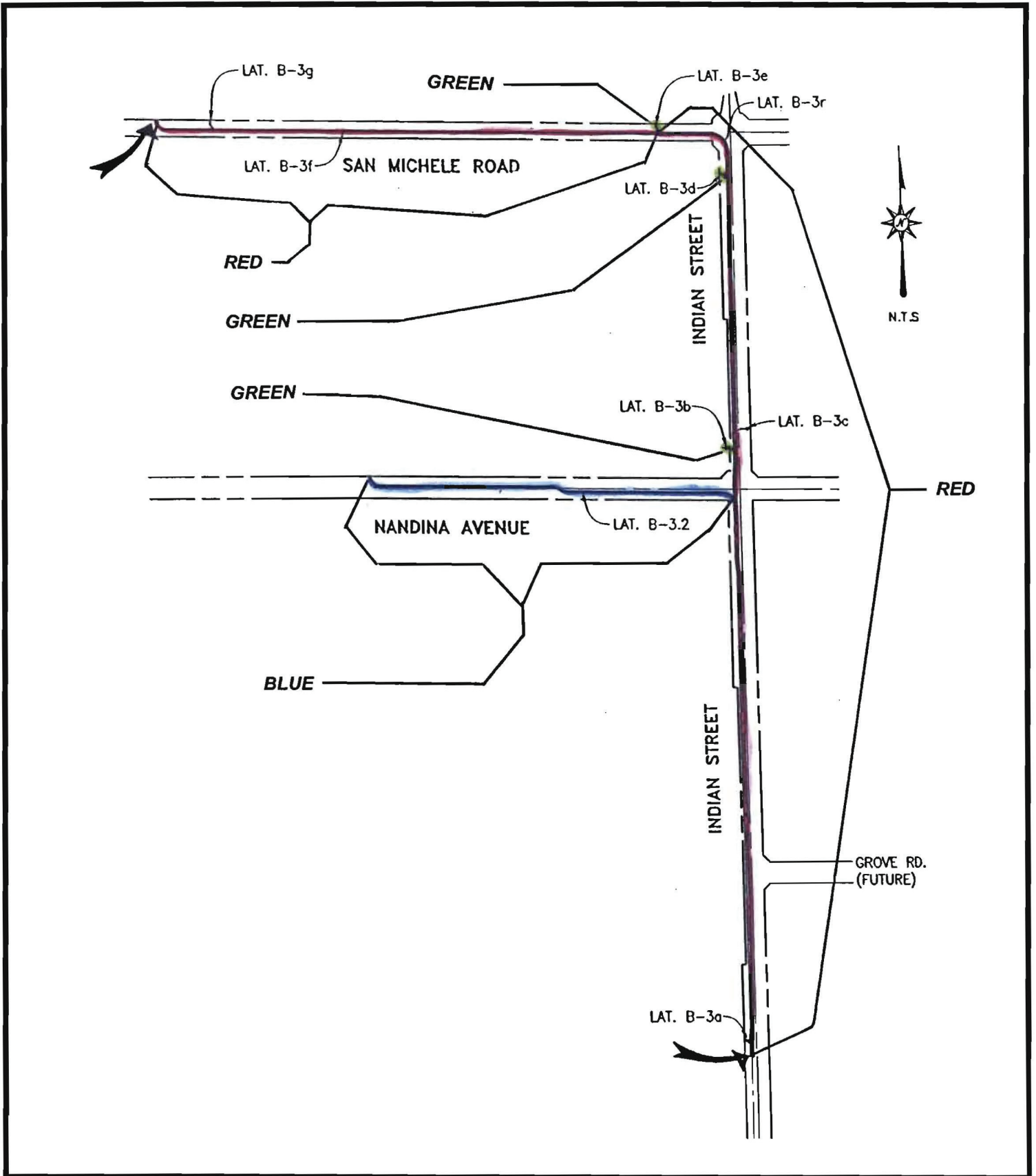


EXHIBIT B
Facilities Diagrams

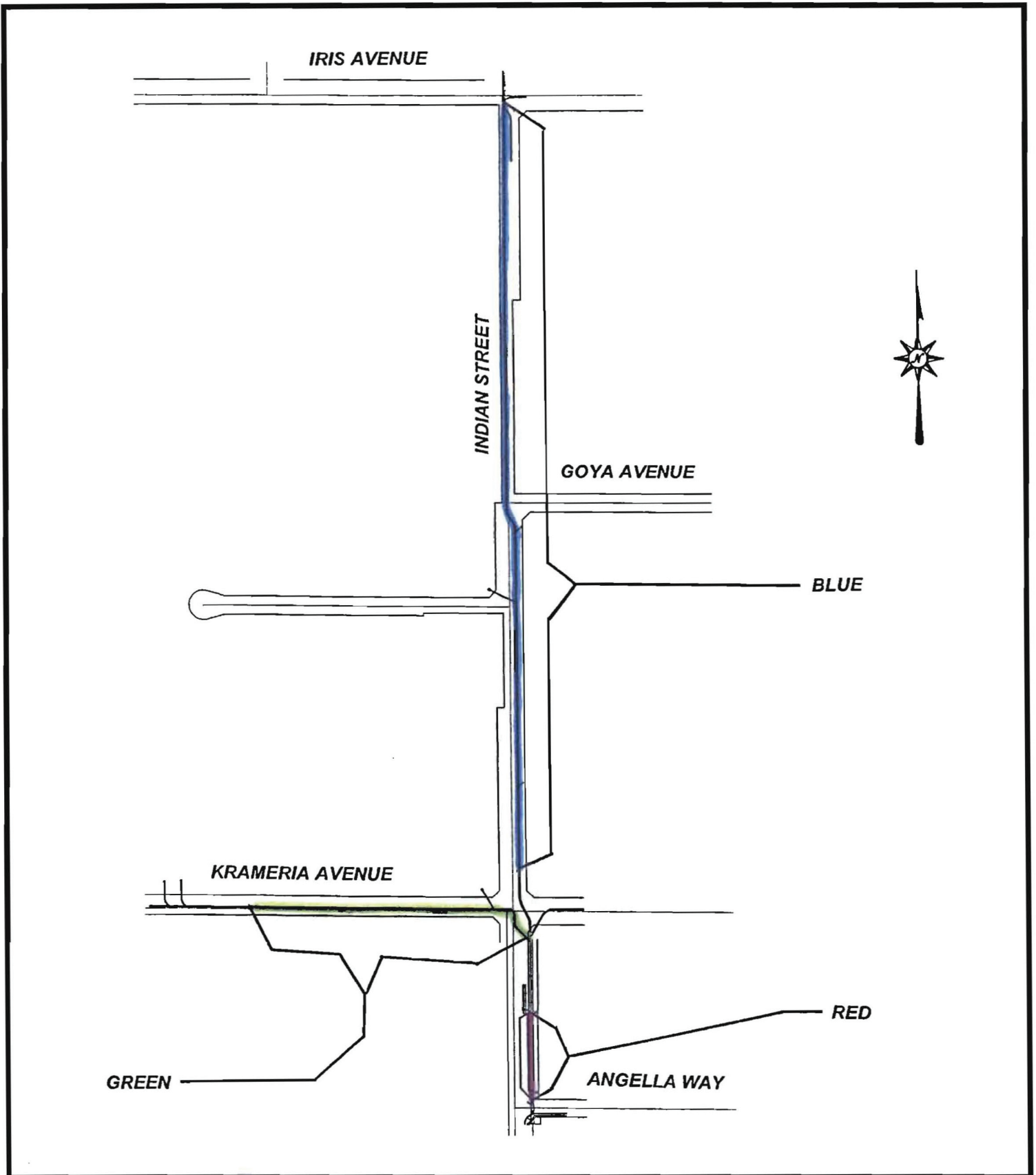
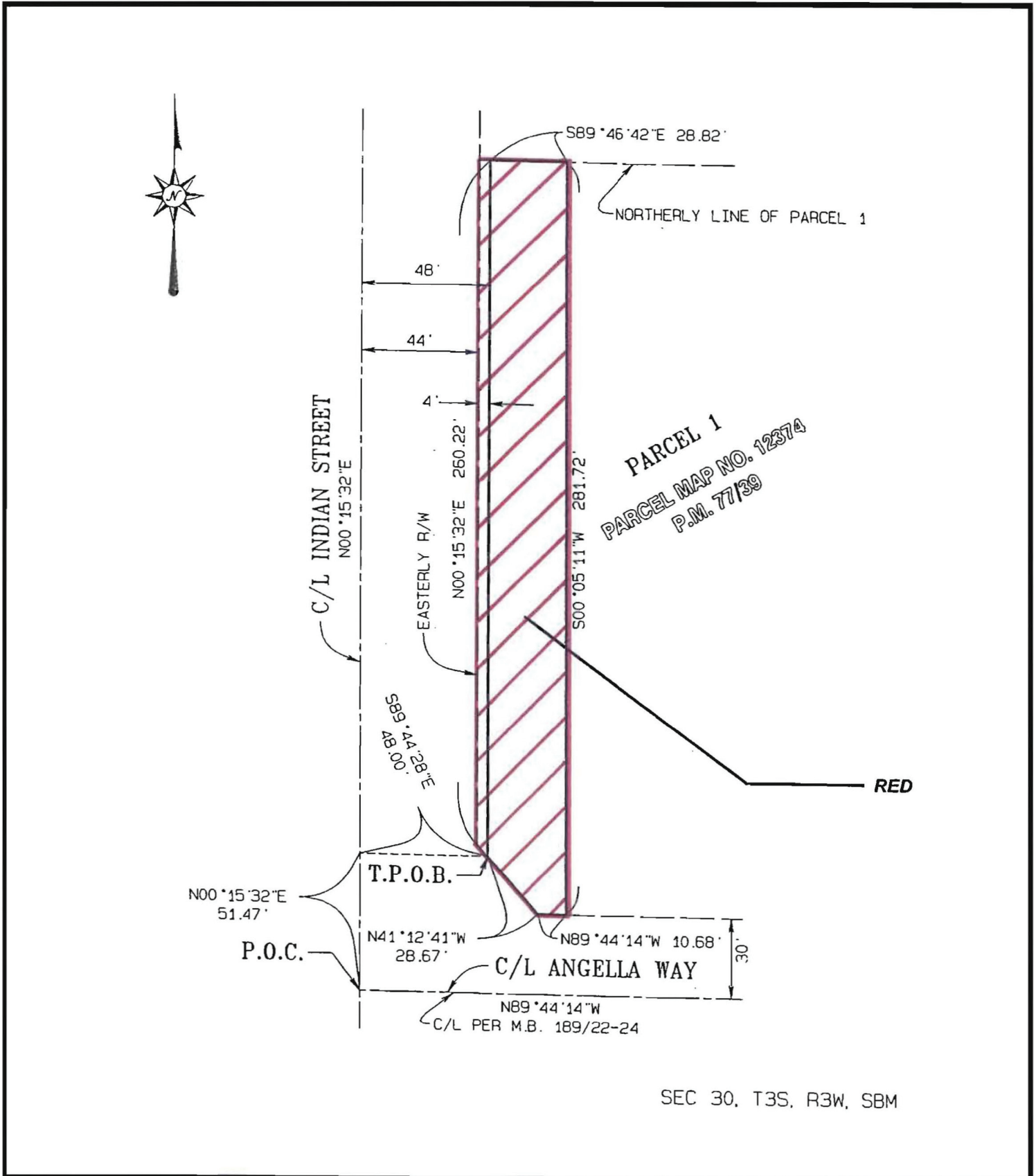


EXHIBIT B
Facilities Diagrams



SEC 30, T3S, R3W, SBM

EXHIBIT B
Facilities Diagrams

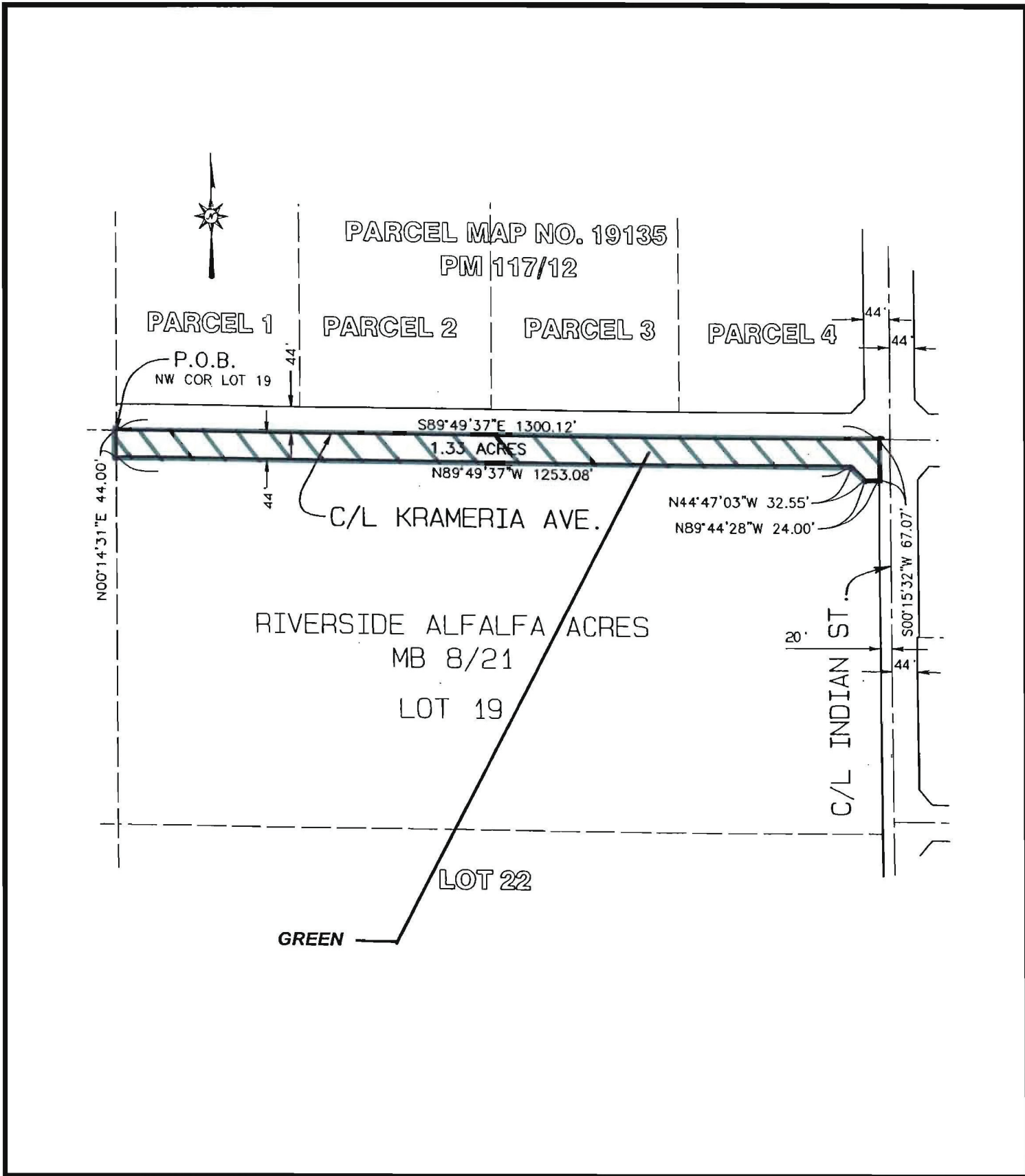


EXHIBIT C

Description of Flood Control Facilities

Proposed Flood Control Facilities to be authorized
For the Community Facilities District

Improvement Area No 1. Flood Control Facilities

RCFC&WCD Maintained Facilities

Perris Valley MDP Lateral B-3, Stage 2 (Project No. 4-0-00526), a 1 cell RCB (varying in height from 6 feet to 4 feet and varying in base width from 12 feet to 8 feet), 54" RCP, and 48" RCP, located in the Indian Street right-of-way from the existing Lateral B-3 (Project No. 4-0-00256) northerly approximately 3,268 feet to the intersection of Indian Street and San Michele Road, then westerly in the San Michele Road right-of-way approximately 2,123 feet. The facility consists of approximately 3,560 linear feet of RCB and 1,830 linear feet of RCP, including, but not limited to, manholes, junction structures, and transition structures.

Perris Valley MDP Lateral B-3.2 (Project No. 4-0-00533), a 42" RCP, located in the Nandina Avenue right-of-way from the connection to Lateral B-3, Stage 2 (Project No. 4-0-00526) westerly approximately 1,340 feet, including, but not limited to, manholes, and junction structures.

Lateral B-3b, a 42" RCP, approximately 18 feet in length connecting to Lateral B-3 at Station 38+44.67.

Lateral B-3d, a 42" RCP, approximately 30 feet in length connecting to Lateral B-3 at Station 48+34.67.

Lateral B-3e, a 48" RCP, approximately 21 feet in length connecting to Lateral B-3 at Station 52+14.22.

Estimated cost for RCFC & ECD Maintained Facilities:
\$3,600,000.00

City of Moreno Valley Maintained Facilities

Lateral B-3a, a 42" RCP, approximately 12 feet in length connecting to Lateral B-3 at Station 17+08.14.

Lateral B-3c, a 24" RCP, approximately 44 feet in length connecting to Lateral B-3 at Station 39+11.27.

Lateral B-3f, a 36" RCP, approximately 4 feet in length connecting to Lateral B-3 at Station 63+50.68.

Lateral B-3r, a 24" RCP, approximately 40 feet in length connecting to Lateral B-3 at Station 49+87.30.

Lateral B-3z, a 24" RCP, approximately 9 feet in length connecting to Lateral B-3 at Station 23+62.50.

Lateral B-3.2a, a 30" RCP, approximately 55 feet in length connecting to Lateral B-3.2 at Station 10+37.01.

Estimated cost for City of Moreno Valley Maintained Facilities:
\$680,000.00

Improvement Area No. 2 Flood Control Facilities

RCFC&WCD Maintained Facilities

Perris Valley MDP Lateral B-1 (Project No. 4-0-00486, Drawing No. 4-954), an 84" RCP, 78" RCP, and 72" RCP, located in Perris Boulevard right-of-way from the existing Lateral B-1 (Project No. 4-0-486, Drawing No. 4-838) northerly for approximately 1,345 feet. Lateral B-1 includes, but is not limited to, manholes, junction structures, laterals, and transition structures.

Perris Valley MDP Lateral B-1.2 (Project No. 4-0-00483, Drawing No. 4-954), a 78" RCP, 66" RCP, 60" RCP, 48" RCP and 42" RCP, located in the Nandina Avenue right-of-way from the connection to Lateral B-1, (Project No. 4-0-00486) westerly approximately 1,340 feet, including, but not limited to, manholes, and junction structures.

Estimated cost of RCFC & WCD Maintained Facilities:
\$1,500,000.00

City of Moreno Valley Maintained Facilities

Lateral B-1A, an 18" RCP, approximately 24 feet in length connecting to Lateral B-1 at Station 32+39.77.

Lateral B-1B, an 18" RCP, approximately 14 feet in length connecting to Lateral B-1 at Station 40+97.76.

Lateral B-1C, a 36" RCP, approximately 48 feet in length connecting to Lateral B-1 at Station 43+55.00.

Lateral B-1.2A, a 36" RCP, approximately 51 feet in length connecting to Lateral B-1.2 at Station 11+11.10.

Lateral B-1.2B, a 36" RCP, approximately 49 feet in length connecting to Lateral B-1.2 at Station 20+00.00.

Lateral B-1.2C, a 24" RCP, approximately 37 feet in length connecting to Lateral B-1.2 at Station 22+00.00.

Lateral B-1.2D, a 24" RCP, approximately 26 feet in length connecting to Lateral B-1.2 at Station 10+75.48.

Estimated cost of City of Moreno Valley Maintained Facilities:
\$100,000.00

Improvement Area No. 3 Flood Control Facilities

RCFC&WCD Maintained Facilities

Sunnymead MDP Line D (Project No. 4-0-00630, Drawing No. 4-991), Approximately 40 feet in length of 4'H x 8'W RCB and approximately 250 feet in length of 7'H x 10'W rectangular channel, located easterly of the Indian Street right-of-way. The downstream end of Line D connects to the existing Line D Box (Project No. 4-0-630, Drawing No. 4-514) and the upstream end of Line D Connects to the existing Line D rectangular channel (Project No. 4-0-630, Drawing No. 4-848). Line D is approximately 290 feet in length.

Sunnymead MDP Line D-1, a 60" RCP, 48" RCP and 42" RCP, located in the Indian Street right-of-way. The downstream end of Line D-1 connects to an existing portion of Line D-1 (Project No. 4-0-0631, Drawing No. 4-587) and extends northerly in

Indian Street for approximately 2,310 feet where it ties into an existing portion of Line D-1 (Project No. 4-0-0631, Drawing No. 4-508). Line D-1 includes, but is not limited to, manholes, junction structures, laterals, and transition structures. Line D-1 is approximately 2307 feet in length.

Lateral DA, a 42" RCP located in the Krameria Street right-of-way. The downstream end of Lateral DA connects to the existing Line D Rectangular Channel (Project No. 4-0-0630, Drawing No. 4-848) westerly for approximately 1950 feet. Lateral DA includes, but is not limited to, manholes, junction structures, laterals, and transition structures.

Estimated cost of RCFC & WCD Maintained Facilities:
\$1,600,000.00

City of Moreno Valley Maintained Facilities

Lateral DA, a 36" RCP located in the Krameria Street right-of-way. The downstream end of Lateral DA connects to the proposed Lateral DA 42" RCP (Project No. 4-0-0632, Drawing No. 4-991) westerly for approximately 353 feet. Lateral DA includes, but is not limited to, manholes, junction structures, inlets, laterals, and transition structures.

Lateral D-1A, a 36" RCP, approximately 11 feet in length connecting to Line D-1 at Station 40+66.30.

Lateral D-1B, a 24" RCP, approximately 75 feet in length connecting to Line D-1 at Station 46+67.98.

Lateral D-1C, a 42" RCP, approximately 16 feet in length connecting to Line D-1 at Station 48+92.48.

Lateral DA1, a 30" RCP, approximately 39 feet in length connecting to Lateral DA at Station 11+67.70.

Lateral DA2, a 30" RCP, approximately 38 feet in length connecting to Lateral DA at Station 21+80.83.

Lateral DA3, a 30" RCP, approximately 38 feet in length connecting to Lateral DA at Station 22+35.75.

Estimated Cost of City of Moreno Valley Maintained Facilities:
\$200,000.00

EXHIBIT D

FUNDING AGREEMENT

CITY OF MORENO VALLEY CFD No. 7
JCFA-FLOOD CONTROL
SDPUB\WDIVEN\356912.8
FINAL DRAFT

D-1

REC'D JUL 28 2008

July 25, 2008

First Industrial Realty Trust
John Grace, Development Manager
114 Pacifica, Suite 220
Irvine, CA 92618

Subject: Executed Acquisition/Financing Agreement for Community Facilities District No. 7

Dear Mr. Grace,

Enclosed is a signed original of the Acquisition/Financing Agreement for Community Facilities District No. 7. This agreement is for acquisition and construction of certain public improvements associated with your project within Community Facilities District No. 7.

If you have any questions, please contact Marshall Eyerman, Special Districts Program Manager at (951) 413-3482.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer


Jennifer A. Terry
Management Analyst

Enclosure

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
File

W:\SpecialDist\jennifert\CFD No.7\AFA\CVltr for Executed AFA.doc

ACQUISITION/FINANCING AGREEMENT

THIS ACQUISITION/FINANCING AGREEMENT ("Agreement") is made and entered into by and among the CITY OF MORENO VALLEY, a municipal corporation duly organized and validly existing under the Constitution and laws of the State of California, ("City") acting for and on behalf of itself and COMMUNITY FACILITIES DISTRICT NO. 7, and FR/CAL MORENO VALLEY, LLC ("FR/CAL MV"), a Delaware limited liability company, FIRST INDUSTRIAL, L.P. ("FILP"), a Delaware limited liability partnership FR/CAL INDIAN AVENUE, LLC ("FR/CAL IA"), a Delaware limited liability company and shall become effective on the date on which the Agreement has been mutually executed and delivered by the Parties (as defined in the following sentence). FR/CAL MV, FILP and FR/CAL IA may be referred to individually as an "Owner" or collectively as the "Owners" and Owners acknowledge that they are related entities. The City and the Owners may be referred to individually as a "Party" or collectively as the "Parties."

WHEREAS, the Owners own the following real property (collectively, the "Owners' Properties") located within the City:

A. FR/CAL MV owns that parcel identified as Assessor's Parcel Nos. 316-180-002, 316-180-003, 316-180-005, 316-180-006, 316-180-008 and 316-180-009 (the "FR/CAL MV Property);

B. FILP owns those parcels identified as Assessor's Parcel Nos. 316-200-003, 316-200-009 through -014, 316-200-018, 316-200-028 and 316-200-029 (the "FILP Property);

C. ; FR/CAL IA owns those parcels identified as Assessor's Parcel Nos. 316-020-002, 316-020-003; 316-020-004, 316-020-005 and 316-020-012 through -019 (the "FR/CAL IA Property); and

WHEREAS, the Owners have requested that the City consider the formation of a community facilities district and the designation of three improvement areas therein (each, an "Improvement Area" and designated individually as "Improvement Area No. 1," "Improvement Area No. 2," and "Improvement Area No. 3") under the terms and conditions of the "Mello-Roos Community Facilities Act of 1982," as amended (Government Code Section 53311 and following) (the "Act") to include the Owners' Properties and certain additional adjacent property not owned by Owners and identified as Assessor Parcel Nos. 316-170-001, 316-170-002, 316-170-004, 316-170-006, 316-170-007, 316-170-010, 316-170-013, 316-170-014 and 316-180-010 (the "Adjacent Property") for the purpose of financing the acquisition and construction of certain public improvements, together with appurtenances and appurtenant work within the jurisdictional limits of said City, said community facilities district known and designated as COMMUNITY FACILITIES DISTRICT NO. 7 (the "Community Facilities District"); and,

WHEREAS, the Owners have further requested that the FR/CAL MV Property and the Adjacent Property be included in Improvement Area No. 1, the FILP Property be included in Improvement Area No. 2 and the FR/CAL IA Property be included in Improvement Area No. 3; and

WHEREAS, the boundaries of the proposed Community Facilities District and the proposed Improvement Areas are set forth in Exhibit A attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to such request of the Owners, City intends to initiate proceedings to consider the formation of the Community Facilities District and the designation of Improvement Areas therein, the authorization to levy special taxes within each Improvement Area and the authorization to issue bonds for each Improvement Area of the Community Facilities District to be secured by such special taxes; and

WHEREAS, Owners, in order to proceed in a timely way with the development of Owners' respective property (each, a "Development"), desires to construct or cause the construction of (a) certain public improvements that are, following the completion of the construction thereof in accordance with the applicable improvement agreements, to be acquired by the City and thereafter owned, operated and maintained by the City (the "Street Improvements"), (b) certain public improvements that are, following the completion of the construction thereof in accordance with the JCFA (defined below), to be acquired by the Riverside County Flood Control and Water Conservation District (the "Flood Control District") and thereafter owned, operated and maintained by the Flood Control District (the "Flood Control Facilities"), and (c) the undergrounding of certain utilities (the "Utility Improvements" and, together with the Street Improvements and the Flood Control Facilities, the "Improvements") to be owned, operated and maintained by Southern California Edison ("SCE")¹; and

WHEREAS, Exhibit B-1 sets forth a description of the Improvements and the Improvement Area to which the financing of such Improvement is allocated and Exhibit B-2 sets forth the estimated cost (the "Budgeted Cost") for the acquisition of each Improvement; and,

WHEREAS, each Owner desires to construct the Improvements for the Improvement Area within which such Owner's property is located, to wit:

A. FR/CAL MV desires to construct those Improvements identified in Exhibit B1 as the Improvement Area No. 1 Improvements;

B. FILP desires to construction those Improvements identified in Exhibit B1 as the Improvement Area No. 2 Improvements;

C. FR/CAL IA desires to construct those Improvements identified in Exhibit B1 as the Improvement Area No. 3 Improvements; and

WHEREAS, the acquisition of such Improvements is proposed to be financed, in whole or in part, through the Community Facilities District; and,

¹ The Owners acknowledge that while the Utility Improvements are to be owned by SCE, the Owners' Properties will be served by the City of Moreno Valley Electric Utility.

WHEREAS, pursuant to the Act, the City and the Owners have entered or will, prior to the formation of the Community Facilities District, enter into a joint community facilities agreement with the Flood Control District and the Owners regarding the construction and acquisition of the Flood Control Facilities (the "JCFA"); and,

WHEREAS, the Parties agree that the Flood Control Facilities will be constructed by the Owners, subsequently acquired by the Flood Control District upon completion thereon for ownership and maintenance and the purchase price for such Improvements paid from the proceeds of bonds issued for the Community Facilities District pursuant to the provisions of the JCFA and the applicable provisions of this Agreement; and,

WHEREAS, it is the intent of the Parties that, upon the formation of the Community Facilities District and the subsequent sale of bonds for an Improvement Area the proceeds of which bonds are authorized to be utilized to acquire a particular Improvement or Improvements, the Owner which has constructed such Improvement or Improvements or caused such Improvement or Improvements to be constructed shall be entitled pursuant to the provisions of this Agreement to be paid for those Street Improvements and Utility Improvements, if any, at the prices as determined by the City pursuant to this Agreement and such Owner shall further be entitled pursuant to the provisions of the JCFA to be paid for those Flood Control Facilities which such Owner has constructed to caused to be constructed at the prices as determined pursuant to the JCFA; and,

WHEREAS, if the Community Facilities District is formed and bonds for the Improvement Areas are issued, the City will be willing to finance the acquisition of the Improvements, subject to the requirements of the Act, the City of Moreno Valley Statement of Goals and Policies Regarding the Establishment of Community Facilities Districts adopted by the City Council by Resolution No. 2000-35 (the "Goals and Policies"), the JCFA, this Agreement, and the provisions of the Internal Revenue Code and the regulations adopted pursuant thereto applicable to the issuance of tax exempt bonds and the Owner desires that the acquisition of such Improvements be financed accordingly.

NOW, THEREFORE, IT IS MUTUALLY AGREED between the respective parties as follows:

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. Plans and Specifications of Improvements. All plans, specifications and bid documents for the Street Improvements and the Utility Improvements (the "Plans and Specifications") to be constructed by an Owner shall be prepared by such Owner at such Owner's initial expense, subject to approval by the City pursuant to the approval process established by the City for such Plans and Specifications or by SCE, as applicable. The costs of acquisition of such Improvements shall include costs incurred by such Owner for the preparation of and approval by the City of the Plans and Specifications and soil, drainage and such other reports as may be required by the City as a precondition to the City's approval of the construction of the Street Improvements (collectively, the "Reports") and all related documentation as set forth in Section 7 below. Upon the approval of any Plans and Specifications and/or Reports, such Plans and Specifications and/or Reports shall become the property of the City.

The Owner shall be required to submit review fees for such Plans and Specifications and Reports as required pursuant to the then effective resolution of the City establishing the fees for the review of such Plans and Specifications and Reports.

An Owner shall not award a contract for construction, commence construction or order or otherwise cause commencement of construction of a Street Improvement until the Plans and Specifications for such Improvement have been approved by the City.

SECTION 3. Construction of Street Improvements and Utility Improvements. Each Owner covenants and agrees that each Street Improvement to be acquired from such Owner pursuant to this Agreement shall be constructed:

- (a) in substantial compliance with the approved Plans and Specifications for such Improvement;
- (b) in a good, workmanlike and commercially reasonable manner with the standard of diligence and care normally employed by qualified persons utilizing commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken;
- (c) in strict compliance with all applicable governmental and quasi-governmental rules, regulations, laws, building codes and all applicable requirements of such Owner's insurers and lenders; and
- (d) in compliance with the requirements of Section 53313.5 of the California Government Code, if applicable, which statute requires that any Street Improvement to be acquired by the City which is completed after adoption of the resolution of formation of the Community Facilities District must be constructed as if such Improvement had been constructed under the direction and supervision, or under the authority, of the City.

In order to insure that the Street Improvements will be constructed as if they had been constructed under the direction and supervision, or under the authority of, the City, so that they may be acquired by City pursuant to Section 53313.5 of the California Government Code, each Owner shall comply with all of the following requirements with respect to the construction of the Street Improvements:

- (i) Each Owner shall obtain bids for the construction of the Street Improvements in conformance with the standard procedures and requirements of City with respect to its public works projects (excluding any exceptions to competitive bidding requirements), or in a manner which is approved in writing by the City prior to the solicitation of bids.
- (ii) Each contract or contracts for the construction of the Street Improvements shall be awarded to the responsible bidder(s) submitting the lowest responsive bid(s) for the construction of such Street Improvements. Nothing in this Section 3 shall

prohibit an Owner from including more than one Street Improvement in a single solicitation for bids. In the case where an Owner does include more than one Street Improvement in a single solicitation for bids, such Owner shall award the bid for the construction of such Improvements to the bidder submitting the lowest aggregate responsible bid for the construction of such Improvements. Before awarding a contract for construction of any portion of the Street Improvements, each Owner shall deliver all bids to the City Engineer of the City, or his designee (the "City Engineer") and shall not award the contract until City Engineer has determined and notified such Owner in writing that such bids are in compliance with the Plans and Specifications.

(iii) Each Owner shall require, and the specifications and bid and contract documents shall require all such contractors to pay prevailing wages and to otherwise comply with applicable provisions of the California Labor Code and the California Public Contract Code relating to public works projects of community services districts and as required by the procedures and standards of City with respect to the construction of its public works projects.

(iv) In addition to each Owner's obligation to comply with all other provisions of this Section 3, each such Owner shall also comply with the requirements of the attached, referenced and incorporated Exhibit C.

The failure of an Owner to comply with the provisions of this Section 3 in the construction of any Street Improvement shall be grounds for declaring such Street Improvement ineligible to be acquired pursuant to the provisions hereof.

The City hereby acknowledges and agrees that, at an Owner's election, the solicitation of bids may be managed and performed by such Owner's general contractor.

An Owner shall be required to construct Utility Improvements pursuant to the requirements of SCE.

The description of the Street Improvements and Utility Improvements in Exhibit B is preliminary and general in nature. The final nature and location of such Improvements will be determined upon the preparation of final Plans and Specifications. The description of such Improvements and their Budgeted Cost may be modified or Improvements substituted as long as the modified or substituted Improvements provide a service substantially similar to the Improvements currently described in Exhibit B. Any such modification or substitution shall be set forth in a supplement to Exhibit B approved by the City Engineer.

SECTION 4. Inspection of the Street Improvements and Utility Improvements; Eligibility for Payment of Purchase Price. The construction of the Street Improvements as set forth in Exhibit B shall be subject at all reasonable times to inspection by authorized representatives of the City. The Owner constructing or causing the construction of any Street Improvement or Street Improvements shall be required to submit inspection fees to the City as required pursuant to the then effective fee resolution of the City for the inspection of each such Street Improvement. Once an entire individual

Street Improvement is completed in accordance with the approved Plans and Specifications (including any change orders reasonably approved by the City), then such Improvement shall, upon satisfaction of the conditions precedent set forth herein, be eligible for payment of the Purchase Price (as defined in Section 7 below) for such Improvement.

Prior to payment of the Purchase Price for any Street Improvement, the Owner constructing or causing the construction of such Street Improvement shall provide to City Engineer, the documentation set forth in Section 7(b) below and obtain approval of as-built drawings in accordance with the process described below in this Section 4. The engineer of record for the Street Improvement ("Engineer of Record") shall notify the City Engineer of completion of construction of such Improvement. Within 20 working days of such filing, the field inspector of the City ("Field Inspector") or his or her designee shall issue and transmit to the Engineer of Record (i) a letter requesting as-built drawings and final soils reports (when applicable) ("Final Soils Reports") and (ii) a punch list of work necessary to be completed or corrections to work necessary to be completed before such Improvement will be eligible for payment of the Purchase Price. Within 20 working days of receipt of the Field Inspector's letter, the Engineer of Record shall prepare redline as-built drawings and submit them to the Field Inspector and such Owner shall complete the punch list items.

Within 10 working days of the Engineer of Record's submittal of the red lined as-built drawings, the Field Inspector shall review the redline as-built drawings and provide comments. The Engineer of Record shall revise the redline as-built drawings per the Field Inspector's comments and resubmit within 10 working days. The Field Inspector shall make his final review within 5 working days of the Engineer of Record's resubmittal and notify the Engineer of Record to prepare mylar as-built drawings and a digital (autocad and .pdf) copy of all Plans and Specifications and Reports and submit such documents in such formats to the City Engineer or his designee and notify such Owner of any punch list items which then remain to be completed. A Street Improvement shall be accepted upon completion of the punch list items and submittal to and approval by City of as-built drawings. City and such Owner shall make best efforts to perform within the time periods described above. The inability of City or such Owner to perform within each time period, notwithstanding its best efforts, shall not constitute a breach of this Agreement.

The construction of the Utility Improvements shall be subject to such inspection as SCE shall require. Upon receipt by the City Engineer of a letter from SCE stating that the construction of a Utility Improvement has been completed to the satisfaction of SCE and that SCE has accepted ownership of such Utility Improvement, the Owner constructing or causing the construction of such Utility Improvement may submit a written request pursuant to Section 7(b) for the payment of the Purchase Price for such Utility Improvement.

SECTION 5. Warranty of Street Improvements. Prior to acceptance by the City of any Street Improvement, the Owner constructing or causing the construction of such Street Improvement shall be responsible for maintaining such Improvement at such Owner's expense. Such Owner shall be obligated to the City and the Community Facilities District for a period of twelve (12) months after the acceptance by the City of any Street Improvement to repair or replace any defects or failures resulting from the work of such Owner, its contractors or agents. Upon the expiration of such twelve (12) month period, such Owner shall assign to the City and the Community Facilities District its rights in and to any warranties, guarantees or other evidence of contingent obligations of third persons with respect to such Improvement. As a precondition to the acceptance by the City of a

Street Improvement, such Owner shall post a maintenance bond in a form reasonably approved by the City, cause such a maintenance bond to be posted, or assign such Owner's rights under such a maintenance bond naming the City and the Community Facilities District as beneficiaries in an amount equal to ten percent (10%) of the Budgeted Cost of such Improvement in order to secure such Owner's obligations pursuant to this Section during the twelve (12) month maintenance period.

SECTION 6. Notice of Completion and Lien Releases. Upon completion (as such term is defined in California Civil Code Section 3086) of the construction of a Street Improvement, the Owner constructing or causing the construction of such Improvement shall notify the City Engineer in writing of such completion and shall prepare and execute a Notice of Completion for such Improvement in the form prescribed by Section 3093 of the California Civil Code and shall record such notice in the Official Records of the County of Riverside. Such Owner shall cause its contractors to provide unconditional lien releases for such Improvement in accordance with Section 3262 of the Civil Code.

SECTION 7. Payment of Purchase Price; Processing Payment Requests.

(a) Amount of Purchase Price of an Improvement and Processing of Payment Requests. The Purchase Price for a Street Improvement or a Utility Improvement to be constructed by an Owner and acquired by the City or SCE, as applicable, shall be determined as provided for in this Section 7. The amount of the Purchase Price for a Flood Control Facility shall be determined pursuant to the JCFA.

The processing of a payment request for the payment of the Purchase Price for a Street Improvement or a Utility Improvement shall be undertaken as provided for in this Section 7. The processing of a payment request for the payment of the Purchase Price for a Flood Control Facility shall be determined pursuant to the JCFA.

(b) Determining the Amount of the Purchase Price for a Street Improvement or a Utility Improvement. The Purchase Price for a Street Improvement or a Utility Improvement shall (i) equal the lesser of the cost or the value thereof, (ii) include the lesser of the cost or value of eligible appurtenant public facilities, (iii) include the costs of the title insurance policy, if any, described in Section 10(a), and (iv) include all other costs of construction and incidental costs eligible under the Act and the Goals and Policies as a part of the cost of such Improvements, including the following:

(1) Usual and customary design, planning and engineering costs including civil engineering, soils engineering, landscape architecture, survey and construction staking, utility engineering and coordination, construction administration and supervision, plan check and inspection fees. Planning to be included in the Purchase Price of an Improvement shall be limited to those planning costs which are directly related to the planning for such Improvement. Costs incurred by an Owner related to the formation of the Community Facilities District ("Owner's CFD Formation Costs") shall not be included in the Purchase Price of any Improvement.

(2) Costs of acquisition of rights-of-way and/or easements necessary for any Improvement which are not otherwise required to be dedicated to the City including the following:

(A). Costs of any appraisal undertaken by an appraiser retained by the City for the purpose of valuing such property interests;

(B) Costs of title insurance for such property interests;

(C). Costs of preparing acquisition plats;

(D). The appraised value or actual cost of right-of-way or easements, whichever is less; and

(E). Legal fees and costs related to eminent domain proceedings approved by the City Attorney and the City Engineer.

(3) Costs of environmental review, permitting, mitigation directly related to the Improvement, and that portion of the cost of the preparation of environmental documents, including without limitation, a Negative Declaration or an Environmental Impact Report directly related to the Improvement.

(4) An amount not to exceed to 11.0% of the hard construction cost and the hard cost contingency (including insurance and general conditions) but excluding all other incidental costs, including but not limited to, the costs set forth in subparagraphs (1), (2) and (3) of the Improvement, representing the developer/project management fee, construction management fee and general conditions fee. Such fees are described in Exhibit E attached hereto and incorporated herein by this reference (the "Fee Letter").

(5) Costs of construction, provided in no event shall the cost or value of the construction of the Improvement be deemed to exceed the construction contract prices set forth in the contracts and change orders approved by City.

The value of an Improvement shall be equal to the cost of construction of such Improvement determined pursuant to this subsection (b), less such portion of such cost of construction which the City Engineer has, in his or her reasonable professional opinion, determined would not have been incurred had such Improvement been constructed pursuant to a public works contract awarded by the City. Each Owner agrees to cooperate with the City Engineer in the determination of the value of an Improvement constructed or caused to be constructed by such Owner and in conjunction therewith shall, at the request of the City Engineer, provide the City Engineer with copies of contracts for construction of improvements to such Owner's Properties which are adjacent to or nearby such Improvement. As a non-inclusive example, if an Owner pays overtime to complete the construction of Street Improvements to provide access to a parcel by a date certain as required by such Owner's lease obligations to a tenant occupying such parcel, the cost of such overtime will be deducted from the overall cost of construction of such Improvement to determine the value of such Improvement.

Notwithstanding the foregoing, the aggregate Purchase Price of the Utility Improvements to be financed from the proceeds of a series of Bonds issued for an Improvement Area may not exceed an amount equal to five percent (5%) of the proceeds of such series of Bonds used to acquire Street Improvements and Flood Control Facilities or such lesser amount as may be necessary to insure that such expenditure does not, in the opinion of bond counsel retained by the City, adversely affect the exclusion from gross income of interest on such series of Bonds for federal income tax purposes.

(c) Processing a Request for Payment of the Purchase Price for a Street Improvement or a Utility Improvement.

(1) Requisition for Payment of Purchase Price. The Owner who constructed or caused the construction of a Street Improvement or a Utility Improvement may submit only one (1) written request to person or entity acting as the construction auditor for and on behalf of the City (the "Construction Auditor"), for the payment of the Purchase Price for such Improvement in the form attached hereto as Exhibit D, which is incorporated herein by this reference, upon the submission to the Construction Auditor of (A) a copy of each construction contract for such Improvement, a copy of the bid notice for such contract and a copy of each bid received, (B) each change order applicable to such Improvement, (C) each invoice submitted pursuant to each such contract pertaining to such Improvement, (D) evidence of payment of each such invoice such as copies of cancelled checks or other evidence of payment satisfactory to the Construction Auditor, (E) as-built drawings or other equivalent plans and specifications for any such Street Improvement in a form reasonably acceptable to the City, (F) evidence that such Owner has posted a maintenance bond for any such Street Improvement as required by Section 5 hereinabove, (G) evidence of the satisfaction of the requirements of Section 10 hereinbelow directly related to any such Street Improvement and (H) written unconditional lien releases from all contractors, subcontractors and materialmen satisfactory to the City Attorney for such Improvement. In the event that such Owner has awarded a single contract for the construction of more than one Street Improvement or Utility Improvement, such Owner must provide a copy of such contract, the bid notice and the bids received only with first written request for payment of the Purchase Price for an Improvement constructed pursuant to such contract. For all subsequent requests for payment of the Purchase Price for an Improvement constructed pursuant to such contract, such Owner may refer to the original request for payment for which the construction contract, bid notice and bids were submitted in lieu of submitting additional copies of such documents.

(2) Review of Payment Request. The Construction Auditor shall review each payment request within thirty (30) working days after receipt thereof (the "Initial Review Period") and notify the City Engineer and the Special Districts Division Manager and such Owner of the results of such review. Upon the completion of such review, the Construction Auditor shall either recommend approval of the payment request as submitted or, if the Construction Auditor finds that any such payment request is incomplete, improper or otherwise not suitable for approval, the Construction Auditor shall inform such Owner, the City Engineer and the Special Districts Division Manager of the reasons for such finding. Such Owner shall have the right to respond to this finding by submitting further documentation to the

Construction Auditor to supplement a payment request and/or to resubmit the payment request within thirty (30) days after receipt of the denial. The Construction Auditor shall review any supplemental documentation submitted in support of a payment request and inform such Owner, the City Engineer and the Special Districts Division Manager of its recommendation for the approval or denial of the payment request as so supplemented in accordance with this Section within ten (10) working days after receipt of the supplemental documentation.

If an Owner elects to resubmit a payment request in place of an original payment request that the Construction Auditor has found to be incomplete, improper or otherwise not suitable for approval in lieu of submitting supplemental information pertaining to the original payment request, the resubmitted payment request shall be subject to the same review procedures applicable to an original payment request.

Costs incurred under a contract for the construction of a Street Improvement entered into pursuant to the requirements of this Agreement and pursuant to change orders approved by the City shall be deemed to be reasonable.

The City Engineer shall review the recommendation of the Construction Auditor for the payment of any payment request and shall approve or deny such payment request within fifteen (15) business days of the date of the receipt thereof. The City Engineer shall notify the Owner and the Special Districts Division Manager in writing of his or her decision and, if the City Engineer denies such payment request, the reasons for such denial. Such Owner shall have the right to respond to the denial by submitting further documentation to the City Engineer to supplement such payment request within thirty (30) days after receipt of the denial. The City Engineer shall review such further documentation and shall approve the payment request or affirm his or her denial thereof within ten (15) business day of the date of receipt of such further documentation. The City Engineer shall notify the Owner and the Special Districts Division Manager in writing of his or her decision which shall be final and conclusive.

After (A) the formation of the Community Facilities District, the designation of the Improvement Areas therein and the approval of the authorization to levy special taxes within such Improvement Areas and to issue bonds of the Community Facilities District for each Improvement Area secured by such special taxes, (B) the issuance of Bonds (defined in Section 20 below) for one or more of the Improvement Areas pursuant to Section 20 the proceeds of which are intended to be used to acquire a particular Street Improvement or a Utility Improvement for which a payment request has been received, (C) recommendation by the Construction Auditor of the approval of the payment request and (D) approval of such payment request by the City Engineer, the Special Districts Division Manager shall promptly notify the Director of Finance of the approval of the payment request and request that such payment be made to the appropriate payee. The Director of Finance shall process any such request of the Special Districts Division Manager pursuant to the applicable procedures of the Finance Department and shall make or authorize such payment pursuant to such procedures and subsection (3) below.

(3) Payment.

- (A) Priority of Payment of Cost of Purchase Price for Street Improvements or Utility Improvements. The City and the Owners acknowledge and agree that the cost of acquisition of all Improvements may exceed the aggregate amount of the Bond proceeds which will be available for the payment of that portion of the Purchase Price, as applicable, for all of such Improvements eligible to be paid from the proceeds of the Bonds. As a result, the proceeds of any series of Bonds to be eligible to used to pay the Purchase Price for Flood Control Facilities shall be deposited in a separate account to be designated the Flood Control Facilities Account as a first priority. In the event that funds deposited in the Flood Control Facilities Account for any Improvement Area are not sufficient to fully fund the Purchase Price of the Flood Control Facilities for such Improvement Area, the Owner who caused the construction of such Flood Control Facilities may submit a request to the City to have funds set aside for the Purchase Price of Street Improvements for that Improvement Area be transferred to the Flood Control Facilities Account to make up such deficit. In the event that any funds are transferred pursuant to the preceding sentence, the Owner responsible for the construction of the subject Street Improvements shall not be relieved of such Owner's obligation to construct such Street Improvements at such Owner's expense. The City and the Owners agree that the payment of the Purchase Price for Street Improvements or Utility Improvements from the proceeds of the Bonds issued for each Improvement Area shall be prioritized as follows:

Improvement Area No. 1:

Priority 1: Payment to the City and FR/CA MV for reimbursement of the proportionate share of costs incurred by the City and FR/CAL MV in connection with the formation of the Community Facilities District allocated to Improvement Area No. 1.

Priority 2: Payment to Owner of the Purchase Price for the Improvement Area No. 1 Street Improvements (as further described in Exhibit B-1).

Improvement Area No. 2:

Priority 1: Payment to the City and FILP for reimbursement of the proportionate share of costs incurred by the City and FILP in connection with the formation of the Community Facilities District allocated to Improvement Area No. 2.

Priority 2: Payment to Owner of the Purchase Price for the Improvement Area No. 2 Street Improvements (as further described in Exhibit B-1).

Improvement Area No. 3:

Priority 1: Payment to the City and FR/CAL IA for reimbursement of the proportionate share of costs incurred by the City and FR/CAL IA in connection with the formation of the Community Facilities District allocated to Improvement Area No. 3.

Priority 2: Payment to Owner of the Purchase Price for the Improvement Area No. 3 Street Improvements (as further described in Exhibit B-1) in the order set forth in Exhibit B-1.

Priority 3: Payment to Owner of the Purchase Price for the Improvement Area No. 3 Utility Improvements (as identified in Exhibit B-1).

The Purchase Price for any lower priority Street Improvement or Utility Improvement allocated to an Improvement Area shall not be paid unless the Purchase Price for all higher priority Street Improvements and Utility Improvements allocated to such Improvement Area has been paid or the City Engineer has reasonably determined that sufficient proceeds of the Bonds issued for such Improvement Area are available to fully fund the cost of construction or the Purchase Price of such higher priority Improvements, e.g., such funds have been deposited in a separate account or sub-account and the use of such funds has been restricted to funding the cost of construction or the Purchase Price of such higher priority Improvements, based upon the estimates of the cost of construction or the approved Purchase Prices, as applicable, for such higher priority Improvements on Exhibit B. Notwithstanding the foregoing, the payment of the Purchase Price for any Utility Improvement shall be made only after the payment has been made of the Purchase Price for all Street Improvements and Flood Control Facilities to be financed from the proceeds of the same series of Bonds.

- (B) Timing of the Payment of the Purchase Price for an Improvement. Subject to the limitations contained in subsection (b) and (1), (2) and (3) of this subsection (c), the Purchase Price for each Improvement shall be paid to the Owner constructing or causing the construction of such Improvement within thirty (30) days after the date of the City Engineer's approval of the payment request for any such Improvement; provided, however, the Purchase Price for any Improvement shall not be paid earlier than thirty-five (35) days after the recording of a Notice of Completion for such Improvement.
- (C) Source of Payment. The Purchase Price for an Improvement shall be payable to the Owner solely from those proceeds ("Eligible Improvement Proceeds") of the sale of a series of the Bonds issued for an Improvement Area as provided in Section 17 hereof authorized and designated for the payment for such Improvement, after the proportionate costs of formation of the Community Facilities District allocated to the applicable Improvement Area and all costs of issuance of such Bonds have been paid and deposits of

accrued and capitalized interest to the redemption fund and the initial deposit to the reserve fund have been made.

- (D) Withholding of Payment. In addition to the foregoing, the City shall have the right to withhold payment of the Purchase Price of any Improvement if (a) the Owner constructing or causing the construction of such Improvement is delinquent in the payment of any assessment installments or special taxes levied by the City, the Community Facilities District or any other community facilities district established by the City on properties then owned by such Owner within the Community Facilities District, or (b) the City Engineer reasonably determines that such Owner is not then in substantial compliance with all applicable conditions and obligations imposed upon such Owner hereunder or upon such Owner's Development pursuant to the land use entitlements approved by the City for such Development, including but not limited to, payment of all applicable fees, dedication of all applicable rights-of-way or other property and construction of all applicable public improvements. The City Engineer shall provide written notice to such Owner of the decision to withhold any such payment and shall specify the reason for such decision. If the payment is withheld as a result of the delinquency in the payment of assessment installments or special taxes, the notice shall identify the delinquent parcels and the amount of such delinquency. If the payment is withheld as a result of substantial non-compliance with a condition or obligation, the notice shall specify such condition or obligation and what action will be necessary by such Owner to substantially comply with such condition or obligation. Upon receipt by the City Engineer of evidence reasonably satisfactory to the City Engineer of the payment of the delinquent special taxes or assessments or upon the determination by the City Engineer that such Owner has substantially complied with the subject condition or obligation, the City shall forthwith make any payment which has been withheld pursuant to the provisions of this paragraph.

SECTION 8. Construction Manager. An Owner may employ the services of a consultant to provide construction management services for and on behalf of such Owner provided that such services are provided in accordance with the terms and construction of this Agreement. Such services shall include, but not be limited to the solicitation, award and administration of contracts for the construction of each Improvement. In the event an Owner procures the services of a Construction Manager, for the purposes of Section 3, Section 4, Section 6, Section 7, Section 9(a), Section 10(b), Section 10, Section 13, Section 16, Exhibit C and Exhibit D of this, the term "Owner" shall also mean and include the term "Construction Manager."

SECTION 9. Accounting.

- (a) Owners' Records. The authorized representatives of City shall have the right, upon two (2) working days prior written notice to an Owner and during normal business hours, to review all books

and records of such Owner pertaining to costs and expenses incurred by such Owner in construction of any Improvements.

(b) Community Facilities District Records. City shall provide each Owner with an accounting of the funds and accounts of the applicable Improvement Area of the Community Facilities District as of December 31 and June 30 of each calendar year by January 31 and July 31, respectively, which shall describe the current balances, activity in each fund and account for the preceding six-month period and investment earnings on all funds and accounts, collectively and individually. Costs incurred by the City in providing such accounting shall be considered an administrative expense of the Community Facilities District to be funded or reimbursed through the annual levy of special taxes.

SECTION 10. Ownership and Transfer of Improvements. The conveyance of the Improvements by an Owner to City shall be in accordance with the following procedures:

(a) Improvements Constructed on Land not Owned by the City. As a condition to the payment of the Purchase Price for any Improvement, the Owner constructing or causing the construction of such Improvement shall cause an irrevocable offer of dedication to be made to the City or an outright grant of a fee interest or easement interest as appropriate, in the sole discretion of the City of the appropriate right, title and interest in and to the portion of the applicable property related to the applicable Improvement, including any temporary construction or access easements. Such Owner shall cause the execution and delivery to the City of the documents required to complete the transfer of Acceptable Title to such portion of the applicable property. For purposes of this Agreement, the term "Acceptable Title" shall mean title to the portion of the property to be conveyed free and clear of all taxes, liens, encumbrances, assessments, easements, leases, whether any such item is recorded or unrecorded, except those non-monetary encumbrances and easements which are reasonably determined by the City not to interfere with the intended use of the portion of the property. As a further condition to the payment of the Purchase Price for any Improvement, such Owner at its sole cost and expense, subject to reimbursement pursuant to Section 7, shall cause to be issued a policy of title insurance for such portion of the property in an amount not to exceed the Purchase Price and in the form normally required by the City in connection with the dedication of land for subdivision improvements and containing such title endorsements as may be reasonably requested by the City.

(b) Improvements Constructed on Land Owned by the City. If an Owner is authorized to construct an Improvement on land owned in fee by the City or on land over which the City owns an easement which would permit the construction, operation and maintenance of such Improvement such Owner shall obtain the necessary encroachment permits or other authorization required by the City to enter such land for purposes of constructing such Improvement.

SECTION 11. Improvement Bonds. Except as provided in the paragraph below, an Owner shall be required to post bonds or other security acceptable to the City to guarantee completion of the Improvements to be constructed by such Owner in accordance with City's standard requirements for such bonds or securities.

Performance and labor and material bonds in the amounts set forth in Exhibit C for specific Improvements shall not be required or may be released if (1) such Improvements constitute a portion of the improvements required to be constructed as a condition of approval of the subdivision and/or development within the applicable Improvement Area, (2) Bond proceeds equal to 150% of the estimated cost to construct or acquire such Improvements are available and set aside for such purpose, and (3) the Improvements are to be constructed or acquired entirely with the proceeds of the Bonds. Provided that conditions (1) and (2) are satisfied, if an Improvement is to be constructed or acquired only in part with the proceeds of the Bonds, performance and labor and material bonds shall not be required for that portion of the Improvements to be so constructed or acquired except with respect to the portion that will not be acquired or constructed with Bond proceeds. In the event that the Bond proceeds that are available and may be set aside to fund the cost to construct or acquire an Improvement are less than 150% of the estimated cost thereof, the Owner constructing or causing the construction of such Improvement shall be required to provide a performance and labor and material bond or other security satisfactory to the City Engineer and the City Attorney in the amount of such deficiency. City will cooperate with such Owner in the termination or exoneration of any performance and labor and material bonds assuring completion of Improvements for which Bonds have been sold. The City Engineer shall be the sole judge of determining release of such bonds.

SECTION 12. Flood Control Facilities. Except as otherwise provided for herein, the terms and conditions related to the construction and acquisition of the Flood Control Improvements, including but not limited to, the design, bidding, contract award, construction, inspection, acceptance, acquisition, warranty, indemnification and liability shall be governed by the JCFA.

SECTION 13. Reimbursement for Utility Improvements. If any portion of the cost of any Utility Improvement is required to be refunded by SCE pursuant to the California Public Utilities Code or rules of the Public Utilities Commission, such refund shall be made to the Community Facilities District and such refund shall be utilized, first, to finance the acquisition of any other Improvements authorized to be financed from the proceeds of the Bonds issued for the Improvement Area, which proceeds were utilized to pay the Purchase Price for such Utility Improvement, and, second, to the extent that the acquisition of all such other Improvements has been completed, to reduce the special tax levied within the applicable Improvement Area, or to call Bonds.

SECTION 14. Indemnification by the Owners. Each Owner shall defend, indemnify and hold harmless the City, the Community Facilities District, the Moreno Valley Community Services District and the Community Redevelopment Agency of the City of Moreno Valley (collectively, the "Indemnified Agencies") and their respective officers, directors, employees and agents, from and against any and all claims, losses, liabilities, damages, including court costs and reasonable attorneys, fees by reason of, or resulting from, or arising out of out of the obligations or operations undertaken by such Owner hereunder and out of such Owner's performance of its duties and responsibilities with hereunder, including but not limited to, the design, engineering, solicitation of bids and the award of contracts for the construction of any Improvement and construction of the Improvements constructed or to be constructed by such Owner; provided that any claims which relate to any such Improvement shall be limited to those arising out of personal injury or property damage caused by actions or omissions by such Owner or such Owner's employees, agents, independent contractors or representatives which occurred during the period prior to the transfer of

title to such Improvement, whether or not a claim is filed prior to the date of acceptance of such Improvement. Each Owner will conduct any such defense at its sole cost and expense, and the City shall approve selection of Owner's legal counsel, which approval shall not be unreasonably withheld. In the event that Owner's insurer has undertaken the defense of any insured claim, then legal counsel selected and/or approved by such insurer shall be deemed acceptable to and approved by the City.

This indemnity shall apply to all claims and liability regardless of whether any insurance policies may be applicable pursuant to any other agreement that an Owner may have with the City. Such policy limits do not act as a limitation upon the amount of indemnification to be provided by Owner hereunder; provided, however, that in the event that Owner's insurer promptly undertakes and diligently pursues the defense and/or resolution of such claims which would result in any indemnity or hold harmless obligations of the Owner pursuant to the foregoing, then so long as such insurer is diligently pursuing such defense and/or resolution, Owner's obligations under this Section 14 shall be tolled.

Nothing in this Section 14 shall limit in any manner the rights of the Indemnified Agencies or any one or more of the them against any of the architects, engineers, contractors or other consultants employed by such Owner which has performed work in connection with construction or financing of any Improvement.

Except as set forth in this Section 14, no provision of this Agreement shall in any way limit the extent of the responsibility of any Owner for payment of damages resulting from the operations of such Owner, its agents, employees or contractors.

SECTION 15. Obligation of City. Except as otherwise provided for herein, neither the City nor the Community Facilities District has a legal or financial obligation to construct or to finance construction of the Improvements. All costs incurred for actual construction of an Improvement, including all incidentals thereto, shall be borne by the Owner constructing or causing the construction of such Improvement. The obligations of the City are limited to the acquisition of the Improvements pursuant to the provisions of this Agreement.

SECTION 16. Failure to Construct Street Improvements. If, at any time following commencement of the construction of any Street Improvements by an Owner, the City determines that such construction is not progressing within a reasonable time in accordance with the conditions of approval of such Owner's Development imposed by the City in granting the land use entitlements applicable to such Development (collectively, the "Conditions of Approval") or such Owner fails to demonstrate a continuing ability to complete the construction of such Street Improvement in accordance with the Conditions of Approval, the City may give written notice of such failure of performance to such Owner. Such Owner shall have sixty (60) days from the date of receipt of such notice to either (i) cure such failure of performance by demonstrating to the satisfaction of the City during such cure period reasonable progress in the construction of the Street Improvement and a continuing ability to complete the construction of such Improvement in accordance with the Conditions of Approval or (ii) reasonably demonstrate that such failure of performance is due to circumstances or conditions beyond such Owner's reasonable control ("Force Majeure") including, without limitation, the City's actions, omissions or inaction which result in a delay of performance by such Owner, labor disputes, Acts of God, war, riots, insurrections, civil commotions,

moratoriums, inability to obtain labor or materials or reasonable substitutes for either, fire, unusual delay in transportation, and adverse weather conditions. Should such Owner fail to reasonably demonstrate such reasonable progress or such continuing ability to complete the construction of such Improvement or Force Majeure, the obligation of the City to pay the Purchase Price for the acquisition of such Improvement pursuant to this agreement may be terminated by the City by providing ten (10) days written notice to such Owner. Upon termination, the City may in its sole discretion then proceed to advertise and bid the balance of the construction of such Improvement, and there will be no further obligation on the part of the City for payment of the Purchase Price for such Improvement due to such Owner pursuant to this Agreement. The City may utilize the Bond proceeds to pay for the construction of such Improvement. If, following the completion of the construction of such Improvement pursuant to a contract awarded by the City, there are surplus Bond proceeds that are eligible and authorized to be used to finance the acquisition of such Improvement, such Owner shall be entitled to payment to the extent of such funds of an amount equal to the costs, as determined by the City Engineer, incurred by such Owner prior to such termination for the construction of such Improvement.

In the event that the City chooses not to advertise and bid the balance of the construction of any such Improvement following such a termination, any monies remaining in the improvement fund for the Community Facilities District and set aside for the acquisition of such Improvement shall be transferred to the special tax fund established pursuant to the Fiscal Agent Agreement for the Bonds and used, at the discretion of the City, to pay debt service on or to call outstanding Bonds.

SECTION 17. Agreement Contingent. This Agreement is contingent upon the initiation of proceedings to consider the formation of the Community Facilities District, the subsequent formation of the Community Facilities District and the designation of Improvement Areas therein and the authorization by the qualified electors of each Improvement Area of the Community Facilities District to levy special taxes within such Improvement Area and incur bonded indebtedness for such Improvement Area and the successful sale of Bonds for each Improvement Area and it shall be null and void as to any Improvement Area if the Bonds for such Improvement Area are not sold within a three (3) year period following the date of completion of the construction of the Improvements allocated to such Improvement Area, or any mutually agreed extension.

The City may, at its option, suspend the performance of its obligations under this Agreement if, during the 30-day statute of limitations period following the formation of the Community Facilities District, any legal challenge is filed relating to the validity or enforceability of this Agreement, the Community Facilities District proceedings or the issuance of the Bonds. The obligations of the City hereunder shall be reinstated upon the entry of a final judgment in any such proceedings upholding the validity and enforceability of the Agreement, the Community Facilities District proceedings or the issuance of the Bonds. In the event that a final judgment is entered invalidating or declaring unenforceable this Agreement, the Community Facilities District proceedings or the issuance of the Bonds, the City may, at its option, terminate this Agreement provided, however, that in such instance, the City shall use reasonable efforts to assist Owner in re-initiating the Community Facility District formation proceeding in a manner that is legal. If the City elects to terminate this Agreement pursuant to the preceding sentence, the obligations of the parties hereunder shall be terminated except for the City's obligation to assist the Owners as set forth in the immediately preceding sentence. The termination of an Owner's obligations hereunder shall not,

however, relieve such Owner of any obligations with respect to the construction of the Improvements which such Owner has under any other agreement with the City, the Flood Control District or SCE or any condition of approval of any land use entitlement for such Owner's Development.

SECTION 18. Notice of Special Tax. Each Owner, or the successor or assigns of such Owner, shall provide written notice to all potential purchasers or lessees, if the special taxes are to be passed through to such lessees, of lots or portions thereof in the form prescribed by California Government Code Section 53341.5 advising the potential owner or lessee, as applicable, of the fact of the proposed or confirmed Community Facilities District, with such document being executed by the potential purchaser or lessee, as applicable. Such notice shall be provided to the potential purchaser or lessee, as applicable, before the potential purchaser becomes contractually committed to purchase the lot or the lessee enters into the lease of the lot so that the potential purchaser or lessee, as applicable, may knowingly consider the impact of the special tax in the decision to purchase or lease the lot. A copy of all such notices executed by actual purchasers or lessees shall be sent to the City Engineer.

SECTION 19. Relationship to Public Works. This Agreement is for the acquisition of the Improvements by City, the Flood Control District or SCE and the sale of the Bonds for the payment of construction and acquisition costs for the Improvements and such other amounts as are herein provided, and is not intended to be a public works contract.

In performing its obligations under this Agreement, each Owner is an independent contractor and not the agent of City. City shall have no responsibility for payment to any contractor or supplier of such Owner. Notwithstanding the foregoing, an Owner may be subject to certain public contract requirements as provided in Section 3 of this Agreement.

SECTION 20. Sale of Bonds. The City shall initiate proceedings to issue and sell bonds secured by the levy of special taxes within each Improvement Area of the Community Facilities District (the "Bonds") to be issued pursuant to the Act only upon (i) the formation of the Community Facilities District and the designation of the Improvement Areas therein, (ii) the authorization by the qualified electors within each of the Improvement Areas to levy special taxes within such Improvement Areas and to issue the Bonds for each Improvement Area, and (iii) the receipt of a written request from the Owner(s) of the property within an Improvement Area that the City initiate proceedings to issue and sell such Bonds. It is anticipated that a separate series of Bonds may be sold for each Improvement Area at different times to finance the cost of the Improvements allocated to such Improvement Area or, alternatively, a single series of Bonds may be sold for combined Improvement Areas. The Bonds for an Improvement Area shall be sized so that as of the date of issuance of the Bonds the aggregate appraised value of all taxable properties within the Improvement Area for which the Bonds are being issued shall comply with the value-to-lien standards set forth in the Goals and Policies, as such Goals and Policies may have been amended as of the date of value of the appraisal of the taxable properties within the applicable Improvement Area. The appraised value of taxable property for purposes of this paragraph shall be determined by an independent appraisal undertaken for the City utilizing appraisal assumptions approved by the City.

The proceeds of the Bonds issued for any Improvement Area shall be used in the following priority to (i) fund a reserve fund for the payment of principal and interest with respect to such Bonds; (ii) fund capitalized interest on such Bonds for a period not to exceed eighteen (18) months; (iii) pay for costs of issuance of such Bonds including, without limitation, underwriter's discount, bond counsel fees and expenses, disclosure counsel fees and expenses, financial advisor fees and expenses, printing, and paying agent fees and expenses; (iv) pay for the proportionate share of the costs of forming the Community Facilities District allocated to such Improvement Area, including reimbursement of advances of funds to the City by an Owner and such Owner's legal, engineering and financial consulting expenses incurred relating to the formation of the Community Facilities District and issuance of the Bonds; and (v) pay the proportionate share of the costs allocated to such Improvement Area of the acquisition of the Improvements pursuant to the provisions of this Agreement or the JCFA, as applicable.

Subject to the satisfaction of the conditions precedent, including without limitation, the receipt of a written request from an Owner, as delineated in the first paragraph of this Section 20, the timing of the issuance and sale of the Bonds for an Improvement Area, the terms and conditions upon which such Bonds shall be issued and sold, the method of sale of such Bonds and the pricing thereof shall be determined solely by the City and shall conform to the Goals and Policies and this Agreement. The sale of the Bonds for an Improvement Area shall be subject to receipt by the City of a competitively bid or negotiated bond purchase agreement which is acceptable to the City. The sale of the Bonds for an Improvement Area shall also be conditional upon the preparation of an official statement that is, in the sole judgment of the City, "deemed final" as such term is used in Rule 15c2-12 of the Securities and Exchange Commission (the "Rule").

In addition to the foregoing, the principal amount of the Bonds to be issued for an Improvement Area shall be determined taking into consideration (a) the Bond authorization for such Improvement Area, (b) the budgeted construction cost for the Improvements to be financed, and (c) assuring that the maximum projected annual special tax revenues securing the Bonds equals at least (i) 110% of the projected annual gross debt service on all of the outstanding Bonds plus (ii) Administrative Expenses (as such term is defined in the rate and method of apportionment of special taxes authorized to be levied within the Improvement Area).

Owner, on behalf of itself, any affiliates of Owner and any successor or assign of Owner, agrees (a) to provide all information regarding the development of its property within the applicable Improvement Area of the Community Facilities District, including the financing plan for such development, which are necessary to ensure that the official statement for such Bonds complies with the requirements of the Rule and all other applicable federal and state securities laws; (b) to enter into a continuing disclosure agreement to provide such continuing disclosure pertaining to the applicable Improvement Area, the development thereof and such Owner as necessary to ensure ongoing compliance with the continuing disclosure requirements of the Rule and (c) to cause its counsel to provide an opinion of such counsel in a form satisfactory to the underwriter of such series of the Bonds and underwriter's counsel or disclosure counsel, as applicable. Owner acknowledges and understands that that the City may require the same commitments from other owners of property located within one or more of the Improvement Areas and the willingness and ability of any such owner to timely fulfill such commitments may affect the timing of the issuance of Bonds for the applicable Improvement Area or Improvement Areas.

SECTION 21. Annexation to Community Facilities Agreement. City and Owners acknowledge that the Community Facilities District is intended to be structured so that when and if it is established, properties located outside the original boundaries of the Community Facilities District that will, upon the development thereof, contribute runoff to the Flood Control Facilities or will be protected from flooding by the Flood Control Facilities may be annexed to the Community Facilities District and an Improvement Area within the Community Facilities District (the "Tributary Parcels"). The Tributary Parcels and the Improvement Areas into which such parcels may be annexed are shown on Exhibit F attached hereto and incorporated herein by this reference. Reference is made to Section 3.6 of the JCFA for a more detailed description of the annexation process, which Section 3.6 is hereby incorporated herein by this reference.

SECTION 22. Conflict with Other Agreements. Except as specifically provided herein, nothing contained herein shall be construed as releasing an Owner from any Condition of Approval applicable to such Owner's Development or requirement imposed by any other agreement with City. In the event of a conflicting provision, such other agreement shall prevail unless such conflicting provision is specifically waived or modified in writing by City and an Owner.

SECTION 23. General Standard of Reasonableness. Any provision of this Agreement which requires the consent, approval, discretion or acceptance of any party hereto or any of their respective employees, officers or agents shall be deemed to require that such consent, approval or acceptance not be unreasonably withheld or delayed, unless such provision expressly incorporates a different standard.

SECTION 24. Entire Agreement; Amendment. This Agreement and the agreements expressly referred to herein contains all of the agreements of the parties hereto with respect to the matters contained herein and no prior or contemporaneous agreement or understandings, oral or written, pertaining to any such matters shall be effective for any purpose. No provision of this Agreement may be modified, waiver, amended or added to except by a writing signed by the party against which the enforcement of such modification, waiver, amendment or addition is or may be sought.

SECTION 25. Notices. Any notice, payment or instrument required or permitted by this Agreement to be given or delivered to another party shall be deemed to have been received when personally delivered or seventy-two (72) hours following deposit of the same in any United States Post Office in California, registered or certified, postage prepaid, addressed as follows:

If to the City: City of Moreno Valley
Public Works Department, Special Districts Division
14325 Frederick Street, Suite 9
Moreno Valley, CA 92552-0805
Attention: Special Districts Division Manager

With a copy to: City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: City Attorney

Best Best & Krieger LLP
655 West Broadway, 15th Floor
San Diego, CA 92101
Attention: Warren Diven

If to the Owners: c/o First Industrial Realty Trust, Inc.
114 Pacifica Court, Suite 220
Irvine, CA 92618
Attention: Phil Bowman

With a copy to: Barack Ferrazzano Kirschbaum Perlman & Nagelberg LLP
333 West Wacker Drive, Suite 2700
Chicago, IL 60606
Attention: Brett A. Feinberg

Each party may change its address for delivery of notice by delivering written notice of such change of address to the other parties.

SECTION 25. Severability. If any provision of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

SECTION 26. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. An Owner may not assign its rights or obligations hereunder except upon written notice to City within ten (10) days of the date of such assignment indicating the name and address of the assignee. A decision by the City on acceptance of an assignment shall be made within ten (10) business days from the date of receipt by the City of Owner's written notice of assignment; provided, however, if the City shall provide written notice to the Owner within such initial response period that (a) the City Council will not be meeting in regular session during such initial response period or (b) the City Council will be meeting in regular session during such initial response period but there is not sufficient time to agendize the acceptance of the assignment for such City Council meeting, such response period shall automatically be extended to the tenth business day following the date of the first regularly scheduled City Council meeting following the expiration of the initial response period for which the acceptance of the assignment may be timely agendized. An Owner shall not be released from its duties or obligations hereunder without written notice from the City accepting the assignment of the Owner's obligations hereunder. Upon such notice and acceptance by the City of assignment of the duties and obligations of such Owner arising under or from this Agreement, such Owner shall be released by City from all future duties or obligations rising under or from this Agreement. Notwithstanding the preceding sentence, an Owner may assign its rights and obligations hereunder as security to lenders for the purpose of

obtaining loans to finance development within the Community Facilities District, but no such assignment shall release such Owner from its obligations hereunder to City.

SECTION 27. Governing Law. This Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of California. Additionally, this Agreement and the construction of the Improvements shall be subject to all City ordinances and regulations relating to the requirement of improvement agreements, land division, improvement security or other applicable development requirements.

SECTION 28. No Obligation to Form Community Facilities District. Owner acknowledges that the decision of the City Council of the City to form the Community Facilities District is a legislative action and the City may not enter into an agreement to obligate the City Council to exercise its legislative discretion in a particular manner or for a particular result. This Agreement does not, therefore, in any way create a contractual, legal or equitable obligation of or commitment by the City to approve the formation of the Community Facilities District.

SECTION 29. Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by any other party, or the failure by a party to exercise its rights under the default of any other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by any other party with the terms of this Agreement thereafter.

SECTION 30. Singular and Plural; Gender. As used herein, the singular of any work includes the plural, and terms in the masculine gender shall include the feminine.

SECTION 31. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

SECTION 32. Construction of Agreement. This Agreement has been reviewed by legal counsel for both the City and the Owners and shall be deemed for all purposes to have been jointly drafted by the City and the Owners. No presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement. The language in all parts of this Agreement, in all cases, shall be construed as a whole and in accordance with its fair meaning and not strictly for or against any party and consistent with the provisions hereof, in order to achieve the objectives of the parties hereunder. The captions of the sections and subsections of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction.

SECTION 33. Time of the Essence. The parties to this Agreement understand that time is of the essence in the completion of all matters contemplated by this Agreement because of, among other things, the necessity for completion of the Improvements in connection with construction of the Developments. The parties agree to use due diligence to fulfill their obligations contemplated by this Agreement at the earliest possible time. Without limiting the generality of the foregoing or compliance with specific time provisions set forth in this Agreement, any party to this Agreement requested or required to act, consent, or approve plans, work, documents, or other matters shall not unreasonably withhold or delay any such act, consent, or approval contemplated in this Agreement.

Notwithstanding the foregoing, performance by any party to this Agreement of its obligations hereunder shall be excused during any period of delay caused at any time by reasons of Acts of God, enactment of conflicting laws or regulations, moratoriums, riots, strikes, or damage to work in process by reason of fire, floods, earthquake, or other such casualties. If any party of this Agreement seeks excuse from timely performance, it shall provide written notice of such delay to every other party to this Agreement within thirty (30) calendar days of the commencement of such delay. Any delay or default beyond the control of the noticing party shall extend the time for performance for a period equal to the period of the enforced delay, or longer as may be mutually agreed upon.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first written above.

CITY OF MORENO VALLEY

By: *Bobby M. Adams*
City Manager

Date of Execution: 7-14-08

APPROVED AS TO FORM:

CITY ATTORNEY

By: *Robert D. Henrich*

Date: 7/10/08


OWNERS:

FR/CAL MORENO VALLEY, LLC, a Delaware limited liability company

By: FirstCal Industrial, LLC, a Delaware limited liability company, its sole member

By: FR FirstCal, LLC, a Delaware limited liability company, its managing member

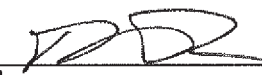
By: First Industrial Investment, Inc., a Maryland corporation, its sole member

By: 
Name: Phil Bowman
Its: Senior Vice President

Date of execution: 6/27/08

FIRST INDUSTRIAL, L.P., a Delaware limited partnership

By First Industrial Realty Trust, Inc., a Maryland corporation and its sole general partner

By: 
Name: Phil Bowman
Its: Senior Vice President

~~CITY ATTORNEY
Approved as to Form~~

~~By: _____ Date~~

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange }

On 6/27/08 before me, Rita C Webber, Notary Public
Date Here Insert Name and Title of the Officer

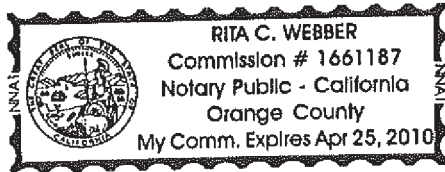
personally appeared Phil Bowman
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Rita C. Webber
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

FR/CAL INDIAN AVENUE, LLC, a Delaware limited liability company

By: FirstCal Industrial, LLC, a Delaware limited liability company, its sole member

By: FR FirstCal, LLC, a Delaware limited liability company, its managing member

By: First Industrial Investment, Inc., a Maryland corporation, its sole member

By:

Name: Phil Bowman

Its: Senior Vice President

Date of execution:

6/27/69

~~CITY ATTORNEY
Approved as to Form~~

~~By: _____~~

~~Date _____~~

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange }

On 6-27-08 before me, Rita C Webber, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Phil Bowman
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Rita C. Webber
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

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Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

EXHIBIT "A"

**PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT
AND IMPROVEMENT AREAS**

Exhibit A – Proposed Boundaries of Community Facilities District and Improvement Areas

Legend	
1	Improvement Area 1
2	Improvement Area 2
3	Improvement Area 3

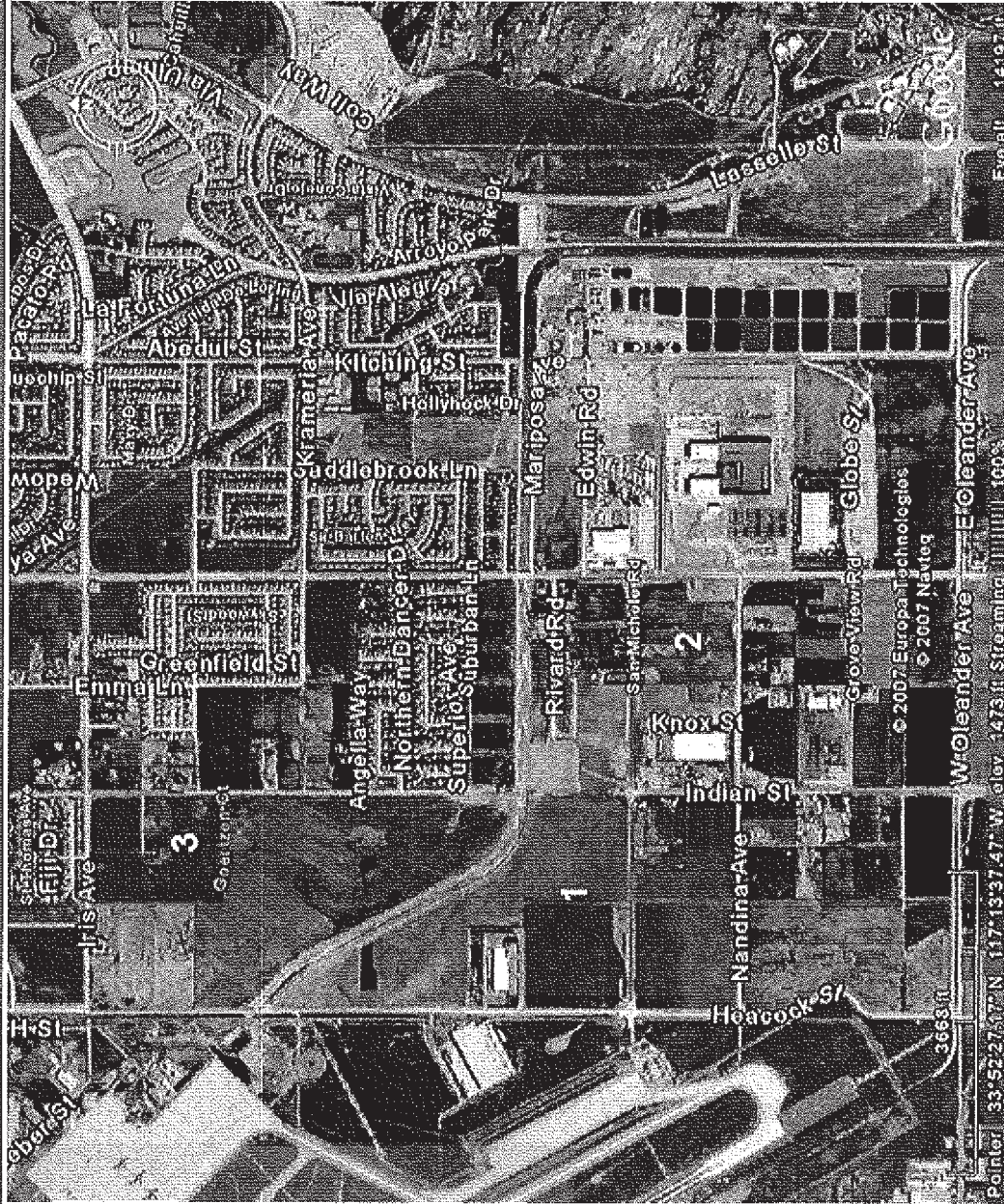


EXHIBIT "B-1"

DESCRIPTION OF IMPROVEMENTS

Improvement Area No. 1 Improvements:

Improvements to be financed from the proceeds of Bonds issued for Improvement Area No. 1 (the "Improvement Area No. 1 Improvements") include the following subject to modification based upon the City's final conditions of approval of the Improvement Area No. 1 Street Improvements or the final approval of the Plans and Specifications therefore or the Flood Control District's final conditions of approval of the Flood Control Facilities or the final approval of the plans and specifications therefor:

Improvement Area No. 1 Flood Control Facilities: the Master Plan storm drain facilities identified as Perris Valley Lateral B-3.2, including all appurtenant box culverts and laterals.

Improvement Area No. 1 Street Improvements:

- Nandina Avenue will be improved from Heacock Street to Indian Street – North Side. – The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (at the intersections of Indian Street/Nandina Avenue), striping, signage, ADA ramps, drive aprons, local depressions and catch basins.
- Heacock Street will be improved from Nandina Street to Komar Property Line (PL) – The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (as the intersection of Heacock Street and San Michele Avenue), local depressions and catch basins.
- Traffic signal installation at the intersection of Indian Street and San Michele Avenue.

Improvement Area No. 2 Improvements:

Improvements to be financed from the proceeds of Bonds issued for Improvement Area No. 2 (the "Improvement Area No. 2 Improvements") include the following subject to modification based upon the City's final conditions of approval of the Improvement Area No. 2 Street Improvements or the final approval of the Plans and Specifications therefore or the Flood Control District's final conditions of approval of the Flood Control Facilities or the final approval of the plans and specifications therefor:

Improvement Area No. 2 Flood Control Facilities: the Master Plan storm drain facilities identified as Perris Valley Laterals B-1 and B-1.2, including all appurtenant box culverts and laterals.

Improvement Area No. 2 Street Improvements:

- Nandina Avenue to First Industrial Property Line - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, striping, signage, ADA ramps, drive aprons, local depressions and catch basins.

Improvement Area No. 3 Improvements:

Improvements to be financed from the proceeds of Bonds issued for Improvement Area No. 3 ("Improvement Area No. 3 Improvements") include the following subject to modification based upon the City's final conditions of approval of the Improvement Area No. 3 Street Improvements or the final approval of the Plans and Specifications therefore or the Flood Control District's final conditions of approval of the Flood Control Facilities or the final approval of the plans and specifications therefor:

Improvement Area No. 3 Flood Control Facilities: the Master Plan storm drain facilities identified as Sunnymead Line D-1, including all appurtenant box culverts and laterals.

Improvement Area No. 3 Street Improvements:

- Indian Street from Iris Avenue to Krameria Avenue - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (at the intersections of Indian Street and Iris Avenue and Indian Street and Krameria Avenue) striping, signage, median landscaping, ADA ramps, drive aprons, local depressions and catch basins.
- Iris Avenue from Street "A" to Indian Street - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (at the intersections of Iris and Future Street) striping, signage, median landscaping, ADA ramps, drive aprons, local depressions and catch basins.
- Street "A" from Iris Avenue to Krameria Avenue - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, striping, signage, ADA ramps, drive aprons, local depressions and catch basins .
- Krameria Avenue from Indian Street to Street "A" - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, striping, signage, ADA ramps, drive aprons, local depressions and catch basins.

Improvement Area No. 3 Utility Improvements:

- Undergrounding of overhead utilities adjacent to or in the Street Improvements for Indian Street described above.

Upon the approval by the City of final Plans and Specifications for any Street Improvement or the approval by the Flood Control District of final plans and specifications for any Flood Control Improvements, the City Engineer may attach an addendum to this Exhibit B which shall be initialed by an authorized representative of the Owner responsible for constructing or causing the construction of such Street Improvements or Flood Control Improvements, as the case may be, identifying the applicable plans and specifications and the location thereof and such plans and specifications shall thereafter govern the description of the applicable Street Improvements or Flood Control Improvements.

EXHIBIT "B-2"

CFD NO. 7 INFRASTRUCTURE BUDGET

Exhibit B-2

CFD No. 7 Infrastructure Budget
City of Moreno Valley

IMPROVEMENT AREA NO. 1

Storm Drain (Perris Valley Lateral B-3a through B-3g and B-3 2)	\$5,500,000	\$7,177,610
Gas Line Relocation to Accommodate Storm Drain	\$125,000	\$163,128
Nandina Avenue (Heacock to Indian Street-North Side)		
HARD COSTS	ITEM	
	Roadway	
	Curb and Gutter	\$48,230
	Sidewalk	\$58,658
	Excavation and Clearing	\$120,443
	Asphalt Concrete over AC Base	\$218,988
	Traffic Control	\$13,012
	Street Lights	\$58,000
	Signalization	
	Indian/Nandina	\$200,000
	Signing and Striping	\$3,650
	ADA Ramps	\$2,000
	Drive Aprons	\$10,500
	Storm Drain Inlet	\$2,000
	SUBTOTAL	\$733,480
	Hard Cost Contingency (10%)	\$73,348
	TOTAL HARD COSTS	\$806,828
SOFT COSTS		
	Civil Engineering (3%)	\$22,004
	Construction Staking (1%)	\$7,335
	Developer Fee/Project Management Fee (4%)	\$32,273
	Construction Management Fee (4%)	\$32,273
	General Conditions (3%)	\$24,205
	Landscape Architect	\$0
	Plancheck and Permits (3%)	\$22,004
	Soils/Materials Testing (1%)	\$7,335
	SUBTOTAL	\$147,429
	Soft Cost Contingency (2%)	\$2,949
	TOTAL SOFT COSTS	\$150,378
Nandina Avenue subtotal		\$957,206

Heacock Street (Nandina North to Komar PL)

HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	\$11,840	
	Sidewalk	\$14,400	
	Excavation and Clearing	\$29,568	
	Asphalt Concrete over AC Base	\$53,760	
	Traffic Control	\$2,962	
	Street Lights	\$7,000	
	Signalization		
	Heacock/San Michele	\$200,000	
	Signing and Striping	\$896	
	ADA Ramps	\$1,000	
	Drive Aprons	\$4,000	
	Storm Drain Inlet	\$0	
	SUBTOTAL		\$325,426
	Hard Cost Contingency (10%)		\$32,543
	TOTAL HARD COSTS		\$357,968
	SOFT COSTS		
	Civil Engineering (3%)	\$9,763	
	Construction Staking (1%)	\$3,254	
	Developer Fee/Project Management Fee (4%)	\$14,319	
	Construction Management Fee (4%)	\$14,319	
	General Conditions (3%)	\$10,739	
	Landscape Architect	\$0	
	Plancheck and Permits (3%)	\$9,763	
	Soils/Materials Testing (1%)	\$3,254	
	SUBTOTAL		\$65,411
	Soft Cost Contingency (2%)		\$1,308
	TOTAL SOFT COSTS		\$66,719
	Heacock Street subtotal		\$424,687
	Traffic Signal	Indian Street/San Michele	\$200,000
			\$261,004
	TOTAL IMPROVEMENT AREA 1 COSTS		\$685,691

IMPROVEMENT AREA NO. 2

Storm Drain (Perris Valley Laterals B-1 and B-2)	\$1,694,394	\$2,211,218
Nandina Avenue (Knox Street to Perris Boulevard-North Side)		
HARD COSTS	ITEM	
	Roadway	
	Curb and Gutter	\$29,431
	Sidewalk	\$35,688
	Excavation and Clearing	\$73,273
	Asphalt Concrete over AC Base	\$133,224
	Traffic Control	\$7,831
	Street Lights	\$38,500
	Signing and Striping	\$2,220
	ADA Ramps	\$1,000
	Drive Aprons	\$5,000
	Storm Drain Inlet	\$0
	SUBTOTAL	\$326,164
	Hard Cost Contingency (10%)	\$32,616
	TOTAL HARD COSTS	\$358,781
SOFT COSTS		
	Civil Engineering (3%)	\$9,785
	Construction Staking (1%)	\$3,262
	Developer Fee/Project Management Fee (4%)	\$14,351
	Construction Management Fee (4%)	\$14,351
	General Conditions (3%)	\$10,763
	Landscape Architect	\$5,000
	Plancheck and Permits (3%)	\$9,785
	Soils/Materials Testing (1%)	\$3,262
	SUBTOTAL	\$70,559
	Soft Cost Contingency (2%)	\$1,411
	TOTAL SOFT COSTS	\$71,970
Nandina Avenue subtotal		\$430,751
TOTAL IMPROVEMENT AREA 2 COSTS		\$2,641,969

IMPROVEMENT AREA NO. 3

Storm Drain (Sunnymead Line D-1)		\$1,287,000	\$1,679,561
Indian Street (Iris Avenue to Krameria)			
HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	\$47,286	
	Sidewalk	\$57,510	
	Excavation and Clearing	\$109,652	
	Asphalt Concrete over AC Base	\$199,368	
	Traffic Control	\$10,428	
	Street Lights	\$59,500	
	Signalization		
	Indian/Iris	\$100,000	
	Indian/Krameria	\$200,000	
	Signing and Striping	\$3,323	
	ADA Ramps	\$1,000	
	Drive Aprons	\$5,000	
	Storm Drain Inlet	\$0	
	Overhead Utility Undergrounding		\$206,480
	SUBTOTAL		\$999,548
	Hard Cost Contingency (10%)		\$99,955
	TOTAL HARD COSTS		\$1,099,502
SOFT COSTS			
	Civil Engineering (3%)	\$29,986	
	Construction Staking (1%)	\$9,995	
	Developer Fee/Project Management Fee (4%)	\$43,980	
	Construction Management Fee (4%)	\$43,980	
	General Conditions (3%)	\$32,985	
	Landscape Architect	\$0	
	Plancheck and Permits (3%)	\$29,986	
	Soils/Materials Testing (1%)	\$9,995	
	SUBTOTAL		\$200,909
	Soft Cost Contingency (2%)		\$4,018
	TOTAL SOFT COSTS		\$204,927
Indian Street subtotal			\$1,304,430

Iris Avenue (Street "A" to Indian Street)

HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	\$23,588	
	Sidewalk	\$28,688	
	Excavation and Clearing	\$92,565	
	Asphalt Concrete over AC Base	\$168,300	
	Traffic Control	\$10,011	
	Street Lights	\$31,500	
	Signalization	\$0	
	Iris/Future Street	\$200,000	
	Signing and Striping	\$2,805	
	ADA Ramps	\$2,000	
	Drive Aprons	\$5,000	
	Storm Drain Inlet	\$0	
		\$0	
	SUBTOTAL		\$564,456
	Hard Cost Contingency (10%)		\$56,446
	TOTAL HARD COSTS		\$620,902
SOFT COSTS			
	Civil Engineering (3%)	\$16,934	
	Construction Staking (1%)	\$5,645	
	Developer Fee/Project Management Fee (4%)	\$24,836	
	Construction Management Fee (4%)	\$24,836	
	General Conditions (3%)	\$18,627	
	Landscape Architect	\$0	
	Plancheck and Permits (3%)	\$16,934	
	Soils/Materials Testing (1%)	\$5,645	
	SUBTOTAL		\$113,456
	Soft Cost Contingency (2%)		\$2,269
	TOTAL SOFT COSTS		\$115,725
Iris Avenue subtotal			\$736,627

Street "A" (Iris to Krameria)

HARD COSTS

ITEM

Roadway	
Curb and Gutter	\$47,286
Sidewalk	\$57,510
Excavation and Clearing	\$158,696
Asphalt Concrete over AC Base	\$308,720
Traffic Control	\$16,083
Street Lights	\$56,000
Signing and Striping	\$5,112
ADA Ramps	\$2,000
Drive Aprons	\$10,500
Storm Drain Inlet	\$2,000

SUBTOTAL \$671,907

Hard Cost Contingency (10%) \$67,191

TOTAL HARD COSTS \$739,098

SOFT COSTS

Civil Engineering (3%)	\$20,157
Construction Staking (1%)	\$6,719
Developer Fee/Project Management Fee (4%)	\$29,564
Construction Management Fee (4%)	\$29,564
General Conditions (3%)	\$22,173
Landscape Architect	\$0
Plancheck and Permits (3%)	\$20,157
Soils/Materials Testing (1%)	\$6,719

SUBTOTAL \$135,053

Soft Cost Contingency (2%) \$2,701

TOTAL SOFT COSTS \$137,754

Street "A" subtotal \$876,852

Krameria Avenue (Indian to Street "A")

HARD COSTS	ITEM	
	Roadway	
	Curb and Gutter	\$23,688
	Sidewalk	\$28,688
	Excavation and Clearing	\$92,666
	Asphalt Concrete over AC Base	\$168,300
	Traffic Control	\$6,433
	Street Lights	\$21,000
	Signing and Striping	\$3,188
	Median	\$0
	ADA Ramps	\$0
	Drive Aprons	\$0
	Storm Drain Inlet	\$0
	SUBTOTAL	\$345,761
	Hard Cost Contingency (10%)	\$34,576
	TOTAL HARD COSTS	\$380,337
SOFT COSTS		
	Civil Engineering (3%)	\$10,373
	Construction Staking (1%)	\$3,458
	Developer Fee/Project Management Fee (4%)	\$15,213
	Construction Management Fee (4%)	\$15,213
	General Conditions (3%)	\$11,410
	Landscape Architect	\$0
	Plancheck and Permits (3%)	\$10,373
	Soils/Materials Testing (1%)	\$3,456
	SUBTOTAL	\$69,498
	Soft Cost Contingency (2%)	\$1,390
	TOTAL SOFT COSTS	\$70,888
	Krameria Avenue subtotal	\$451,225
	TOTAL IMPROVEMENT AREA 3 COSTS	\$5,048,694

EXHIBIT "C"

DESIGN, BID AND CONTRACT REQUIREMENTS FOR THE STREET IMPROVEMENTS

The following requirements are intended to supplement the provisions of the Agreement pertaining to the construction of the Street Improvements, including but not limited to Section 3. thereof. In the event that any provision of the requirements contained in this Exhibit "C" conflicts with or is inconsistent with the provisions of Agreement, the provisions of the Agreement shall control.

Design Phase

A. Only design costs directly related to the Street Improvements to be acquired are eligible for inclusion in the Purchase Price for such Improvements.

Bidding Phase

A. Bidding Documents. Two complete sets of bidding documents, including improvement plans, general provisions, and bid proposal forms shall be submitted to City for review and approval within 10 working days of submittal. Solicitation of bids shall not take place until the bidding documents are approved in writing by the City. This procedure shall be followed for each contract for which bids are proposed to be solicited. Unless otherwise noted, the bidding documents shall conform to the following minimum requirements:

1. Unless impractical due to the nature of the Street Improvement, the bid proposal shall be unit priced rather than lump sum. A.C. pavement, base and sub-base shall be bid on a square foot per inch thickness basis.

2. The bidding documents shall require the bidder/contractor to provide the following bonds:

- a. Bid Bond - 10% of the amount of the bid.
- b. Material and Labor Bond - 50% of the contract amount.
- c. Performance Bond - 100% of the contract amount.

3. The bidding documents shall require the successful bidder to provide evidence of comprehensive public liability insurance in the amount of at least \$1,000,000 prior to the award of the contract.

4. The bidding documents shall provide for monthly progress payments to the contractor.

5. The bidding documents must clearly state the time, date, and place where bids are to be submitted and opened.

6. The bidding documents shall clearly state the amount of time to complete the work. The time allowed must be reasonable for the amount of work. Accelerated construction time allowances must be supplementally bid, and are not eligible for public finance unless previously approved by the City.

7. The bidding documents shall conform to the requirements of Section 3. of the Agreement.

B. The applicable Owner shall keep a log of all persons obtaining bidding documents, and their mailing address.

C. Addenda shall be mailed by first class mail to all bidding document holders and the City Engineer. If an addendum is required within five working days of the noticed bid opening date, the bid opening date shall be extended.

D. Submitted bids shall be in sealed envelopes.

E. Bids shall not be accepted after the stated time for submission.

F. Bid opening shall be conducted by the applicable Owner at such Owner's place of business, City Hall or such other site mutually acceptable to such Owner and City Engineer.

G. All bid openings shall be scheduled to take place during normal working hours of the Public Works Department. Sealed bids shall be opened and read aloud immediately following the submission time. A City representative shall be invited to attend the bid opening.

H. Conditioned bids, unless the bid proposal lists them for all to bid on, shall not be accepted.

I. The bid proposals shall conform to all state and local laws governing the listing of subcontractors and suppliers.

J. The arithmetic of the two lowest bid proposals received shall immediately be checked for errors.

K. A tabulation of all bids received shall be provided to the City Engineer within five working days of the bid opening.

L. A preconstruction meeting shall be held with the contractor prior to beginning the work. City Public Works representatives shall be invited to attend the meeting.

M. The Notice to Proceed shall be issued within a reasonable period of time following the contract execution.

Construction Phase

- A. The City shall be provided a copy of the construction schedule.
- B. The applicable Owner shall require the contractor to conduct weekly construction status meetings to which City representatives shall be invited.
- C. All change orders shall be reviewed and approved by the City Public Works inspector on a monthly basis and submitted with the applicable payment requests.
- D. Any additional costs incurred for the benefit of the applicable Owner, such as accelerating the construction schedule, shall not be eligible for public financing unless previously approved by the City.
- E. Any additional construction costs incurred due solely to delays caused by the applicable Owner shall not be eligible for public financing.
- F. All contracts and construction related records shall be available to the City as and when required for the final determination of eligible costs for the public financing. This shall include trip tickets and other confirmations of material delivered to the Improvement.

General

The above rules shall be applied to all Street Improvements proposed to be acquired through the Community Facilities District. Any deviation from the rules must be approved by the City Engineer.

“City Engineer” means the City Engineer or his designee.

EXHIBIT "D"

PAYMENT REQUEST NO. _____

The undersigned (an "Owner") hereby requests payment in the total amount of \$_____ for the Purchase Price of the Improvement(s) (as defined in the Acquisition/Financing Agreement (the "Agreement") by and among the City of Moreno Valley (the "City") and the Owners and described in Exhibit B to that Agreement), all as more fully described in Attachment 1 hereto. In connection with this Payment Request, the undersigned hereby certifies, represents and warrants to the City as follows:

1. He/she is a duly authorized officer of the Owner, qualified to execute and submit this Payment Request on behalf of the Owner and is knowledgeable as to the matters set forth herein.
2. The Purchase Price for the Improvement(s) has been calculated in conformance with the terms of the Agreement. All costs for which payment is requested hereby are eligible costs (as permitted in the Agreement) and have not been inflated in any respect. The payment which is hereby requested has not been the subject of any prior payment request paid by the City.
3. Supporting documentation (such as third party invoices, change orders and checks) is attached with respect to each cost for which payment is requested.
4. The Improvement(s) for which payment is requested were constructed substantially in accordance with the requirements of the Agreement.
5. The Owner is in compliance with the terms and provisions of the Agreement.
6. No mechanics liens or other encumbrances have attached, or to the best knowledge of the Owner, after due inquiry, will attach to the Improvements.
7. Payment of the Purchase Price shall be made to the Owner and/or other parties pursuant to the instructions set forth in Attachment 2 hereto.

D - 1

SDPUB\WDIVEN\353709.10

I hereby declare under penalty of perjury that the above representations and warranties are true and correct.

[INSERT NAME OF THE APPLICABLE OWNER]

By: _____
Name: _____
Title: _____

Payment Request Approved for Submission to
[Fiscal Agent or Trustee]

CITY OF MORENO VALLEY

By: _____
Name: _____
Title: _____

ATTACHMENT 1

**SUMMARY OF CITY IMPROVEMENTS
INCLUDED IN PAYMENT REQUEST NO. _____**

Complete the table below for each Improvement to which this Payment Request applies and attach all required supporting documentation:

Description of Improvement	Budgeted Cost for Improvement	Purchase Price for Improvement

EXHIBIT E -
THE FEE LETTER



First Industrial Realty Trust, Inc.
114 Pacifica, Suite 220
Irvine, CA 92618
T: (949) 486-1970
F: (949) 486-1971
www.firstindustrial.com

February 11, 2008

Sue Anne Maxinoski
Special Districts Coordinator
City of Moreno Valley
14325 Frederick Street, Ste. 9
Moreno Valley, CA. 92552-0805

Ms. Maxinoski:

As a followup to my first letter dated October 17, 2007, I am writing to provide you with a summary of the developer and project management fees which are required to complete the offsite improvements associated with Community Facilities District (CFD) #7 currently under formation in Moreno Valley. This letter is intended to clarify our request to have certain fees reimbursed as project costs under Section 7(b)(4) of the DRAFT Acquisition and Financing Agreement

The pertinent fees are as follows:

1. **Developer Fee/Project Management Fee**-This fee is defined as 4% of the hard construction cost and hard cost contingency (including insurance and general conditions) and is reimbursed to First Industrial (FR) for the management of the project. These management services include the solicitation, retention, and administration of professional services (i.e. civil engineering, construction management services), oversight of the design process, interface and coordination with all relative public agencies to facilitate plan check review, permitting, CFD formation process, and the public bid process.
2. **Construction Management Fee**- This fee, is defined as 4% of the hard construction cost and hard cost contingency (including insurance and general conditions) and will be performed by an individual or professional consulting company to provide in-field construction management services. These services would include, but would not be limited to, assisting FR in the public bid process, overall field administration, coordination of work schedules with the General Contractor and subcontractors, review of change orders, processing of construction payments, interfacing with public agencies during inspections, finalizing punch list items, managing the physical completion of the work through final acceptance by each respective public agency.
3. **General Conditions**-This fee, defined as 3% of the hard cost of construction and hard cost contingency, will be to address ancillary professional or construction services not performed by any of the specific contractors or subcontractors as defined in the scope of work of their contracts. These services may include, but are not limited to immediate on-site supervision, dust control, job site cleanup (e.g. street sweeping), overlapping traffic control coordination, and project site security.

With the above explanations in mind, we would respectfully request that these fees (totaling 11%) be included in the overall amount to be reimbursed to First Industrial under the Acquisition and Finance Agreement and JCFA.

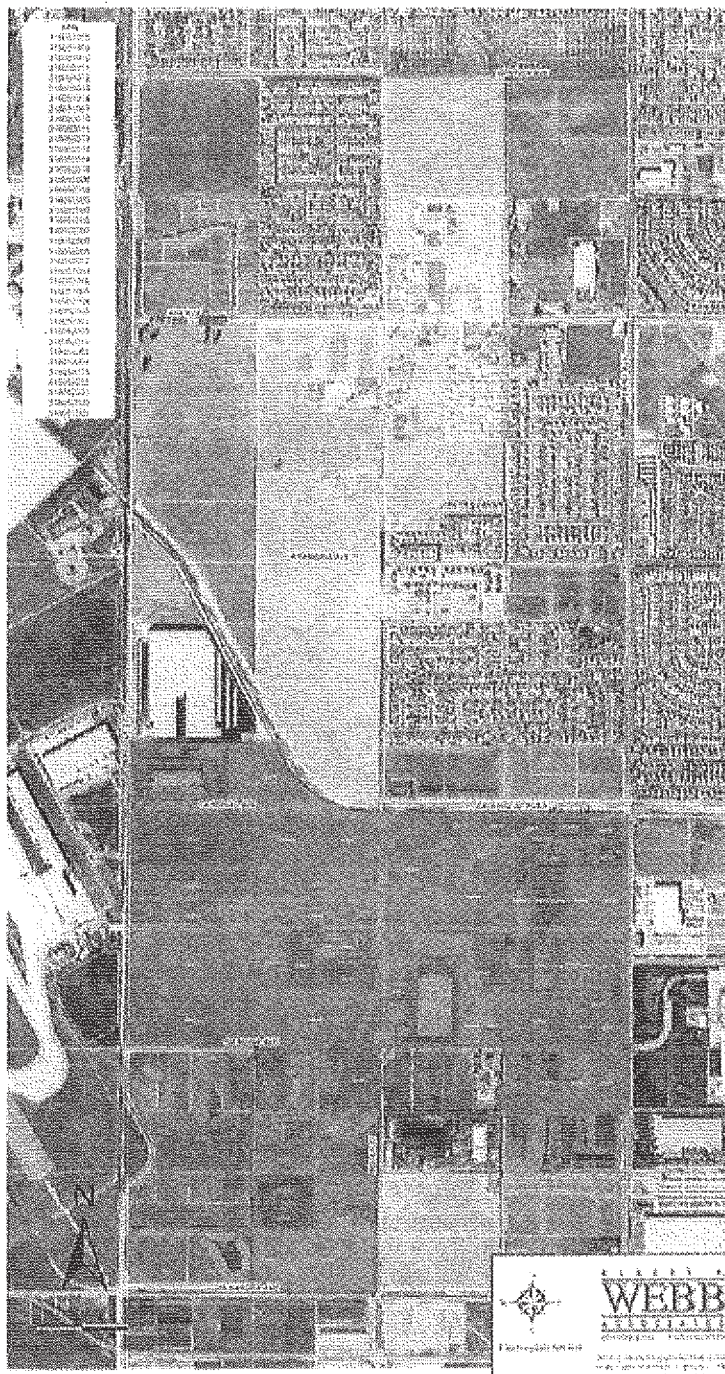
Please call me at 949-933-2121 if I can be of additional assistance or if you have further questions.

Sincerely,


John A. Graco
Development Manager
First Industrial Realty Trust

EXHIBIT F –
TRIBUTARY PARCELS

TRIBUTARY AREAS TO DRAINAGE FACILITIES



BOND NO. _____

EXHIBIT E

PREMIUM \$ _____

(SAMPLE)

**FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)**

PROJECT NO. DXX-XXXXX

**PROJECT NAME
PROJECT DESCRIPTION/LIMITS
(Tract No., Parcel No., Address)**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the **Developer's Name**, known as "Developer," has awarded to _____, as Principal hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, dated _____, 20__, and identified as **Tract DXX-XXXXX, Parcel No., Address** is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Agreement is required to furnish a bond guaranteeing the faithful performance of said Contract Agreement;

NOW THEREFORE, we the undersigned Contractor and _____, as Surety, are held and firmly bound unto the **Developer's Name**, in the penal sum of dollars, (\$_____), lawful money of the United States, to be paid to the said Developer or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Contract Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the **Developer's Name**, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the Developer and judgment is recovered, the Surety shall pay all costs incurred by the Developer in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

E1

CITY OF MORENO VALLEY CFD No. 7
JCFA-FLOOD CONTROL
SDPUB\WDIVEN\356912.8
FINAL DRAFT

E-1

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on

this _____ day of _____ 20____.

CONTRACTOR

SURETY

Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

By: _____

By: _____
Attorney-in-Fact

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

E2

E-2

(Sample)

BOND NO. _____

PREMIUM \$ _____

**LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)**

PROJECT NO. DXX-XXXXX

**PROJECT NAME
PROJECT DESCRIPTION/LIMITS**

(Tract No., Parcel No., Address)

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the **Developer's Name**, known as "Developer", has awarded to _____, as Principal hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, dated _____, 20____, and identified as t **Tract No. DXX-XXXXX, Parcel No., Address** is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the **Developer's Name**, in the penal sum of dollars, (\$_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the Developer or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the Developer in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(Signature Page Follows)

E3

CITY OF MORENO VALLEY CFD No. 7
JCFA-FLOOD CONTROL
SDPUB\WDIVEN\356912.8
FINAL DRAFT

E-3

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands and seals on

this _____ day of _____ 20__.

CONTRACTOR

SURETY

Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

By: _____

By: _____

Attorney-in-Fact

NOTE:

This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate Surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

E4

EXHIBIT F

FORM OF PAYMENT REQUEST

PAYMENT REQUEST NO. _____

The undersigned (the "Owner") hereby requests payment in the total amount of \$ _____ for the Purchase Price of the Improvement(s) (as defined in the Acquisition/Financing Agreement (the "Agreement") by and among the City of Moreno Valley (the "City") and the Owner and described in Exhibit B to that Agreement), all as more fully described in Attachment 1 hereto. In connection with this Payment Request, the undersigned hereby certifies, represents and warrants to the City as follows:

1. He (she) is a duly authorized officer of Owner, qualified to execute and submit this Payment Request on behalf of Owner and is knowledgeable as to the matters set forth herein.
2. The Purchase Price for the Improvement(s) has been calculated in conformance with the terms of the Agreement. All costs for which payment is requested hereby are eligible costs (as permitted in the Agreement) and have not been inflated in any respect. The payment which is hereby requested has not been the subject of any prior payment request paid by the City.
3. Supporting documentation (such as third party invoices, change orders and checks) is attached with respect to each cost for which payment is requested.
4. The Improvement(s) for which payment is requested were constructed substantially in accordance with the requirements of the Agreement.
5. Owner is in compliance with the terms and provisions of the Agreement.
6. No mechanics liens or other encumbrances have attached, or to the best knowledge of the Owner, after due inquiry, will attach to the Improvements.
7. Payment of the Purchase Price shall be made to the Owner and/or other parties pursuant to the instructions set forth in Attachment 2 hereto.

I hereby declare under penalty of perjury that the above representations and warranties are true and correct.

OWNER

By: _____
Name: _____
Title: _____

APPROVAL BY THE FLOOD ENGINEER

The Flood Engineer confirms that the Flood Control Facility described in Attachment A has been constructed in accordance with the Plans and Specifications therefor. The Actual Cost of each Flood Control Facility as described in Attachment A has been reviewed, verified and approved by the Flood Engineer. The Purchase Price for said Flood Control Facility is established at \$_____. Payment of the Purchase Price for the Flood Control Facility is hereby approved.

Date: _____

FLOOD ENGINEER

By: _____

Payment Request Approved for Submission
to [Fiscal Agent or Trustee]

CITY OF MORENO VALLEY

By: _____
Name: _____
Title: _____

**ATTACHMENT 1
PAYMENT REQUEST - ACTUAL COSTS**

Property Owner is to complete Columns 1 through 7

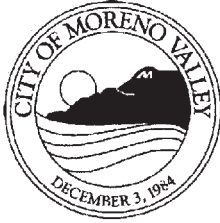
CFD/Improvement Area/Tract Number: _____
 Facility Description: _____

1	2	3	4	5	6	7	8	9	10	11
Bid Item No.	Bid Item Description	Unit of Measure	Unit Price	Original Contract Quantity	Quantity Invoiced	Amount Invoiced	Quantity Calculated By Flood District	Amount Calculated By Flood District	Difference	Actual Cost
1			0.00	0	0	0.00	0	0.00	0.00	0.00
2			0.00	0	0	0.00	0	0.00	0.00	0.00
3			0.00	0	0	0.00	0	0.00	0.00	0.00
4			0.00	0	0	0.00	0	0.00	0.00	0.00
5			0.00	0	0	0.00	0	0.00	0.00	0.00
6			0.00	0	0	0.00	0	0.00	0.00	0.00
7			0.00	0	0	0.00	0	0.00	0.00	0.00
8			0.00	0	0	0.00	0	0.00	0.00	0.00
9			0.00	0	0	0.00	0	0.00	0.00	0.00
10			0.00	0	0	0.00	0	0.00	0.00	0.00
11			0.00	0	0	0.00	0	0.00	0.00	0.00
12			0.00	0	0	0.00	0	0.00	0.00	0.00
13			0.00	0	0	0.00	0	0.00	0.00	0.00
14			0.00	0	0	0.00	0	0.00	0.00	0.00
15			0.00	0	0	0.00	0	0.00	0.00	0.00
16			0.00	0	0	0.00	0	0.00	0.00	0.00
17			0.00	0	0	0.00	0	0.00	0.00	0.00
18			0.00	0	0	0.00	0	0.00	0.00	0.00
19			0.00	0	0	0.00	0	0.00	0.00	0.00
20			0.00	0	0	0.00	0	0.00	0.00	0.00

Total: 0.00 0.00 0.00

Amount Requested: _____

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rest</i>
CITY MANAGER	<i>PA</i>

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Financial & Administrative Services Director

AGENDA DATE: September 22, 2009

TITLE: APPROVAL OF CHECK REGISTER FOR JULY, 2009

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2009-92, approving the Check Register for the month of July, 2009 in the amount of \$24,334,280.12.

DISCUSSION

To facilitate Council's review, the Check Register lists in alphabetical order all checks in the amount of \$25,000 or greater, followed by a listing in alphabetical order of all checks less than \$25,000. The Check Register also includes wire transfers, thus eliminating the need for a separate wire transfer register, as well as the fiscal year-to-date (FYTD) amount paid to each vendor.

FISCAL IMPACT

The disbursements itemized in the attached Check Register are reflected in the adopted FY 2009-10 budget. Therefore, there is no fiscal impact other than the expenditure of budgeted funds.

ATTACHMENTS/EXHIBITS

Resolution No. 2009- 92
Check Register for Month of July, 2009

Prepared By:
Domilena R. Gonzales
Principal Accountant

Department Head Approval:
Steve Elam
Financial & Administrative Services Director

Concurred By:
Cynthia Fortune
Acting Financial Operations Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2009-92

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORENO VALLEY, CALIFORNIA,
APPROVING THE CHECK REGISTER
FOR THE MONTH OF JULY, 2009

WHEREAS, the Financial & Administrative Services Department has prepared and provided the Check Register for the period July 1, 2009 through July 31, 2009, for review and approval by the City Council of the City of Moreno Valley;

WHEREAS, it is in the best interest of the City that the referenced Check Register be approved;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, that the Check Register for the period July 1, 2009 through July 31, 2009, in the total amount of \$24,334,280.12 is approved.

APPROVED AND ADOPTED this 22nd day of September, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

1 Resolution No. 2009-
Date Adopted: September 22, 2009

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

2 Resolution No. 2009-
Date Adopted: September 22, 2009



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS IN THE AMOUNT OF \$25,000 OR GREATER				
ACCELA				
7/9/2009	196043	43,172.10		
			PERMITS PLUS MAINT 07/01/09 - 06/30/10	43,172.10
7/23/2009	196393	47,878.75		
			MAINT FEES FOR VARIOUS APPLICATIONS	47,878.75
	Vendor Total	91,050.85		
FYTD for ACCELA		91,050.85		
AEI-CASC ENGINEERING				
7/30/2009	196526	57,936.84		
			BOX SPRINGS RD IMPRVMT PROJ	57,936.84
	Vendor Total	57,936.84		
FYTD for AEI-CASC ENGINEERING		58,972.84		
ALBERT A. WEBB ASSOCIATES				
7/2/2009	195942	46,245.92		
			EDGEMONT WATER MP UPDATE SVCS	36,220.45
			EDGEMONT WATER MP UPDATE SVCS	10,025.47
	Vendor Total	46,245.92		
FYTD for ALBERT A. WEBB ASSOCIATES		72,616.90		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BEMUS LANDSCAPE, INC.				
7/9/2009	196058	39,908.03		
			MAY'09 LNDSCP MAINT>CITY HALL	992.56
			MAY'09 LNDSCP MNT>VET MEM	250.00
			MAY'09 LNDSCP MNT>ANNX #1	300.00
			JUN'09 LNDSCP MNT>AQDCT A	850.50
			JUN'09 LNDSCP MNT>AQDCT B	735.00
			JUN'09 LNDSCP MNT>N AQDCT	525.00
			JUN'09 LNDSCP MNT>SR CTR	262.50
			JUN'09 LNDSCP MNT>EDSN/OLD	1,785.00
			JUN'09 LNDSCP MNT>PAN AM SECT	600.00
			JUN'09 LNDSCP MNT>E-4	15,496.00
			JUN'09 LNDSCP MNT>E-4A	364.00
			JUN'09 LNDSCP MNT>E-1	7,249.49
			JUN'09 LNDSCP MNT>E-1A	608.81
			JUN'09 LNDSCP MNT>ANML SHLTR	520.00
			JUN'09 LNDSCP MNT>CRC	1,900.00
			JUN'09 LNDSCP MNT>FIRE STNS	2,300.00
			JUN'09 LNDSCP MNT>LIBRARY	520.00
			JUN'09 LNDSCP MNT>PSB	1,047.58
			JUN'09 LNDSCP MNT>STARS	300.00
			JUN'09 LNDSCP MNT>BAY-JFK	1,900.00
			IRRIGATION RPRS>E-4	132.69
			IRRIGATION RPRS>E-4	55.90
			IRRIGATION RPRS>E-4	648.00
			IRRIGATION RPRS>E-4	85.00
			JUN'09 LNDSCP MNT>UTILITY	480.00
Vendor Total		39,908.03		
FYTD for BEMUS LANDSCAPE, INC.		42,890.59		
BOYLE ENGINEERING CORPORATION				
7/23/2009	196409	50,219.70		
			PERRIS BLVD WIDENING PROJ SVCS	27,766.20
			PERRIS BLVD WIDENING PROJ SVCS	22,453.50
Vendor Total		50,219.70		
FYTD for BOYLE ENGINEERING CORPORATION		53,002.80		
CALPERS				
7/30/2009	196537	111,845.12		
			ARC PMT LESS RET MED PAYOUTS	135,916.67
			ARC PMT LESS RET MED PAYOUTS	-24,071.55
Vendor Total		111,845.12		
FYTD for CALPERS		111,845.12		
COLLIE COURT DEVELOPMENT, LLC				
7/9/2009	196073	111,200.00		
			RELEASE OF DEPOSIT	111,200.00
Vendor Total		111,200.00		
FYTD for COLLIE COURT DEVELOPMENT, LLC		111,200.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT				
7/2/2009	195961	33,752.40		
			RECLAIMED WATER	338.24
			WATER UTILITY	110.82
			WATER UTILITY	1,110.87
			WATER UTILITY	441.96
			WATER UTILITY	12,099.03
			WATER UTILITY	3,424.09
			WATER UTILITY	484.92
			WATER UTILITY	8,150.05
			WATER UTILITY	3,283.77
			WATER UTILITY	3,348.90
			WATER UTILITY	38.27
			WATER UTILITY	291.77
			WATER UTILITY	133.57
			WATER UTILITY	428.87
			WATER UTILITY	67.27
7/9/2009	196088	29,472.33		
			WATER UTILITY	1,381.82
			WATER UTILITY	38.40
			WATER UTILITY	7,003.03
			WATER UTILITY	10,797.28
			WATER UTILITY	6,634.82
			WATER UTILITY	1,414.53
			WATER UTILITY	659.35
			WATER UTILITY	518.33
			WATER UTILITY	242.13
			WATER UTILITY	143.41
			WATER UTILITY	53.93
			WATER UTILITY	384.43
			WATER UTILITY	140.63
			WATER UTILITY	60.24
7/16/2009	196285	58,507.68		
			WATER UTILITY	1,106.41
			WATER UTILITY	351.65
			WATER UTILITY	1,567.00
			WATER UTILITY	759.90
			WATER UTILITY	105.47
			WATER UTILITY	19,983.81
			WATER UTILITY	3,782.75
			WATER UTILITY	1,298.32
			WATER UTILITY	5,424.93
			WATER UTILITY	3,154.07
			WATER UTILITY	4,391.66
			WATER UTILITY	6,163.42
			WATER UTILITY	1,898.50
			WATER UTILITY	53.49
			WATER UTILITY	982.92
			WATER UTILITY	1,937.70
			WATER UTILITY	599.39
			WATER UTILITY	213.10
			WATER UTILITY	262.37
			WATER UTILITY	127.22
			WATER UTILITY	1,753.49



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WATER UTILITY	941.41
			WATER UTILITY	189.71
			WATER UTILITY	377.19
			WATER UTILITY	400.74
			WATER UTILITY	344.25
			WATER UTILITY	336.81
7/30/2009	196553	38,771.90		
			WATER UTILITY	16.07
			WATER UTILITY	134.84
			WATER UTILITY	1,196.97
			WATER UTILITY	497.71
			WATER UTILITY	14,369.28
			WATER UTILITY	1,456.44
			WATER UTILITY	661.74
			WATER UTILITY	10,959.74
			WATER UTILITY	3,643.55
			WATER UTILITY	4,777.26
			WATER UTILITY	61.83
			WATER UTILITY	348.10
			WATER UTILITY	136.80
			WATER UTILITY	443.79
			WATER UTILITY	67.78

Vendor Total 160,504.31

FYTD for EASTERN MUNICIPAL WATER DISTRICT	167,110.94
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EMPLOYMENT DEVELOPMENT DEPARTMENT

7/3/2009	2444	43,113.55		
			DEP STATE INC TAX W/H 07/03/09	43,113.55
7/17/2009	2453	41,960.41		
			DEP STATE INC TAX W/H 07/17/09	41,960.41
7/31/2009	2463	30,294.69		
			DEP STATE INC TAX W/H 07/31/09	30,294.69

Vendor Total 115,368.65

FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT	115,368.65
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City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ENCO UTILITY SERVICES MORENO VALLEY LLC				
7/2/2009	195963	76,401.48		
			MAY'09 FEES>1ST INDSTRCL CMRCL	48.79
			MAY'09 FEES>O'REILLY AUTOMOTIV	4,472.44
			MAY'09 PROF SRVCS>ALERE PROP	1,196.78
			CIRC#5 PHASE1 SUBST (RITE AID)	6,031.75
			PERRIS BLVD 12K FEEDER WORK	60.99
			ENG/DESIGN STUDY FOR CIP PROJS	2,220.73
			CIRC#5 PHASE II INSTALL. WORK	9,566.33
			GLOBE 12KV INTERCONN >LASSELLE	8,648.86
			LASSELLE ST 12KV CIRCUIT WORK	8,174.79
			GLOBE TO INDIAN 12KV CIRC WORK	3,704.41
			GLOBE TO INDIAN 12KV CIRC WORK	852.80
			NEWHOPE ST LIGHTS (ADJ TO PSB)	31,422.81
7/16/2009	196287	102,990.13		
			DISTRIBUTION CHARGES	90,825.19
			SPECIAL CHARGES	5,206.10
			BAD DEBT	-2,343.35
			SPCL CHRGS>4/6/09	552.19
			JUL'09 CABNT LSE-LASSELLE	6.47
			JUL'09 CABNT LSE-LASSELLE	1,243.53
			JUL'09 CABNT LSE-GRAHAM	29.67
			JUL'09 CABNT LSE-GRAHAM	1,220.33
			JUL'09 CABNT LSE-KITCHING	35.52
			JUL'09 CABNT LSE-KITCHING	1,214.48
			JUL'09 CABNT LSE-COTTONWOOD	98.05
			JUL'09 CABNT LSE-COTTONWOOD	1,151.95
			JUL'09 CABNT LSE-FREDERICK	47.14
			JUL'09 CABNT LSE-FREDERICK	1,202.86
			JUL'09 CABNT LSE-INDIAN AVE	130.78
			JUL'09 CABNT LSE-INDIAN AVE	1,119.22
			JUL'09 CABNT LSE-IRIS AVE	146.80
			JUL'09 CABNT LSE-IRIS AVE	1,103.20
7/23/2009	196427	25,948.19		
			PERRIS BLVD 12K FEEDER WORK	1,468.96
			ENG/DESIGN FOR CITY (CIP) PROJ	2,010.67
			TEMP CONSTR POWER FAC FOR EOC	1,641.31
			CIRC#5 PHASE 2 CABLE/EQUP INST	5,845.81
			GLOBE 12KV CHANNEL CRSSNG WORK	1,033.80
			LASSELLE ST 12KV CIRC TIE WORK	4,719.52
			GLOBE TO INDIAN 12KV CIRC TIE	299.33
			GLOBE TO INDIAN 12KV CIRC TIE	859.75
			GROVE VIEW RD ST. LIGHT INSTAL	4,457.40
			WASTE MGMT TRANSFER STAT. WORK	523.82
			O'REILLY AUTO DISTR CTR WORK	212.76
			O'REILLY AUTO DISTR CTR WORK	2,543.06
			METER CHGS-THE WATER SHOP	332.00
7/30/2009	196556	113,779.23		
			DIST/SPCL CHRGS:4/6/09-5/8/09	109,138.98
			DIST/SPCL CHRGS:4/6/09-5/8/09	6,977.00
			DIST/SPCL CHRGS:4/6/09-5/8/09	-2,634.50
			DIST/SPCL CHRGS:4/6/09-5/8/09	297.75



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
Vendor Total		319,119.03		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC		319,119.03		
ENVIRONMENTAL CONSTRUCTION, INC.				
7/2/2009	195964	460,459.47	SUNNYMEAD BLVD REVIT PROJ SVCS	460,459.47
Vendor Total		460,459.47		
FYTD for ENVIRONMENTAL CONSTRUCTION, INC.		460,459.47		
EXCEL LANDSCAPE, INC				
7/2/2009	195967	64,278.32		
			MAY'09 LNDSCP MAINT>E-3	24,988.00
			JUN'09 LNDSCP MAINT>E-3	24,988.00
			MAY'09 LNDSCP MAINT>E-3A	1,491.00
			JUN'09 LNDSCP MAINT>E-3A	1,491.00
			JUN'09 LNDSCP MAINT>E-7	2,640.41
			JUN'09 LNDSCP MAINT>E-8	1,057.15
			JUN'09 LNDSCP MAINT>E-8	429.96
			JUN'09 LNDSCP MAINT>E-15	1,059.76
			JUN'09 LNDSCP MAINT>E-14	3,426.80
			JUN'09 LNDSCP MAINT>WQF/09	1,514.00
			JUN'09 LNDSCP MAINT>WQF/09	645.00
			JUN'09 LNDSCP MAINT>WQF/09	465.00
			MISC LNDSCP MAINT>E-8	82.24
Vendor Total		64,278.32		
FYTD for EXCEL LANDSCAPE, INC		64,723.52		
FULBRIGHT & JAWORSKI, L.L.P.				
7/2/2009	195975	49,844.52	MAY'09 LGL SRVCS>UTILITIES	49,844.52
7/30/2009	196563	30,180.24	LEGAL SERVICES /UTILITY-JUN'09	30,180.24
Vendor Total		80,024.76		
FYTD for FULBRIGHT & JAWORSKI, L.L.P.		80,024.76		
HAITBRINK ASPHALT PAVING, INC.				
7/16/2009	196297	53,555.02	EUCALYPTUS/KITCHING ST IMPRV.	52,937.91
			EUCALYPTUS/KITCHING ST IMPRV.	617.11
Vendor Total		53,555.02		
FYTD for HAITBRINK ASPHALT PAVING, INC.		53,555.02		
HARDY & HARPER, INC.				
7/30/2009	196571	348,604.80	ANNL PAVEMNT RESURF. PRGM SVCS	348,604.80
Vendor Total		348,604.80		
FYTD for HARDY & HARPER, INC.		348,604.80		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HARRIS & ASSOCIATES, INC.				
7/9/2009	196119	30,135.30		
			SUNNYMD BLVD EMWD PIPELINE SVC	438.02
			SUNNYMEAD BLVD REVIT PROJ SVCS	177.78
			SUNNYMEAD BLVD REVIT PROJ SVCS	654.70
			SUNNYMEAD BLVD REVIT PROJ SVCS	28,864.80
	Vendor Total	30,135.30		
FYTD for HARRIS & ASSOCIATES, INC.		31,197.80		
HEERY INTERNATIONAL, INC.				
7/30/2009	196573	63,004.00		
			NEW MAIN LIBRARY PROJ. SVCS	63,004.00
	Vendor Total	63,004.00		
FYTD for HEERY INTERNATIONAL, INC.		63,004.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
INLAND EMPIRE PROPERTY SERVICE, INC				
7/16/2009	196306	34,112.00		
			NUISANCE ABATEMENT	256.00
			NUISANCE ABATEMENT	975.00
			NUISANCE ABATEMENT	250.00
			NUISANCE ABATEMENT	2,500.00
			NUISANCE ABATEMENT	252.00
			WEED ABATEMENT CONTRACT SVCS	270.00
			WEED ABATEMENT CONTRACT SVCS	517.18
			WEED ABATEMENT CONTRACT SVCS	219.04
			WEED ABATEMENT CONTRACT SVCS	260.92
			WEED ABATEMENT CONTRACT SVCS	158.00
			WEED ABATEMENT CONTRACT SVCS	351.22
			WEED ABATEMENT CONTRACT SVCS	156.00
			WEED ABATEMENT CONTRACT SVCS	249.00
			WEED ABATEMENT CONTRACT SVCS	193.82
			WEED ABATEMENT CONTRACT SVCS	237.22
			WEED ABATEMENT CONTRACT SVCS	137.50
			WEED ABATEMENT CONTRACT SVCS	127.00
			WEED ABATEMENT CONTRACT SVCS	530.00
			WEED ABATEMENT CONTRACT SVCS	159.82
			WEED ABATEMENT CONTRACT SVCS	341.72
			WEED ABATEMENT CONTRACT SVCS	153.00
			WEED ABATEMENT CONTRACT SVCS	152.00
			WEED ABATEMENT CONTRACT SVCS	472.60
			WEED ABATEMENT CONTRACT SVCS	161.30
			WEED ABATEMENT CONTRACT SVCS	270.00
			WEED ABATEMENT CONTRACT SVCS	272.00
			WEED ABATEMENT CONTRACT SVCS	214.00
			WEED ABATEMENT CONTRACT SVCS	94.00
			WEED ABATEMENT CONTRACT SVCS	94.00
			WEED ABATEMENT CONTRACT SVCS	291.16
			WEED ABATEMENT CONTRACT SVCS	439.00
			WEED ABATEMENT CONTRACT SVCS	654.00
			WEED ABATEMENT CONTRACT SVCS	199.54
			WEED ABATEMENT CONTRACT SVCS	199.54
			WEED ABATEMENT CONTRACT SVCS	282.00
			WEED ABATEMENT CONTRACT SVCS	125.00
			WEED ABATEMENT CONTRACT SVCS	335.94
			WEED ABATEMENT CONTRACT SVCS	109.64
			WEED ABATEMENT CONTRACT SVCS	109.64
			WEED ABATEMENT CONTRACT SVCS	148.08
			WEED ABATEMENT CONTRACT SVCS	437.00
			WEED ABATEMENT CONTRACT SVCS	328.02
			WEED ABATEMENT CONTRACT SVCS	328.02
			WEED ABATEMENT CONTRACT SVCS	192.96
			WEED ABATEMENT CONTRACT SVCS	62.00
			WEED ABATEMENT CONTRACT SVCS	443.40
			WEED ABATEMENT CONTRACT SVCS	1,008.98
			WEED ABATEMENT CONTRACT SVCS	62.00
			WEED ABATEMENT CONTRACT SVCS	625.25
			WEED ABATEMENT CONTRACT SVCS	625.73
			WEED ABATEMENT CONTRACT SVCS	457.23
			WEED ABATEMENT CONTRACT SVCS	480.67
			WEED ABATEMENT CONTRACT SVCS	1,568.22



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WEED ABATEMENT CONTRACT SVCS	215.90
			WEED ABATEMENT CONTRACT SVCS	410.00
			WEED ABATEMENT CONTRACT SVCS	178.74
			WEED ABATEMENT CONTRACT SVCS	543.57
			WEED ABTMNT>263210047	271.17
			WEED ABTMNT>263190019	5,200.00
			WEED ABTMNT>488220014	631.47
			WEED ABTMNT>263210031	571.24
			WEED ABTMNT>263190017	170.75
			WEED ABTMNT>488220005	655.00
			WEED ABTMNT>478174021	94.00
			WEED ABTMNT>478174020	94.00
			WEED ABTMNT>488220001	810.00
			WEED ABTMNT>478120015	120.00
			WEED ABTMNT>478120016	120.00
			WEED ABTMNT>478120023	120.00
			WEED ABTMNT>478120024	120.00
			WEED ABTMNT>478110006	316.46
			WEED ABTMNT>478110007	200.78
			WEED ABTMNT>486310005	876.13
			WEED ABTMNT>478120005	224.84
			WEED ABTMNT>263200011	296.67
			WEED ABTMNT>485032001	490.20
			WEED ABTMNT>479170033	414.80
			WEED ABTMNT>486290029	695.66
			WEED ABTMNT>488200021	204.72
			WEED ABTMNT>478166031	180.54
			WEED ABTMNT>478060008	254.00
			WEED ABTMNT>484030022	94.00

Vendor Total 34,112.00

FYTD for INLAND EMPIRE PROPERTY SERVICE, INC	37,499.14
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INTERNAL REVENUE SERVICE

7/3/2009	2443	159,390.91	DEP FED TAX W/H 07/03/09	159,390.91
7/17/2009	2452	155,165.65	DEP FED TAX W/H 07/17/09	155,165.65
7/31/2009	2462	116,647.36	DEP FED TAX W/H 07/31/09	116,647.36

Vendor Total 431,203.92

FYTD for INTERNAL REVENUE SERVICE	433,203.92
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City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KOA CORPORATION				
7/9/2009	196135	36,627.50		
			RECHE VISTA DR REALIGNMNT PROJ	24,627.50
			RECHE VISTA DR REALIGNMNT PROJ	12,000.00
7/30/2009	196581	32,058.72		
			RECHE VISTA DR REALIGNMNT PROJ	4,737.51
			RECHE VISTA DR REALIGNMNT PROJ	6,993.71
			RECHE VISTA DR REALIGNMNT PROJ	20,327.50
Vendor Total		68,686.22		
FYTD for KOA CORPORATION		73,813.32		
LIM & NASCIMENTO ENGINEERING CORP.				
7/30/2009	196582	37,094.46		
			PERRIS BLVD WIDENING-RAMONA XP	37,094.46
Vendor Total		37,094.46		
FYTD for LIM & NASCIMENTO ENGINEERING CORP.		42,760.46		
MCDONOUGH, HOLLAND & ALLEN				
7/16/2009	196313	25,548.99		
			CNTY LITIG.>JUN'08	823.76
			CNTY LITIG.>JUL'08	6,839.04
			CNTY LITIG.>AUG'08	3,799.53
			CNTY LITIG.>SEPT'08	3,750.79
			CNTY LITIG.>JAN'09	1,135.87
			CNTY LITIG.>FEB'09	251.16
			CNTY LITIG.>MAR'09	921.64
			CNTY LITIG.>MAY'09	33.00
			MVUSD LITIG.>MAY'09	7,202.12
			GENERAL BUS.>MAY'09	53.04
			MVUSD LITIG.>MAY'09	739.04
Vendor Total		25,548.99		
FYTD for MCDONOUGH, HOLLAND & ALLEN		28,727.75		
MORENO VALLEY CHEVROLET				
7/23/2009	196461	36,898.00		
			REIMB. OF SPCL TAXES	36,898.00
Vendor Total		36,898.00		
FYTD for MORENO VALLEY CHEVROLET		36,898.00		
MORENO VALLEY PONTIAC/GMC/BUICK				
7/23/2009	196464	30,309.00		
			REIMB. OF SPCL TAXES	30,309.00
Vendor Total		30,309.00		
FYTD for MORENO VALLEY PONTIAC/GMC/BUICK		30,309.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY UTILITY				
7/23/2009	196465	81,411.38		
			ELECTRICITY CHARGES	117.32
			ELECTRICITY CHARGES	1,746.30
			ELECTRICITY CHARGES	165.90
			ELECTRICITY CHARGES	1,602.67
			ELECTRICITY CHARGES	21,086.49
			ELECTRICITY CHARGES	17,865.91
			ELECTRICITY CHARGES	5,574.66
			ELECTRICITY CHARGES	11,699.07
			ELECTRICITY CHARGES	1,667.38
			ELECTRICITY CHARGES	3,260.61
			ELECTRICITY CHARGES	10,262.85
			ELECTRICITY CHARGES	5,523.43
			ELECTRICITY CHARGES	209.06
			ELECTRICITY CHARGES	133.35
			ELECTRICITY CHARGES	84.48
			ELECTRICITY CHARGES	63.36
			ELECTRICITY CHARGES	63.83
			ELECTRICITY CHARGES	155.19
			ELECTRICITY CHARGES	129.52
	Vendor Total	81,411.38		
FYTD for MORENO VALLEY UTILITY		81,411.38		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MUNITEMPS				
7/16/2009	196327	26,600.19		
			TEMP SRVCS>4/12 HENDERSON	1,793.60
			TEMP SRVCS>4/26 HENDERSON	1,793.60
			TEMP SRVCS>5/10 HENDERSON	1,793.60
			TEMP SRVCS>5/24 HENDERSON	1,793.60
			TEMP SRVCS>6/7 HENDERSON	1,810.42
			TEMP SRVCS>6/21 HENDERSON	1,793.60
			TEMP SRVCS>3/29 O'MALLEY	387.27
			TEMP SRVCS>3/29 SIMS	357.19
			TEMP SRVCS>4/12-O'MALLEY	351.34
			TEMP SRVCS>4/12-SIMS	326.13
			TEMP SRVCS>4/12-HUDSON	310.60
			TEMP SRVCS>4/12-BELL	330.01
			TEMP SRVCS>4/26-O'MALLEY	1,081.97
			TEMP SRVCS>4/26-SIMS	462.02
			TEMP SRVCS>4/26-HUDSON	621.20
			TEMP SRVCS>4/26-BELL	660.02
			TEMP SRVCS>5/10-O'MALLEY	1,185.78
			TEMP SRVCS>5/10-SIMS	826.97
			TEMP SRVCS>5/10-HUDSON	559.09
			TEMP SRVCS>5/10-BELL	660.02
			TEMP SRVCS>5/24-O'MALLEY	1,189.77
			TEMP SRVCS>5/24-SIMS	364.95
			TEMP SRVCS>5/24-HUDSON	718.26
			TEMP SRVCS>5/24-BELL	702.73
			TEMP SRVCS>6/7-BELL	636.73
			TEMP SRVCS>6/7-HUDSON	784.26
			TEMP SRVCS>6/7-O'MALLEY	1,054.02
			TEMP SRVCS>6/7-SIMS	757.09
			TEMP SRVCS>6/21-O'MALLEY	830.44
			TEMP SRVCS>6/21-HUDSON	275.66
			TEMP SRVCS>6/21-BELL	388.25
	Vendor Total	26,600.19		
FYTD for MUNITEMPS		37,015.23		
NATIONWIDE RETIREMENT SOLUTIONS				
7/17/2009	2449	25,212.16		
			DEF COMP 457 & 401(A) 07/17/09	25,212.16
7/3/2009	2440	25,432.66		
			DEF COMP 457 & 401(A) 07/03/09	25,432.66
	Vendor Total	50,644.82		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS		55,944.21		
NORRIS-REPKE, INC.				
7/9/2009	196175	39,324.00		
			PROF STAFFING SVCS-VARIOUS PRJ	16,820.00
			PROF STAFFING SVCS-VARIOUS PRJ	22,504.00
	Vendor Total	39,324.00		
FYTD for NORRIS-REPKE, INC.		39,829.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PARSONS TRANSPORTATION GROUP, INC.				
7/9/2009	196177	147,550.47	SR-60/NASON ST OVRCRSSNG PROJ	147,550.47
Vendor Total		147,550.47		
FYTD for PARSONS TRANSPORTATION GROUP, INC.		147,550.47		
PB AMERICAS, INC.				
7/30/2009	196601	88,835.51	SR-60/NASON ST INTERCHG IMPRV SR-60/NASON ST INTERCHG PROJ	37,792.84 51,042.67
Vendor Total		88,835.51		
FYTD for PB AMERICAS, INC.		88,835.51		
PERMA				
7/30/2009	196602	84,262.99	PROP. PRGRM INS. PREM.	84,262.99
Vendor Total		84,262.99		
FYTD for PERMA		84,262.99		
PERS HEALTH INSURANCE				
7/8/2009	90706	209,164.98	EMPL HEALTH INS 07/08/09	209,164.98
Vendor Total		209,164.98		
FYTD for PERS HEALTH INSURANCE		209,164.98		
PERS RETIREMENT				
7/24/2009	2456	234,284.08	PERS RETIREMENT 07/24/09	234,284.08
7/10/2009	2446	254,022.72	PERS RETIREMENT 07/10/09	254,022.72
Vendor Total		488,306.80		
FYTD for PERS RETIREMENT		488,306.80		
PERVO PAINT CO.				
7/16/2009	196337	29,724.96	MISC. PAINT AND SUPPLIES MISC. PAINT AND SUPPLIES	6,934.51 22,790.45
Vendor Total		29,724.96		
FYTD for PERVO PAINT CO.		29,724.96		
PITRE & TEUNISSE, INC.				
7/30/2009	196607	400,000.00	SETTLEMENT RE: TOVEY SCHULTZ	400,000.00
Vendor Total		400,000.00		
FYTD for PITRE & TEUNISSE, INC.		400,000.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PRICE FAMILY CHARITABLE TRUST				
7/23/2009	196479	79,991.00	SALES TAX REIMB.	79,991.00
Vendor Total		79,991.00		
FYTD for PRICE FAMILY CHARITABLE TRUST		79,991.00		
PROACTIVE ENGINEERING CONSULTANTS, INC.				
7/16/2009	196340	35,227.50	KITCHING ST IMPRV PROJ SVCS	35,227.50
7/30/2009	196611	65,427.25	CACTUS AVE WIDENING PROJ-STG 1 CACTUS AVE WIDENING PROJ-STG 2	25,223.25 40,204.00
Vendor Total		100,654.75		
FYTD for PROACTIVE ENGINEERING CONSULTANTS, INC.		100,654.75		
RIALTO CONSTRUCTION, INC.				
7/30/2009	196616	77,707.03	AQUEDCT BIKEWAY-INDIAN TO FAY	77,707.03
Vendor Total		77,707.03		
FYTD for RIALTO CONSTRUCTION, INC.		77,707.03		
RIVERSIDE COUNTY SHERIFF				
7/9/2009	196197	84,189.49	MAR-MAY'09 JAIL ACCESS FEES	84,189.49
7/30/2009	196625	32,201.51	JUN'09 JAIL ACCESS FEE	32,201.51
7/15/2009	90704	2,612,473.33	CONTRACT LAW ENF BILL #11	2,612,473.33
7/23/2009	90714	3,119,659.39	CONTRACT LAW ENF BILL #12	3,119,659.39
Vendor Total		5,848,523.72		
FYTD for RIVERSIDE COUNTY SHERIFF		5,852,406.50		
RIVERSIDE COUNTY SHERIFF'S DEPT.				
7/16/2009	196349	315,460.00	ANNL RMS/CLETS>FY0809	315,460.00
Vendor Total		315,460.00		
FYTD for RIVERSIDE COUNTY SHERIFF'S DEPT.		315,460.00		
RIVERSIDE TRANSIT AGENCY				
7/23/2009	196492	28,075.00	U-PASS PROGRAM WITH RCC	28,075.00
Vendor Total		28,075.00		
FYTD for RIVERSIDE TRANSIT AGENCY		28,075.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RLZ ENGINEERING				
7/16/2009	196351	26,856.50	PROF STAFFING SVCS-VARIOUS PRJ	26,856.50
Vendor Total		26,856.50		
FYTD for RLZ ENGINEERING		26,856.50		
ROESLING NAKAMURA TERADA ARCHITECTS, INC				
7/30/2009	196627	35,899.81	PUB SAFETY BLDG CONVERSION PRJ	35,899.81
Vendor Total		35,899.81		
FYTD for ROESLING NAKAMURA TERADA ARCHITECTS, INC		35,899.81		
SEMPRA ENERGY SOLUTIONS				
7/23/2009	196494	701,135.35	JUN'09 POWER PURCHASE	701,135.35
Vendor Total		701,135.35		
FYTD for SEMPRA ENERGY SOLUTIONS		701,135.35		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON				
7/16/2009	196360	140,151.00		
			ELECTRICITY CHARGES	41.94
			ELECTRICITY CHARGES	365.58
			ELECTRICITY CHARGES	39.04
			ELECTRICITY CHARGES	983.32
			ELECTRICITY CHARGES	1,721.62
			ELECTRICITY CHARGES	1,399.17
			ELECTRICITY CHARGES	492.42
			ELECTRICITY CHARGES	848.69
			ELECTRICITY CHARGES	1,366.82
			ELECTRICITY CHARGES	1,732.18
			ELECTRICITY CHARGES	94,804.30
			ELECTRICITY CHARGES	35,584.03
			ELECTRICITY CHARGES	356.46
			ELECTRICITY CHARGES	136.20
			ELECTRICITY CHARGES	18.56
			ELECTRICITY CHARGES	21.67
			ELECTRICITY CHARGES	60.40
			ELECTRICITY CHARGES	74.41
			ELECTRICITY CHARGES	104.19
7/23/2009	196501	39,222.25		
			ELECTRICITY CHARGES	163.54
			ELECTRICITY CHARGES	4,986.45
			ELECTRICITY CHARGES	127.66
			ELECTRICITY CHARGES	3,778.78
			ELECTRICITY CHARGES	19.03
			ELECTRICITY CHARGES	5,116.01
			ELECTRICITY CHARGES	1,137.61
			ELECTRICITY CHARGES	3,911.11
			ELECTRICITY CHARGES	2,233.70
			ELECTRICITY CHARGES	1,999.44
			ELECTRICITY CHARGES	218.97
			ELECTRICITY CHARGES	3,605.33
			ELECTRICITY CHARGES	678.17
			ELECTRICITY CHARGES	2,304.40
			ELECTRICITY CHARGES	20.48
			ELECTRICITY CHARGES	401.08
			ELECTRICITY CHARGES	3,896.44
			ELECTRICITY CHARGES	1,550.55
			ELECTRICITY CHARGES	282.23
			ELECTRICITY CHARGES	390.29
			ELECTRICITY CHARGES	416.45
			ELECTRICITY CHARGES	254.28
			ELECTRICITY CHARGES	145.55
			ELECTRICITY CHARGES	22.73
			ELECTRICITY CHARGES	1,561.97
7/30/2009	196633	36,064.72		
			WDAT CHARGES: FREDERICK 06/09	2,386.62
			WDAT CHARGES: IRIS 06/09	2,625.22
			NON-PTO WHEELING CHRGS	1,672.91
			WDAT CHARGES: SUBSTATN 06/09	14,038.67
			WDAT CHARGES: NANDINA 06/09	2,647.31
			WDAT CHARGES: GLOBE 06/09	8,966.34



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WDAT CHARGES: GRAHAM 06/09	3,727.65
7/30/2009	196634	2,010,115.06	REPLCMNT OF EXISTING FAC-EB 60	1,005,057.53
			REPLCMNT OF EXISTING FAC-EB 60	1,005,057.53
Vendor Total		2,225,553.03		
FYTD for SOUTHERN CALIFORNIA EDISON		2,257,119.57		
STANDARD INSURANCE CO				
7/16/2009	196363	30,179.53	LIFE & DISABILITY INSURANCE	12,582.80
			LIFE & DISABILITY INSURANCE	19,617.04
			LIFE & DISABILITY INSURANCE	-2,020.31
Vendor Total		30,179.53		
FYTD for STANDARD INSURANCE CO		31,768.98		
SUKUT CONSTRUCTION, INC.				
7/2/2009	196026	376,715.24	PIGEON PASS RD ST IMPRV PROJ	308,323.52
			PIGEON PASS RD ST IMPRV PROJ	68,391.72
7/9/2009	90709	34,726.45	RETENTION PYMT- PROJ06-41570324	34,726.45
Vendor Total		411,441.69		
FYTD for SUKUT CONSTRUCTION, INC.		419,040.77		
T.Y. LIN INTERNATIONAL				
7/30/2009	196644	27,036.93	GRAHAM ST OVERCRSSNG/SR-60 PRJ	5,000.00
			GRAHAM ST OVERCRSSNG/SR-60 PRJ	22,036.93
Vendor Total		27,036.93		
FYTD for T.Y. LIN INTERNATIONAL		27,036.93		
TCM GROUP				
7/2/2009	196027	81,775.07	SR-60/NASON ST INTERCHNG PROJ.	81,775.07
7/16/2009	196370	63,835.63	SR-60/NASON ST INTERCHG IMPRV.	47,229.88
			SR-60/NASON ST INTERCHG IMPRV.	16,605.75
Vendor Total		145,610.70		
FYTD for TCM GROUP		145,610.70		
TYNER PAVING COMPANY				
7/30/2009	196646	145,262.61	IRIS AVE IMPRVMNTS PROJ.	113,304.73
			IRIS AVE IMPRVMNTS PROJ.	31,957.88
Vendor Total		145,262.61		
FYTD for TYNER PAVING COMPANY		145,262.61		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
U.S. BANK/CALCARDS				
7/9/2009	90710	125,786.95		
			CALCARD PYMT CYCLE END 07/07/09	125,786.95
7/30/2009	90715	141,712.11		
			CALCARD PYMT CYCLE END 07/30/09	141,712.11
	Vendor Total	267,499.06		
FYTD for U.S. BANK/CALCARDS		267,499.06		
UNION BANK OF CALIFORNIA				
7/9/2009	90707	51,162.16		
			RETENTION PYMT - PROJ04-89280221	51,162.16
	Vendor Total	51,162.16		
FYTD for UNION BANK OF CALIFORNIA		52,218.16		
UNION BANK OF CALIFORNIA NA				
7/1/2009	90702	1,000,000.00		
			FNMA 4% MAT 07/01/14	1,000,000.00
7/9/2009	90703	1,000,000.00		
			FHLB STPUP 2.5% MAT 07/09/14	1,000,000.00
7/16/2009	90713	1,001,916.67		
			FFCB 3% MAT 12/23/13	1,001,916.67
7/23/2009	90711	1,000,000.00		
			FHLMC 2.4% MAT 07/23/13	1,000,000.00
7/28/2009	90712	1,000,000.00		
			FNMA 3% MAT 07/28/14	1,000,000.00
7/2/2009	90705	999,531.25		
			FHLMC 3.4% MAT 07/02/14	999,531.25
	Vendor Total	6,001,447.92		
FYTD for UNION BANK OF CALIFORNIA NA		6,001,447.92		
VA CONSULTING, INC.				
7/30/2009	196651	35,580.95		
			HEACOCK ST BRIDGE REPLCMNT PRJ	4,232.45
			AUTO MALL STREET UPGRADES PROJ	3,030.00
			AUTO MALL STREET UPGRADES PROJ	28,318.50
	Vendor Total	35,580.95		
FYTD for VA CONSULTING, INC.		43,445.13		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VULCAN MATERIALS CO, INC.				
7/16/2009	196384	26,454.07		
			ASPHALTIC CONCRETE & EMULSION	8,481.43
			ASPHALTIC CONCRETE & EMULSION	6,790.11
			ASPHALTIC CONCRETE & EMULSION	463.06
			ASPHALTIC CONCRETE & EMULSION	10,127.87
			ASPHALTIC CONCRETE & EMULSION	162.91
			ASPHALTIC CONCRETE & EMULSION	100.26
			ASPHALTIC CONCRETE & EMULSION	131.59
			ASPHALTIC CONCRETE & EMULSION	196.84
Vendor Total		26,454.07		
FYTD for VULCAN MATERIALS CO, INC.		36,098.98		
WELLS FARGO CORPORATE TRUST				
7/28/2009	90716	1,148,808.45		
			2007 TABS DEBT SVC PYMT	1,148,808.45
Vendor Total		1,148,808.45		
FYTD for WELLS FARGO CORPORATE TRUST		1,150,185.68		
WHEELER PAVING, INC.				
7/16/2009	196388	361,012.50		
			LASSELLE ST WIDENING PROJ SVCS	36,488.92
			LASSELLE ST WIDENING PROJ SVCS	324,523.58
Vendor Total		361,012.50		
FYTD for WHEELER PAVING, INC.		361,012.50		
WINZLER & KELLY CONSULTING ENGINEERS				
7/16/2009	196389	221,456.23		
			IRONWOOD AVE WIDENING PROJ.	51,428.79
			IRONWOOD AVE WIDENING PROJ.	103,147.76
			IRONWOOD AVE WIDENING PROJ.	51,148.73
			IRONWOOD AVE WIDENING PROJ.	15,730.95
Vendor Total		221,456.23		
FYTD for WINZLER & KELLY CONSULTING ENGINEERS		221,456.23		
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.				
7/16/2009	196390	201,812.00		
			TUMF FEES COLL. 6/1-6/30/09	201,812.00
7/30/2009	196663	25,413.00		
			FY09/10 WRCOG MEMBERSHIP DUES	25,413.00
Vendor Total		227,225.00		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.		230,675.00		
Subtotal		23,053,172.80		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS LESS THAN \$25,000				
NIELSEN LLC, CLARITAS				
7/2/2009	195939	2,935.00	SITEREPORTS.COM LICENSE FEE	2,935.00
Vendor Total		2,935.00		
FYTD for NIELSEN LLC, CLARITAS		2,935.00		
4IMPRINT				
7/2/2009	195940	4,807.00	TAGLESS T-SHIRTS	2,760.00
			TAGLESS T-SHIRTS	240.00
			SCREEN CHARGE	360.00
			COLOR RUN CHARGE	437.50
			SCREEN CHARGE	40.00
			COLOR RUN CHARGE	700.00
			DISCOUNT	-106.26
			SHIPPING	375.76
			SALES TAX	262.52
			SALES TAX - ACCRUAL	-262.52
Vendor Total		4,807.00		
FYTD for 4IMPRINT		4,807.00		
ACOSTA, ERNESTO/VERONICA				
7/9/2009	196044	20.00	RFND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for ACOSTA, ERNESTO/VERONICA		20.00		
ADAMS, MARK L.				
7/9/2009	196045	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for ADAMS, MARK L.		318.73		
ADLERHORST INTERNATIONAL INC.				
7/16/2009	196257	600.00	BASIC HANDLERS COURSE	300.00
			BASIC HANDLERS COURSE	300.00
Vendor Total		600.00		
FYTD for ADLERHORST INTERNATIONAL INC.		600.00		
ADMINSURE				
7/16/2009	196258	2,600.00	JUL'09 WKRS COMP CLMS ADMIN.	2,600.00
Vendor Total		2,600.00		
FYTD for ADMINSURE		2,600.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ADVANCE REFRIGERATION & ICE SYSTEMS, INC				
7/9/2009	196046	275.36		
			COOLER REPAIR AT ANML SHLTR	275.36
7/16/2009	196259	1,395.00		
			REPAIR PUPPY COOLER AT THE AS	1,395.00
Vendor Total		1,670.36		
FYTD for ADVANCE REFRIGERATION & ICE SYSTEMS, INC		1,670.36		
ADVANCED ELECTRIC				
7/23/2009	196394	970.00		
			INSTALL BREAKER & WIRE @ CRC	490.00
			CARD READER REPAIR-PSB GATE#2	404.00
			CARD READER REPAIR-PSB GATE#2	76.00
Vendor Total		970.00		
FYTD for ADVANCED ELECTRIC		970.00		
AEI-CASC ENGINEERING				
7/2/2009	195941	1,036.00		
			MAY'09 PLAN CK SRVCS	1,036.00
Vendor Total		1,036.00		
FYTD for AEI-CASC ENGINEERING		58,972.84		
ALBERT A. WEBB ASSOCIATES				
7/23/2009	196395	11,476.69		
			EDGEMONT WATER MSTR PLAN SVCS	11,476.69
7/30/2009	196527	14,894.29		
			EDGEMONT WATER MSTR PLAN SVCS	14,894.29
Vendor Total		26,370.98		
FYTD for ALBERT A. WEBB ASSOCIATES		72,616.90		
ALLIANZ LIFE INSURANCE CO				
7/9/2009	196047	75.00		
			NON-EXEMPT ANNUITY	75.00
Vendor Total		75.00		
FYTD for ALLIANZ LIFE INSURANCE CO		75.00		
ALTERNATIVES TO DOMESTIC VIOLENCE				
7/30/2009	196528	1,713.95		
			CDBG EXP. REIMB.	1,713.95
Vendor Total		1,713.95		
FYTD for ALTERNATIVES TO DOMESTIC VIOLENCE		1,713.95		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AMEC EARTH & ENVIRONMENTAL, INC.				
7/23/2009	196396	1,405.00		
			AQUEDUCT BIKEWAY IMPRV PROJ	1,405.00
Vendor Total		1,405.00		
FYTD for AMEC EARTH & ENVIRONMENTAL, INC.		1,405.00		
AMERICAN FORENSIC NURSES				
7/16/2009	196260	727.50		
			BLOOD DRAWS & ANALYSES	26.00
			CHP BLOOD DRAWS	109.00
			MV BLOOD DRAWS	592.50
7/23/2009	196397	569.50		
			MV BLOOD DRAWS	479.50
			CHP BLOOD DRAWS	90.00
7/30/2009	196529	180.00		
			BLOOD DRAWS & ANALYSES	180.00
Vendor Total		1,477.00		
FYTD for AMERICAN FORENSIC NURSES		1,477.00		
AMERICAN PAYROLL ASSOCIATION				
7/9/2009	196048	195.00		
			MBR:SANDRA CONTRERAS	195.00
Vendor Total		195.00		
FYTD for AMERICAN PAYROLL ASSOCIATION		195.00		
AMERICAN ROTARY BROOM CO.				
7/9/2009	196049	1,209.76		
			STREET SWEEPER KITS	223.58
			STREET SWEEPER KITS	986.18
Vendor Total		1,209.76		
FYTD for AMERICAN ROTARY BROOM CO.		1,209.76		
AMERIMARK DIRECT				
7/2/2009	195943	100.89		
			STICKERS	100.89
			STICKERS	7.74
			STICKERS	-7.74
Vendor Total		100.89		
FYTD for AMERIMARK DIRECT		100.89		
AMTECH ELEVATOR SERVICES				
7/9/2009	196050	118.37		
			JUN'09 ELEV. MAINT>CITY HALL	118.37
Vendor Total		118.37		
FYTD for AMTECH ELEVATOR SERVICES		118.37		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ANDREWS, DANETA & RICHARD				
7/16/2009	196261	52.00		
			ANML LICENSE FEE RFND	52.00
Vendor Total		52.00		
FYTD for ANDREWS, DANETA & RICHARD		52.00		
ANIMAL EMERGENCY CLINIC, INC.				
7/30/2009	196530	707.00		
			EMERG. VET SERVICES	412.00
			EMERG. VET SERVICES	75.00
			EMERG. VET SERVICES	75.00
			EMERG. VET SERVICES	75.00
			EMERG. VET SERVICES	70.00
Vendor Total		707.00		
FYTD for ANIMAL EMERGENCY CLINIC, INC.		707.00		
ANIMAL HEALTH AND SANITARY SUPPLY				
7/9/2009	196051	2,518.39		
			CLEANING SUPPLIES FOR AS	2,518.39
7/30/2009	196531	1,119.65		
			ANIMAL SVCS CLEANING SUPPLIES	1,119.65
Vendor Total		3,638.04		
FYTD for ANIMAL HEALTH AND SANITARY SUPPLY		3,638.04		
ANIMAL PEST MANAGEMENT SERVICES, INC.				
7/23/2009	196398	1,790.00		
			JUN'09 PEST CTRL-PARKS	665.00
			JUN'09 PEST CTRL-AQUEDUCTS ETC	255.00
			JUN'09 PEST CTRL-MARCH FLD	330.00
			JUN'09 PEST CTRL-MRCH PAL BLDG	100.00
			JUN'09 PEST CTRL-CFD #1	160.00
			JUN'09 PEST CTRL-CTTNWD GOLF	180.00
			JUN'09 PEST CTRL-STARS BLDG	100.00
Vendor Total		1,790.00		
FYTD for ANIMAL PEST MANAGEMENT SERVICES, INC.		1,790.00		
APPELHOF, KRISTINA				
7/2/2009	195944	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for APPELHOF, KRISTINA		75.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ARROWHEAD WATER				
7/9/2009	196052	140.77		
			WTR PURIF>6/8/09 FS#91	25.00
			WTR PURIF>6/8/09 FS#65	25.00
			WTR PURIF>6/8/09 FS#58	15.77
			WTR PURIF>6/8/09 FS#48	25.00
			WTR PURIF>6/8/09 FS#2	25.00
			WTR PURIF>6/8/09 FS#6	25.00
7/16/2009	196263	175.00		
			WATER PURIFICATION UNIT	50.00
			WATER PURIFICATION UNIT	25.00
			WATER PURIFICATION UNIT	25.00
			WATER PURIFICATION UNIT	25.00
			WATER PURIFICATION UNIT	25.00
			WATER PURIFICATION UNIT	25.00
7/23/2009	196399	340.78		
			WATER PURIF 6/9-7/8-CITY HALL	125.01
			WATER PURIF 6/9-7/8-CITY YARD	25.00
			WATER PURIF 6/9-7/8-TRANS TRLR	25.00
			WTR PURIF>7/8-LIBRARY	25.00
			WTR PURIF>7/8-FS #6	25.00
			WTR PURIF>7/8-FS #48	25.00
			WTR PURIF>7/8-FS #2	25.00
			WTR PURIF>7/8-FS #58	15.77
			WTR PURIF>7/8-FS #91	25.00
			WTR PURIF>7/8-FS #65	25.00
Vendor Total		656.55		
FYTD for ARROWHEAD WATER		656.55		
ARZATE, AURORA				
7/2/2009	195946	80.00		
			RFND-PICNIC SHLTR FEE	80.00
Vendor Total		80.00		
FYTD for ARZATE, AURORA		80.00		
ASHTON, CLARKE / ANDLAND PROPERTIES				
7/16/2009	196264	358.64		
			REFUND DEPOSIT BALANCE	358.64
Vendor Total		358.64		
FYTD for ASHTON, CLARKE / ANDLAND PROPERTIES		358.64		
ASW ENGINEERING MANAGEMENT CONSULTANTS				
7/9/2009	196053	4,469.34		
			PRELIM. ENRGY ASSMNT>4/14/09	4,469.34
Vendor Total		4,469.34		
FYTD for ASW ENGINEERING MANAGEMENT CONSULTANTS		4,469.34		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AT&T MOBILITY				
7/16/2009	196265	91.38	MCC CELL SRVC>6/6/09	91.38
7/30/2009	196532	92.20	MCC CELLULAR SVC 6/7/09-7/6/09	92.20
Vendor Total		183.58		
FYTD for AT&T MOBILITY		183.58		
AT&T/MCI				
7/16/2009	196266	183.68	PHONE SERVICES	183.68
Vendor Total		183.68		
FYTD for AT&T/MCI		183.68		
AV GRAPHICS, INC.				
7/23/2009	196400	2,185.61	ADMIN CITATION BOOKS	2,126.06
			ARTWORK CHARGE	40.00
			ADDITIONAL SALES TAX	19.55
Vendor Total		2,185.61		
FYTD for AV GRAPHICS, INC.		2,185.61		
B & T WORKS, INC.				
7/30/2009	196533	18,450.00	COMM PARK WATER IMPRVMENTS PROJ	18,450.00
Vendor Total		18,450.00		
FYTD for B & T WORKS, INC.		18,450.00		
BACHER, GRACE				
7/9/2009	196054	303.60	JULY'09 RETIREE MED BENEFIT	303.60
Vendor Total		303.60		
FYTD for BACHER, GRACE		303.60		
BANKS, CHARLES W., JR.				
7/16/2009	196267	403.00	RFND-W/D OF APP 50%	217.50
			RFND-W/D OF APP 50%	58.00
			RFND-W/D OF APP 50%	82.00
			RFND-W/D OF APP 50%	45.50
Vendor Total		403.00		
FYTD for BANKS, CHARLES W., JR.		403.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BANNING VETERINARY HOSPITAL				
7/23/2009	196401	54.00	VET FEES FOR K-9 "LEX"	54.00
Vendor Total		54.00		
FYTD for BANNING VETERINARY HOSPITAL		54.00		
BARNES, DARLENE				
7/9/2009	196055	110.82	JUNE'09 RETIREE MED BENEFIT	110.82
Vendor Total		110.82		
FYTD for BARNES, DARLENE		110.82		
BARRAGAN, MIGUEL				
7/23/2009	196402	20.00	REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for BARRAGAN, MIGUEL		20.00		
BASIC BACKFLOW				
7/23/2009	196403	30.00	BACKFLOW TESTING>6/25	30.00
Vendor Total		30.00		
FYTD for BASIC BACKFLOW		30.00		
BATES LEATHERS				
7/30/2009	196534	5,611.50	POLICE JACKETS FOR MOTOR UNITS	5,611.50
Vendor Total		5,611.50		
FYTD for BATES LEATHERS		5,611.50		
BEAN, JAMES & CATALINA				
7/23/2009	196404	2,622.00	TRUST FUND REFUND	2,622.00
Vendor Total		2,622.00		
FYTD for BEAN, JAMES & CATALINA		2,622.00		
BEAZER HOMES				
7/2/2009	195947	30.00	RFND-FALSE ALARM FEE	30.00
Vendor Total		30.00		
FYTD for BEAZER HOMES		30.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BEEGLE JEANETTE				
7/23/2009	196405	95.00		
			RFND-RABIES/SPAY/NEUTER FEES	20.00
			RFND-RABIES/SPAY/NEUTER FEES	75.00
Vendor Total		95.00		
FYTD for BEEGLE JEANETTE		95.00		
BELL, ORROCK & WATASE, INC				
7/16/2009	196268	4,355.31		
			LEGAL DEFENSE SERVICES	404.95
			LEGAL DEFENSE SERVICES	792.05
			LEGAL DEFENSE SERVICES	3,158.31
Vendor Total		4,355.31		
FYTD for BELL, ORROCK & WATASE, INC		4,355.31		
BELUSO, STEPHEN				
7/9/2009	196056	150.00		
			MV UTILITY REFUND	150.00
Vendor Total		150.00		
FYTD for BELUSO, STEPHEN		150.00		
BEMUS LANDSCAPE, INC.				
7/16/2009	196269	2,982.56		
			LANDSCAPE MAINTENANCE	480.00
			LANDSCAPE MAINTENANCE	480.00
			LANDSCAPE MAINTENANCE	480.00
			LANDSCAPE MAINT @ CITY HALL	992.56
			LANDSCAPE MAINT @ VETERANS	250.00
			LANDSCAPE MAINT @ ANNEX #1	300.00
Vendor Total		2,982.56		
FYTD for BEMUS LANDSCAPE, INC.		42,890.59		
BENESYST, INC.				
7/2/2009	195948	255.05		
			JULY'09 FLEX ADMIN SRVCS	255.05
7/23/2009	196406	255.05		
			AUG'09-FSA & DEP CARE	255.05
Vendor Total		510.10		
FYTD for BENESYST, INC.		510.10		
BERG & ASSOCIATES, INC.				
7/23/2009	196407	13,729.39		
			PIGEON PASS RD IMPRV PROJ SVCS	12,710.92
			PIGEON PASS RD IMPRV PROJ SVCS	1,018.47
Vendor Total		13,729.39		
FYTD for BERG & ASSOCIATES, INC.		13,729.39		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BIO-TOX LABORATORIES				
7/16/2009	196270	3,013.45		
			TOXICOLOGY TESTS	51.76
			TOXICOLOGY TESTS	1,698.29
			TOXICOLOGY TESTS	1,263.40
7/30/2009	196535	2,048.66		
			TOXICOLOGY TESTING	1,418.66
			TOXICOLOGY TESTING	630.00
Vendor Total		5,062.11		
FYTD for BIO-TOX LABORATORIES		5,062.11		
BLAIR, CHERYL				
7/2/2009	195949	486.00		
			BELLY DNCNG CLASS-18 PARTICIPANTS	486.00
Vendor Total		486.00		
FYTD for BLAIR, CHERYL		486.00		
BLUE SHIELD OF CALIFORNIA				
7/23/2009	196408	1,053.87		
			HLTH INS>J01001762-9	812.21
			HLTH INS>J03201829-9	241.66
Vendor Total		1,053.87		
FYTD for BLUE SHIELD OF CALIFORNIA		1,053.87		
BOYLE ENGINEERING CORPORATION				
7/2/2009	195950	1,803.21		
			TR 33684 PLN CK SRVCS>6/5/09	642.75
			TR 33436 PLN CK SRVCS>6/5/09	1,160.46
7/16/2009	196271	979.89		
			PLAN CK SRVCS>PM33637	979.89
Vendor Total		2,783.10		
FYTD for BOYLE ENGINEERING CORPORATION		53,002.80		
BREWER, ERIC				
7/9/2009	196059	200.00		
			PER DIEM-GANG VIOLENCE CONF.	200.00
Vendor Total		200.00		
FYTD for BREWER, ERIC		200.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BULLER, LINDA				
7/23/2009	196410	0.00		
			RFND CPR FEES	30.00
			RFND CPR FEES	-30.00
7/23/2009	196524	30.00		
			RFND CPR FEES	30.00
Vendor Total		30.00		
FYTD for BULLER, LINDA		30.00		
BURKE, WILLIAMS & SORENSEN, LLP.				
7/2/2009	195951	360.00		
			MAY'09 LGL FEES-RE:JENNY INVESTMENT GRP	360.00
Vendor Total		360.00		
FYTD for BURKE, WILLIAMS & SORENSEN, LLP.		360.00		
BUSINESS FACILITIES				
7/9/2009	196060	4,920.00		
			JUN'09 ADVERTISING	4,920.00
Vendor Total		4,920.00		
FYTD for BUSINESS FACILITIES		4,920.00		
C.R. GANN DEMOLITION, INC.				
7/9/2009	196061	8,954.00		
			DEMO. SRVCS>11692 HEACOCK	3,300.00
			DEMO. SRVCS>11692 HEACOCK	5,654.00
Vendor Total		8,954.00		
FYTD for C.R. GANN DEMOLITION, INC.		8,954.00		
CAIN, GREGORY				
7/9/2009	196062	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for CAIN, GREGORY		318.73		
CAIRNS, SUSAN				
7/9/2009	196063	337.43		
			NOTARY COMM RENEWAL EXPENSES	337.43
Vendor Total		337.43		
FYTD for CAIRNS, SUSAN		337.43		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CALAVERAS STANDARD MATERIALS				
7/16/2009	196272	1,217.73		
			PORTLAND CEMENT FOR PROM PROJ.	407.45
			PORTLAND CEMENT FOR PROM PROJ.	810.28
7/23/2009	196411	822.69		
			PORTLAND CEMENT FOR PROM PROJS	443.59
			PORTLAND CEMENT FOR PROM PROJS	379.10
7/30/2009	196536	1,232.15		
			PORTLAND CEMENT FOR PROM PROJS	766.03
			PORTLAND CEMENT FOR PROM PROJS	466.12
Vendor Total		3,272.57		
FYTD for CALAVERAS STANDARD MATERIALS		3,272.57		
CALIFORNIA AGRI-CONTROL, INC.				
7/2/2009	195952	1,532.67		
			JUN'09 LNDSCP RDNT CNTRL	268.58
			JUN'09 LNDSCP RDNT CNTRL	161.14
			JUN'09 LNDSCP RDNT CNTRL	35.81
			JUN'09 LNDSCP RDNT CNTRL	35.80
			JUN'09 LNDSCP RDNT CNTRL	537.16
			JUN'09 LNDSCP RDNT CNTRL	134.29
			JUN'09 LNDSCP RDNT CNTRL	134.29
			JUN'09 LNDSCP RDNT CNTRL	10.74
			JUN'09 LNDSCP RDNT CNTRL	42.97
			JUN'09 LNDSCP RDNT CNTRL	10.74
			JUN'09 LNDSCP RDNT CNTRL	161.15
Vendor Total		1,532.67		
FYTD for CALIFORNIA AGRI-CONTROL, INC.		1,532.67		
CALIFORNIA BUILDING STANDARDS COMMISSION				
7/9/2009	196064	515.70		
			FEES COLLECTED>JUN'09	515.70
Vendor Total		515.70		
FYTD for CALIFORNIA BUILDING STANDARDS COMMISSION		515.70		
CALIFORNIA MUNICIPAL UTILITIES ASSOC.				
7/16/2009	196273	2,919.00		
			09/10 ELEC UT MBRSHIP DUES	2,919.00
Vendor Total		2,919.00		
FYTD for CALIFORNIA MUNICIPAL UTILITIES ASSOC.		2,919.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CANON BUSINESS SOLUTIONS, INC.				
7/30/2009	196538	7,527.35		
			APR-JUN'09 COPIER SRVCS	6,047.60
			APR-JUN'09 COPIER SRVCS	874.10
			APR-JUN'09 COPIER SRVCS	605.65
Vendor Total		7,527.35		
FYTD for CANON BUSINESS SOLUTIONS, INC.		7,527.35		
CANON FINANCIAL SERVICES, INC.				
7/23/2009	196412	7,590.68		
			COPIER LEASE>JUN'09	6,172.47
			COPIER LEASE>JUN'09	1,258.42
			COPIER LEASE>JUN'09	159.79
Vendor Total		7,590.68		
FYTD for CANON FINANCIAL SERVICES, INC.		7,590.68		
CASKAN, PATRICIA				
7/30/2009	196539	0.00		
			FULL & FINAL SETTLEMENT-3/1/09	470.00
			FULL & FINAL SETTLEMENT-3/1/09	-470.00
Vendor Total		0.00		
FYTD for CASKAN, PATRICIA		0.00		
CASKEY, DEBRA C.				
7/9/2009	196065	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for CASKEY, DEBRA C.		318.73		
CATALINE, CHERYL				
7/30/2009	196540	750.00		
			RENTAL DEPOSIT REFUND-REC CTR	750.00
Vendor Total		750.00		
FYTD for CATALINE, CHERYL		750.00		
CAVENAUGH & ASSOCIATES				
7/9/2009	196066	998.00		
			D.U.I. SEMINAR 7/13-7/17/09	499.00
			D.U.I. SEMINAR 7/13-7/17/09	499.00
Vendor Total		998.00		
FYTD for CAVENAUGH & ASSOCIATES		998.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHAMBERS GROUP, INC.				
7/2/2009	195953	673.50	FEB'09 PROF SRVCS>PROLOGIS EIR	673.50
Vendor Total		673.50		
FYTD for CHAMBERS GROUP, INC.		673.50		
CHANCY, CHIZURU				
7/16/2009	196274	187.20	HAWAIIAN DANCE CONTRACT CLASS	140.40
			HAWAIIAN DANCE CONTRACT CLASS	46.80
Vendor Total		187.20		
FYTD for CHANCY, CHIZURU		187.20		
CHAPMAN, STEVE				
7/9/2009	196067	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for CHAPMAN, STEVE		318.73		
CHAPPELL, ISAAC				
7/9/2009	196068	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for CHAPPELL, ISAAC		318.73		
CHERRY VALLEY FEED				
7/23/2009	196413	258.77	MISC. FOOD FOR K-9 "MAX"	101.13
			MISC. FOOD FOR K-9 "LEX"	63.06
			MISC. FOOD FOR K-9 "BLUE"	94.58
Vendor Total		258.77		
FYTD for CHERRY VALLEY FEED		258.77		
CHICHOV, VITALI				
7/23/2009	196414	75.00	REFUND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for CHICHOV, VITALI		75.00		
CHOICE POINT BUSINESS AND GOVERNMENT				
7/16/2009	196275	500.00	AUTO TRACT SERVICES	500.00
Vendor Total		500.00		
FYTD for CHOICE POINT BUSINESS AND GOVERNMENT		500.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHRISTIAN, OWEN				
7/9/2009	196069	240.44	JULY'09 RETIREE MED BENEFIT	240.44
Vendor Total		240.44		
FYTD for CHRISTIAN, OWEN		240.44		
CITY OF MORENO VALLEY VEBA TRUST				
7/9/2009	196070	4,337.50	EXEMPT VEBA	4,337.50
Vendor Total		4,337.50		
FYTD for CITY OF MORENO VALLEY VEBA TRUST		4,337.50		
CITY OF NORCO				
7/2/2009	195954	225.00	ATND:HASTINGS/BATEY	45.00
			ATND:HASTINGS/BATEY	45.00
			ATND:ADAMS/DAWSON/HARTMANN	135.00
Vendor Total		225.00		
FYTD for CITY OF NORCO		225.00		
CITY OF RIVERSIDE				
7/23/2009	196415	519.45	TRAFFIC SIGNAL COSTS	519.45
Vendor Total		519.45		
FYTD for CITY OF RIVERSIDE		519.45		
CLARK, ANNIE A.				
7/9/2009	196071	118.00	PER DIEM-MMASC CONF.	118.00
Vendor Total		118.00		
FYTD for CLARK, ANNIE A.		118.00		
CME CHURCH				
7/30/2009	196541	200.00	RENTAL DEPOSIT REFUND-REC CTR	200.00
Vendor Total		200.00		
FYTD for CME CHURCH		200.00		
CODY, LEE				
7/9/2009	196072	75.00	RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for CODY, LEE		75.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COLE, ELAINE				
7/30/2009	196542	75.00	REFUND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for COLE, ELAINE		75.00		
COLONIAL SUPPLEMENTAL INSURANCE				
7/9/2009	196074	7,526.74	SUPPLEMENTAL INSURANCE	7,526.74
Vendor Total		7,526.74		
FYTD for COLONIAL SUPPLEMENTAL INSURANCE		7,526.74		
COLOR TECH				
7/30/2009	196543	259.91	#10 WINDOW ENVELOPES FOR SDA	259.91
Vendor Total		259.91		
FYTD for COLOR TECH		259.91		
COMMUNITY HEALTH CHARITIES				
7/9/2009	196075	385.00	CHC CONTRIBUTIONS	385.00
7/23/2009	196416	340.00	CHC CONTRIBUTIONS	340.00
Vendor Total		725.00		
FYTD for COMMUNITY HEALTH CHARITIES		725.00		
COMPETITIVE STRIDE				
7/30/2009	196544	527.98	SUPPLIES-1ST ANNL IDOL CONTEST	127.98
			MISC. TROPHIES-7/4/09	400.00
Vendor Total		527.98		
FYTD for COMPETITIVE STRIDE		527.98		
COOPER, CARLY				
7/23/2009	196417	587.72	CITATION REFUND	587.72
Vendor Total		587.72		
FYTD for COOPER, CARLY		587.72		
CORRALES, MARIA				
7/9/2009	196076	20.00	RFND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for CORRALES, MARIA		20.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COSTCO				
7/9/2009	196077	234.47		
			MISC. SUPPLIES>PARKS	63.33
			MISC. SUPPLIES>PARKS	17.24
			MISC. SUPPLIES>PARKS	153.90
Vendor Total		234.47		
FYTD for COSTCO		234.47		
COUNSELING TEAM, THE				
7/16/2009	196276	1,250.00		
			EMPLOYEE COUNSELING SERVICES	1,250.00
Vendor Total		1,250.00		
FYTD for COUNSELING TEAM, THE		1,250.00		
COUNTRY SQUIRE ESTATES				
7/16/2009	196277	29.17		
			RFND UT USER TAXES-EXMPT RESID	29.17
Vendor Total		29.17		
FYTD for COUNTRY SQUIRE ESTATES		29.17		
COUNTY OF RIVERSIDE AUDITOR				
7/2/2009	195955	12,122.00		
			PRKNG CNTRL FEES CLLCTD	9,190.00
			DSBLD PRKNG VIOL FEES CLLCTD	2,932.00
Vendor Total		12,122.00		
FYTD for COUNTY OF RIVERSIDE AUDITOR		12,122.00		
COUNTY OF RIVERSIDE, AUDITOR- CONTROLLER				
7/23/2009	196418	11,005.28		
			LAFCO FY10 FEES	11,005.28
Vendor Total		11,005.28		
FYTD for COUNTY OF RIVERSIDE, AUDITOR- CONTROLLER		11,005.28		
CREATIVE PROMOTIONAL IDEAS				
7/2/2009	195956	4,368.90		
			MARKET BAGS	3,741.00
			SHIPPING	627.90
Vendor Total		4,368.90		
FYTD for CREATIVE PROMOTIONAL IDEAS		4,368.90		
CRITICAL SOLUTIONS				
7/2/2009	195957	3,500.00		
			PUB SAFETY BLDG CONVERSION PRJ	3,500.00
Vendor Total		3,500.00		
FYTD for CRITICAL SOLUTIONS		3,500.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CTAI PACIFIC GREENSCAPE				
7/9/2009	196078	7,291.61		
			JUN'09 LNDSCP MNT>DSG1-W IRRIGATION RPRS>TR30967	7,274.85 16.76
Vendor Total		7,291.61		
FYTD for CTAI PACIFIC GREENSCAPE		7,291.61		
CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH				
7/30/2009	196545	4,907.26		
			VECTOR ABATEMENT SVCS	4,907.26
Vendor Total		4,907.26		
FYTD for CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH		4,907.26		
D & D SERVICES DBA D & D DISPOSAL, INC.				
7/30/2009	196546	895.00		
			JUN'09 DISPOSAL SRVCS XTRA PICK-UP ON 6/13/09	745.00 150.00
Vendor Total		895.00		
FYTD for D & D SERVICES DBA D & D DISPOSAL, INC.		895.00		
D H TAD LOWREY & GAYLE A LOWREY				
7/2/2009	195958	2,813.25		
			BOND HOLDER PMT BOND HOLDER PMT	1,681.12 1,132.13
Vendor Total		2,813.25		
FYTD for D H TAD LOWREY & GAYLE A LOWREY		2,813.25		
DALE, KATHLEEN				
7/9/2009	196079	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for DALE, KATHLEEN		318.73		
DATA TICKET, INC.				
7/2/2009	195959	14,490.67		
			APR'09 PRKNG TCKT PRCSSNG	14,490.67
7/30/2009	196547	315.00		
			APR'09 MAINT/SUPPORT MAY'09 MAINT/SUPPORT JUN'09 MAINT/SUPPORT	105.00 105.00 105.00
Vendor Total		14,805.67		
FYTD for DATA TICKET, INC.		14,805.67		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DATAQUICK CORPORATE HEADQUARTERS				
7/30/2009	196548	430.50		
			ON-LINE SOFTWARE SUBSCRIPTION	12.00
			JUN'09 ONLINE SRVCS	300.00
			JUN'09 ONLINE SRVCS	118.50
Vendor Total		430.50		
FYTD for DATAQUICK CORPORATE HEADQUARTERS		430.50		
DAVID EVANS & ASSOCIATES, INC.				
7/9/2009	196080	496.90		
			SUNNYMEAD BLVD REVIT PROJ SVCS	496.90
Vendor Total		496.90		
FYTD for DAVID EVANS & ASSOCIATES, INC.		496.90		
DEBINAIRE COMPANY				
7/16/2009	196278	119.63		
			BOILER INSPECTION	21.44
			BOILER INSPECTION	98.19
Vendor Total		119.63		
FYTD for DEBINAIRE COMPANY		119.63		
DELAMAR ENTERPRISES				
7/23/2009	196419	17.11		
			RFND-BUS. LIC. OVRPMT	17.11
Vendor Total		17.11		
FYTD for DELAMAR ENTERPRISES		17.11		
DELTA DENTAL				
7/16/2009	196279	11,503.10		
			EMPLOYEE DENTAL INSURANCE	11,503.10
Vendor Total		11,503.10		
FYTD for DELTA DENTAL		11,503.10		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DELTACARE USA				
7/9/2009	196081	0.00		
			EMPLOYEE DENTAL INSURANCE	6,788.65
			EMPLOYEE DENTAL INSURANCE	206.50
			EMPLOYEE DENTAL INSURANCE	11,393.70
			EMPLOYEE DENTAL INSURANCE	109.40
			EMPLOYEE DENTAL INSURANCE	-6,788.65
			EMPLOYEE DENTAL INSURANCE	-206.50
			EMPLOYEE DENTAL INSURANCE	-11,393.70
			EMPLOYEE DENTAL INSURANCE	-109.40
7/16/2009	196280	6,995.15		
			EMPLOYEE DENTAL INSURANCE	6,788.65
			EMPLOYEE DENTAL INSURANCE	206.50
Vendor Total		6,995.15		
FYTD for DELTACARE USA		6,995.15		
DEPARTMENT ISSUE, INC.				
7/23/2009	196420	838.65		
			MISC. UNIFORM PURCHASES	838.65
Vendor Total		838.65		
FYTD for DEPARTMENT ISSUE, INC.		838.65		
DEPARTMENT OF CONSERVATION				
7/9/2009	196082	751.78		
			SMI FEES FOR QTR>6/30/09	791.35
			SMI FEES FOR QTR>6/30/09	-39.57
Vendor Total		751.78		
FYTD for DEPARTMENT OF CONSERVATION		751.78		
DESIGN WORKS				
7/9/2009	196083	172.91		
			AWARD SHIRTS FOR PARKS	172.91
7/30/2009	196549	1,587.37		
			T-SHIRTS FOR SUMMER BASKETBALL	1,587.37
Vendor Total		1,760.28		
FYTD for DESIGN WORKS		1,760.28		
DIAZ, ANDREW				
7/9/2009	196084	50.00		
			CITATION REFUND	50.00
Vendor Total		50.00		
FYTD for DIAZ, ANDREW		50.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DIEDERICHS & ELCONIN				
7/30/2009	196550	8,625.00		
			JAN-JUN'09 LGL SRVCS	7,550.00
			JAN-JUN'09 LGL SRVCS	1,075.00
Vendor Total		8,625.00		
FYTD for DIEDERICHS & ELCONIN		8,625.00		
DIZON, ELSIE				
7/23/2009	196421	251.94		
			CITATION REFUND	251.94
Vendor Total		251.94		
FYTD for DIZON, ELSIE		251.94		
DMC DESIGN GROUP, INC				
7/16/2009	196281	22,518.44		
			ALESSANDRO IMPRV-WCL>FREDERICK	22,518.44
Vendor Total		22,518.44		
FYTD for DMC DESIGN GROUP, INC		22,518.44		
DONAHUE APPRAISAL ASSOCIATES				
7/16/2009	196282	4,900.00		
			APPRAISAL SERVICES	4,900.00
Vendor Total		4,900.00		
FYTD for DONAHUE APPRAISAL ASSOCIATES		4,900.00		
DORHAM, JOANNA N.				
7/16/2009	196283	149.49		
			JUN'09 PREMIUM REIMB.	149.49
Vendor Total		149.49		
FYTD for DORHAM, JOANNA N.		149.49		
DORY, ALLEEN F.				
7/9/2009	196085	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for DORY, ALLEEN F.		318.73		
DOWNEY, MITCH				
7/30/2009	196551	147.00		
			PER DIEM-THREAT MGMT CONF.	147.00
Vendor Total		147.00		
FYTD for DOWNEY, MITCH		147.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DUDLEY, KISAH				
7/23/2009	196422	115.00		
			REFUND-RAB & S/N DEPOSIT	20.00
			REFUND-RAB & S/N DEPOSIT	75.00
			REFUND-RABIES DEPOSIT	20.00
Vendor Total		115.00		
FYTD for DUDLEY, KISAH		115.00		
DURAN, BLANCA				
7/9/2009	196086	84.00		
			FOLKLORIC DNC-4 PARTICIPANTS	84.00
Vendor Total		84.00		
FYTD for DURAN, BLANCA		84.00		
E.R. BLOCK PLUMBING & HEATING, INC.				
7/2/2009	195960	1,791.26		
			BACKFLOW TESTING>AREA D	350.00
			RPLC BACKFLOW @TR 20579	702.82
			RPLC BACKFLOW IN E-2	738.44
7/9/2009	196087	528.03		
			WTR HEATER RPR>FS #91	528.03
7/23/2009	196423	375.09		
			PLUMBING REPAIRS-PSB BKNG AREA	340.09
			BACKFLOW TESTING E-12	35.00
7/30/2009	196552	1,035.56		
			REINSTALL BACKFLOW-ZONE M	755.56
			BACKFLOW TESTING E-16	65.80
			BACKFLOW TESTING	35.00
			BACKFLOW TESTING	35.00
			BACKFLOW TESTING	4.20
			BACKFLOW TESTING	105.00
			BACKFLOW TESTING	35.00
Vendor Total		3,729.94		
FYTD for E.R. BLOCK PLUMBING & HEATING, INC.		3,729.94		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT				
7/23/2009	196424	6,606.63		
			WATER UTILITY-SUBSTN. LANDSC.	104.03
			WATER UTILITY	135.95
			WATER UTILITY	722.54
			WATER UTILITY	300.40
			WATER UTILITY	2,058.83
			WATER UTILITY	534.16
			WATER UTILITY	1,544.90
			WATER UTILITY	295.11
			WATER UTILITY	281.08
			WATER UTILITY	75.36
			WATER UTILITY	554.27
Vendor Total		6,606.63		
FYTD for EASTERN MUNICIPAL WATER DISTRICT		167,110.94		
EDFUND				
7/9/2009	196089	310.58		
			GARNISHMENT	107.15
			GARNISHMENT	203.43
7/23/2009	196425	299.94		
			GARNISHMENT	96.44
			GARNISHMENT	203.50
Vendor Total		610.52		
FYTD for EDFUND		610.52		
EDGE LANE MOBILE PARK				
7/2/2009	195962	8.36		
			RFND UT USER TAXES-EXMPT RESID	8.36
Vendor Total		8.36		
FYTD for EDGE LANE MOBILE PARK		8.36		
EGGERSTEN, ANNE				
7/9/2009	196090	303.60		
			JULY'09 RETIREE MED BENEFIT	303.60
7/16/2009	196286	401.42		
			SEP'08 RETIREE MED BNFT	401.42
Vendor Total		705.02		
FYTD for EGGERSTEN, ANNE		705.02		
ELESCO-CORPORATE				
7/30/2009	196554	4,115.21		
			BATTERIES RPLCMNT	4,084.50
			BATTERIES RPLCMNT	30.71
Vendor Total		4,115.21		
FYTD for ELESCO-CORPORATE		4,115.21		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ELITE ELECTRIC				
7/23/2009	196426	40.63		
			RFND-BUS. LIC. OVRPMT	40.63
Vendor Total		40.63		
FYTD for ELITE ELECTRIC		40.63		
ELROD FENCE COMPANY				
7/30/2009	196555	5,579.00		
			PSB PARKING LOT EXPANSION PROJ	5,579.00
Vendor Total		5,579.00		
FYTD for ELROD FENCE COMPANY		5,579.00		
EMERY MATERIALS, INC.				
7/9/2009	196091	126.00		
			CONCRETE DISPOSAL	126.00
Vendor Total		126.00		
FYTD for EMERY MATERIALS, INC.		126.00		
EMPIRE SPORTS				
7/9/2009	196092	2,312.30		
			SHIRTS FOR KIDS CAMP	2,312.30
Vendor Total		2,312.30		
FYTD for EMPIRE SPORTS		2,312.30		
ENVIRONMENTAL & REGULATORY SPECIALST,INC				
7/9/2009	196093	870.00		
			MAY'09 PROF SRVCS>HABITAT MITI	580.00
			MAY'09 PROF SRVCS>MITIG. MNTRN	290.00
7/23/2009	196428	4,560.00		
			JUN09 POORMANS RES HABITAT SVC	4,560.00
Vendor Total		5,430.00		
FYTD for ENVIRONMENTAL & REGULATORY SPECIALST,INC		5,430.00		
ENVIRONMENTAL KLEAN-UP				
7/30/2009	196557	605.00		
			NUISANCE ABATEMENT	605.00
Vendor Total		605.00		
FYTD for ENVIRONMENTAL KLEAN-UP		605.00		
EPLER, PETER				
7/2/2009	195965	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for EPLER, PETER		75.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ERDODI, MICHAEL				
7/9/2009	196094	10.00		
			RFND-ANML LICENSE FEE	10.00
Vendor Total		10.00		
FYTD for ERDODI, MICHAEL		10.00		
ESTRADA, MARITZA				
7/16/2009	196288	300.00		
			RFND RNT DEP>6/27/09	300.00
Vendor Total		300.00		
FYTD for ESTRADA, MARITZA		300.00		
EVANS ENGRAVING & AWARDS				
7/2/2009	195966	243.60		
			RET PLQ FOR P. BECKNER	30.45
			RET PLQ FOR H. LINDO	30.45
			RET PLQ FOR E. HOUSER	30.45
			RET PLQ FOR C. RAPP	30.45
			RET PLQ FOR T. STREICH	30.45
			RET PLQ FOR B. LANGENDORF	30.45
			RET PLQ FOR R. NELSON	30.45
			RET PLQ FOR L. MORGAN	30.45
7/9/2009	196095	91.35		
			PLQ FOR S. SHELDON	30.45
			PLQ FOR S. MAXINOSKI	30.45
			PLQ FOR ROSALYN CARTER	30.45
7/16/2009	196289	152.25		
			PLAQUE "F" FOR 5 CDD STAFF	152.25
7/23/2009	196429	143.56		
			PLAQUE "F" FOR ART HIGGS	30.45
			2"x9" DARK WOODGRAIN	10.88
			MAGNETIC NAME PLATE	10.88
			PLAQUES FOR RETIRING STAFF	91.35
7/30/2009	196558	60.90		
			PLQ FOR CHARLES KOBL	30.45
			PLQ FOR JOSIE LAFATA	30.45
Vendor Total		691.66		
FYTD for EVANS ENGRAVING & AWARDS		691.66		
EWING IRRIGATION PRODUCTS, INC.				
7/9/2009	196096	3,061.86		
			BFEDSS-8442 STNLESS STEEL CAGE	2,756.81
			BFEDSS-8442 STNLESS STEEL CAGE	305.05
Vendor Total		3,061.86		
FYTD for EWING IRRIGATION PRODUCTS, INC.		3,061.86		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EXCEL LANDSCAPE, INC				
7/9/2009	196097	85.00	LNDSCPNG SRVCS>E-15	85.00
7/23/2009	196430	10.20	IRRIGATION REPAIRS IN E-8	10.20
7/30/2009	196559	350.00	PLANTS FOR ZONE E-3	350.00
Vendor Total		445.20		
FYTD for EXCEL LANDSCAPE, INC		64,723.52		
FAIR HOUSING COUNCIL OF RIV CO, INC.				
7/2/2009	195968	3,405.30	CDBG REIMB>FAIR HOUSING	3,405.30
Vendor Total		3,405.30		
FYTD for FAIR HOUSING COUNCIL OF RIV CO, INC.		3,405.30		
FALCON FUELS				
7/9/2009	196098	11,991.61	FUEL PURCHASE	3,303.39
			FUEL PURCHASE	5,603.19
			FUEL PURCHASE	3,085.03
7/23/2009	196431	4,899.31	PURCHASE OF FUEL	4,899.31
Vendor Total		16,890.92		
FYTD for FALCON FUELS		16,890.92		
FAST SIGNS				
7/30/2009	196560	1,460.52	MAGNETS FOR 7/4/09 PARADE	1,460.52
Vendor Total		1,460.52		
FYTD for FAST SIGNS		1,460.52		
FAVARO, GINA				
7/2/2009	195969	75.00	RFND-SPAY/NEUTER DEPOSIT	75.00
7/30/2009	196561	20.00	REFUND-RABIES DEPOSIT	20.00
Vendor Total		95.00		
FYTD for FAVARO, GINA		95.00		
FEDERAL EXPRESS				
7/9/2009	196099	7.56	EXPRESS SHIPPING	7.56
Vendor Total		7.56		
FYTD for FEDERAL EXPRESS		7.56		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FEENSTRA, JOHN				
7/9/2009	196100	361.25	JULY'09 RETIREE MED BENEFIT	361.25
Vendor Total		361.25		
FYTD for FEENSTRA, JOHN		361.25		
FERGUSON, SANDY				
7/2/2009	195970	20.00	RFND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for FERGUSON, SANDY		20.00		
FILARSKY & WATT, LLP				
7/16/2009	196290	4,446.00	MISCELLANEOUS LEGAL FEES JUN'09 PROF. SRVCS	478.00 3,968.00
Vendor Total		4,446.00		
FYTD for FILARSKY & WATT, LLP		4,446.00		
FIRST AMERICAN CORE LOGIC, INC.				
7/2/2009	195971	170.00	MAY'09 PROP INFO SRVCS	170.00
7/30/2009	196562	170.00	JUN'09 ONLINE SRVCS	170.00
Vendor Total		340.00		
FYTD for FIRST AMERICAN CORE LOGIC, INC.		340.00		
FIRST CHOICE SERVICES				
7/2/2009	195972	58.76	COFFEE SRVCS>SPCL DIST	58.76
7/9/2009	196101	670.36	COFFEE SRVCS>BRKRM COFFEE SRVCS>CTY MGR AREA COFFEE SRVCS>PW AREA COFFEE SRVCS>CNCL CHMBRS COFFEE SRVCS>CNCL ALCV	180.53 116.10 222.64 128.32 22.77
7/16/2009	196291	211.29	COFFEE/CONDIMENTS SERVICES COFFEE SRVC>CITY YARD COFFEE SRVCS>CTY YARD	121.52 33.01 56.76
Vendor Total		940.41		
FYTD for FIRST CHOICE SERVICES		940.41		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FISHER, IRENE				
7/23/2009	196432	1,293.00		
			CITATION REFUND	1,293.00
Vendor Total		1,293.00		
FYTD for FISHER, IRENE		1,293.00		
FITNESS 19 CA 155 11C				
7/23/2009	196433	295.00		
			GYM MEMBERSHIP DEDUCTIONS	295.00
Vendor Total		295.00		
FYTD for FITNESS 19 CA 155 11C		295.00		
FRANCE PUBLICATIONS, INC				
7/2/2009	195973	1,895.95		
			JUN'09 ADVRTSNG	1,895.95
Vendor Total		1,895.95		
FYTD for FRANCE PUBLICATIONS, INC		1,895.95		
FRANCHISE TAX BOARD				
7/9/2009	196102	50.00		
			GARNISHMENT	50.00
7/9/2009	196103	43.59		
			GARNISHMENT	43.59
7/23/2009	196434	33.22		
			GARNISHMENT	33.22
7/23/2009	196435	50.00		
			GARNISHMENT	50.00
Vendor Total		176.81		
FYTD for FRANCHISE TAX BOARD		176.81		
FRIENDS OF THE SENIOR CENTER				
7/2/2009	195974	10,000.00		
			FEB-MAR'09 SR VAN ASSISTANCE	10,000.00
Vendor Total		10,000.00		
FYTD for FRIENDS OF THE SENIOR CENTER		10,000.00		
FULLER, NORMA DENISE				
7/9/2009	196104	1,599.65		
			CNSLTNG SRVCS>6/23/09	1,599.65
Vendor Total		1,599.65		
FYTD for FULLER, NORMA DENISE		1,599.65		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GALLEGOS, JUAN				
7/9/2009	196105	200.00	DEP RFND-6/27 @TWNNGTE	200.00
Vendor Total		200.00		
FYTD for GALLEGOS, JUAN		200.00		
GALLS INC., INLAND UNIFORM				
7/16/2009	196292	117.02	UNIFORM>K WILSON	117.02
Vendor Total		117.02		
FYTD for GALLS INC., INLAND UNIFORM		117.02		
GASTON, RICHARD				
7/9/2009	196106	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for GASTON, RICHARD		318.73		
GENERAL SECURITY SERVICES, INC.				
7/9/2009	196107	3,083.34	SEC SRVCS>6/13/09	1,418.95
			SEC SRVCS>6/20/09	1,418.95
			SEC SRVCS>6/13-SR CTR	245.44
7/16/2009	196293	2,224.30	SECURITY SERVICES	1,541.67
			SECURITY SERVICES	276.12
			SEC SRVCS>6/13-CRC	92.04
			SEC SRVCS>6/20-SR CTR	222.43
			SEC SRVCS>6/20-TWNGTE	92.04
7/23/2009	196436	122.72	SEC SRVCS>6/27-TWNGTE	122.72
7/30/2009	196564	613.60	SEC SVCS: 6/27/09-SENIOR CTR	245.44
			SECURITY SVCS- 6/27/09 REC CTR	368.16
Vendor Total		6,043.96		
FYTD for GENERAL SECURITY SERVICES, INC.		6,043.96		
GIBBS, GIDEN, LOCHER, TURNER & SENET LLP				
7/30/2009	196565	24,038.30	LEGAL SVCS RE: COMM PARK	1,082.31
			MAY'09 LGL SRVCS	22,955.99
Vendor Total		24,038.30		
FYTD for GIBBS, GIDEN, LOCHER, TURNER & SENET LLP		24,038.30		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GIBSON, TRAVIS				
7/30/2009	196566	100.00	REFUND-ADULT SOFTBLL TOURNAMNT	100.00
Vendor Total		100.00		
FYTD for GIBSON, TRAVIS		100.00		
GILES, GREG				
7/2/2009	195976	850.00	AUDITING SVCS FOR ASES GRANT	850.00
7/16/2009	196294	850.00	AUDITING SVCS FOR ASES GRANT	850.00
7/30/2009	196567	807.50	AUDITING SVCS FOR ASES GRANT	807.50
Vendor Total		2,507.50		
FYTD for GILES, GREG		2,507.50		
GLOVER, LORNA				
7/23/2009	196437	20.00	REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for GLOVER, LORNA		20.00		
GOD'S HELPING HAND				
7/30/2009	196568	1,249.88	CDBG EXP. REIMB.	416.68
			CDBG EXP. REIMB.	416.68
			CDBG EXP. REIMB.	416.52
Vendor Total		1,249.88		
FYTD for GOD'S HELPING HAND		1,249.88		
GONZALEZ, DANIELA & RAUDEL				
7/23/2009	196438	2,500.00	TRUST FUND REFUND	2,500.00
Vendor Total		2,500.00		
FYTD for GONZALEZ, DANIELA & RAUDEL		2,500.00		
GOZDECKI, DAN				
7/2/2009	195977	540.00	KUNG FU-10 PARTICIPANTS	270.00
			KUNG FU-10 PARTICIPANTS	270.00
Vendor Total		540.00		
FYTD for GOZDECKI, DAN		540.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GRAPHIC SOLUTIONS LTD.				
7/9/2009	196108	1,132.50		
			SUNNYMEAD BLVD SIGN PROJ SVCS	1,132.50
7/23/2009	196439	1,373.75		
			SUNNYMD BLVD REVIT SIGN PROJ.	1,373.75
Vendor Total		2,506.25		
FYTD for GRAPHIC SOLUTIONS LTD.		2,506.25		
GREAT PYRENEES RESCUE				
7/23/2009	196440	75.00		
			RFND-SPAY/NEUTER DEP	75.00
Vendor Total		75.00		
FYTD for GREAT PYRENEES RESCUE		75.00		
GRIFFIN, MARLENE C				
7/9/2009	196109	303.60		
			JULY'09 RETIREE MED BENEFIT	303.60
Vendor Total		303.60		
FYTD for GRIFFIN, MARLENE C		303.60		
GRUBB & ELLIS MANAGEMENT SVCS				
7/16/2009	196295	36.60		
			BUS. L.IC. OVRPMT RFND	36.60
Vendor Total		36.60		
FYTD for GRUBB & ELLIS MANAGEMENT SVCS		36.60		
GUERRERO, GABRIEL				
7/30/2009	196569	75.00		
			SECURITY DEPOSIT REFUND	75.00
Vendor Total		75.00		
FYTD for GUERRERO, GABRIEL		75.00		
GUIDA SURVEYING, INC.				
7/30/2009	196570	5,175.70		
			IRIS AVE IMPRVMNTS PROJ.	5,175.70
Vendor Total		5,175.70		
FYTD for GUIDA SURVEYING, INC.		5,175.70		
GUILLIS, LINDA B.				
7/9/2009	196110	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for GUILLIS, LINDA B.		318.73		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GUMMERSON, CHRISTY				
7/9/2009	196111	20.00		
			RFND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for GUMMERSON, CHRISTY		20.00		
GUMPERT, BRIAN				
7/16/2009	196296	387.55		
			JUN'09 PREMIUM REIMB.	387.55
Vendor Total		387.55		
FYTD for GUMPERT, BRIAN		387.55		
GUTIERREZ, ROBERT				
7/9/2009	196112	217.99		
			PROFESSIONAL DEVELOPMENT	217.99
7/23/2009	196441	299.99		
			PROFESSIONAL DEVELOPMENT	299.99
Vendor Total		517.98		
FYTD for GUTIERREZ, ROBERT		517.98		
GUZMAN'S CART SERVICE				
7/9/2009	196113	4,049.00		
			JUN'09 CART RTRVL SRVCS	4,049.00
Vendor Total		4,049.00		
FYTD for GUZMAN'S CART SERVICE		4,049.00		
HALLENBECK, AARON				
7/9/2009	196114	320.00		
			PER DIEM-D.U.I. TRNG CLASS	320.00
Vendor Total		320.00		
FYTD for HALLENBECK, AARON		320.00		
HAMLIN, WILLIAM R.				
7/9/2009	196115	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for HAMLIN, WILLIAM R.		318.73		
HANES, MARTIN D.				
7/9/2009	196116	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for HANES, MARTIN D.		318.73		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HARDING, JOHN S.				
7/9/2009	196117	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for HARDING, JOHN S.		318.73		
HARRIS & ASSOCIATES, INC.				
7/9/2009	196118	1,062.50	MAY'09 AUDIT SRVCS-CFD#5	1,062.50
Vendor Total		1,062.50		
FYTD for HARRIS & ASSOCIATES, INC.		31,197.80		
HARRIS, EDWARD				
7/23/2009	196442	581.00	CITATION REFUND	581.00
Vendor Total		581.00		
FYTD for HARRIS, EDWARD		581.00		
HARTH, DAN & DIANNA				
7/23/2009	196443	20.00	REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for HARTH, DAN & DIANNA		20.00		
HATFIELD, CHARLES				
7/9/2009	196120	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for HATFIELD, CHARLES		318.73		
HDL SOFTWARE LLC				
7/23/2009	196444	13,000.00	INSTALL BUS. LIC WEB	13,000.00
Vendor Total		13,000.00		
FYTD for HDL SOFTWARE LLC		13,000.00		
HDL/HINDERLITER DE LLAMAS & ASSOCIATES				
7/30/2009	196572	3,318.51	SALES TX CONSLTNG & AUDIT SVCS	70.00
			SALES TX CONSLTNG & AUDIT SVCS	1,696.76
			SALES TX CONSLTNG & AUDIT SVCS	721.75
			SALES TX CONSLTNG & AUDIT SVCS	405.00
			SALES TX CONSLTNG & AUDIT SVCS	425.00
Vendor Total		3,318.51		
FYTD for HDL/HINDERLITER DE LLAMAS & ASSOCIATES		3,318.51		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HEFFLEY, ROSS W.				
7/9/2009	196121	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for HEFFLEY, ROSS W.		318.73		
HEISS, KAREN				
7/9/2009	196122	60.00	RFND-ANML SRVC FEES	30.00
			RFND-ANML SRVC FEES	10.00
			RFND-ANML SRVC FEES	10.00
			RFND-ANML SRVC FEES	10.00
Vendor Total		60.00		
FYTD for HEISS, KAREN		60.00		
HENKENIUS, LINDSEY				
7/16/2009	196298	1,170.00	KIDSTAR PERFORMING ARTS	1,014.00
			KIDSTAR PERFORMING ARTS	156.00
Vendor Total		1,170.00		
FYTD for HENKENIUS, LINDSEY		1,170.00		
HERNANDEZ, JOSE T.				
7/16/2009	196299	50.00	CITATION REFUND	50.00
Vendor Total		50.00		
FYTD for HERNANDEZ, JOSE T.		50.00		
HERRERA, MARIO				
7/9/2009	196123	200.00	PER DIEM-GANG VIOLENCE CONF.	200.00
Vendor Total		200.00		
FYTD for HERRERA, MARIO		200.00		
HERRICK, ROBERT D.				
7/9/2009	196124	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for HERRICK, ROBERT D.		318.73		
HESLIN, MICHAEL K.				
7/2/2009	195978	447.70	TRAVEL EXP.-ESRI INT'L UC	95.70
			TRAVEL EXP.-ESRI INT'L UC	352.00
Vendor Total		447.70		
FYTD for HESLIN, MICHAEL K.		447.70		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HIGGS, DEBRA				
7/16/2009	196300	36.00	OIL PAINTING CONTRACT CLASS	36.00
Vendor Total		36.00		
FYTD for HIGGS, DEBRA		36.00		
HOLT, DARLENE				
7/30/2009	196574	20.00	REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for HOLT, DARLENE		20.00		
HOUSER, EDITH E.				
7/9/2009	196125	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for HOUSER, EDITH E.		318.73		
HURST, JOYCE				
7/16/2009	196301	77.00	RFND-DOG TRNG REGIST.	77.00
Vendor Total		77.00		
FYTD for HURST, JOYCE		77.00		
ICMA RETIREMENT CORP 457				
7/2/2009	2442	12,168.82	DEF COMP 457 07/02/09	12,168.82
7/15/2009	2451	11,964.95	DEF COMP 457/07/15/09	11,964.95
7/31/2009	2461	250.00	DEF COMP 457 07/31/09	250.00
Vendor Total		24,383.77		
FYTD for ICMA RETIREMENT CORP 457		24,383.77		
IL SORRENTO MOBILE HOME PARK				
7/2/2009	195979	0.00	RFND UT USER TAXES-EXMPT RESID	105.50
			RFND UT USER TAXES-EXMPT RESID	-105.50
Vendor Total		0.00		
FYTD for IL SORRENTO MOBILE HOME PARK		0.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IL SORRENTO MOBILE PARK				
7/16/2009	196302	105.50	RFND UT USER TAXES-EXMPT RESID	105.50
Vendor Total		105.50		
FYTD for IL SORRENTO MOBILE PARK		105.50		
ING USA ANNUITY & LIFE INSURANCE CO.				
7/9/2009	196126	475.00	NON-EXEMPT ANNUITY	475.00
Vendor Total		475.00		
FYTD for ING USA ANNUITY & LIFE INSURANCE CO.		475.00		
INLAND CONTRACTORS, INC./DBA:ENVIRO-TEST				
7/30/2009	196575	1,802.06	NUISANCE ABATEMENT SVCS	1,226.94
			NSNC ABTMNT-11692 HEACOCK	575.12
Vendor Total		1,802.06		
FYTD for INLAND CONTRACTORS, INC./DBA:ENVIRO-TEST		1,802.06		
INLAND EMPIRE PROPERTY SERVICE, INC				
7/9/2009	196127	1,779.00	VEGIT. RMVL>EQSTRN CTR	900.00
			WEED ABTMNT SRVCS	879.00
7/30/2009	196576	1,608.14	WEED ABATEMENT/APN#291-191-001	126.00
			WEED ABATEMENT/APN#291-191-002	108.50
			WEED ABATEMENT/APN#291-191-003	182.91
			WEED ABATEMENT/APN#291-191-005	108.50
			WEED ABATEMENT/APN#291-191-006	94.00
			WEED ABATEMENT/APN#291-191-007	168.41
			WEED ABATEMENT/APN#291-191-008	243.91
			WEED ABATEMENT/APN#291-191-011	182.91
			WEED ABATEMENT/APN#291-191-012	124.00
			WEED ABATEMENT/APN#297-220-010	94.00
			WEED ABATEMENT/APN#297-220-001	94.00
			HALT PRGRM SRVCS	81.00
Vendor Total		3,387.14		
FYTD for INLAND EMPIRE PROPERTY SERVICE, INC		37,499.14		
INLAND EMPIRE SMALL BUSINESS DEV.CENTER				
7/30/2009	196577	10,000.00	APR-JUN'09 CNSLNG SRVCS	10,000.00
Vendor Total		10,000.00		
FYTD for INLAND EMPIRE SMALL BUSINESS DEV.CENTER		10,000.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
INLAND PETROLEUM EQUIPMENT & REPAIR, INC				
7/23/2009	196445	250.01	RPR DIESEL FUEL>FS #6	250.01
Vendor Total		250.01		
FYTD for INLAND PETROLEUM EQUIPMENT & REPAIR, INC		250.01		
INTERNAL REVENUE SERVICE				
7/1/2009	2445	2,000.00	2ND QTR MEDICARE TAX DEPOSIT	2,000.00
Vendor Total		2,000.00		
FYTD for INTERNAL REVENUE SERVICE		433,203.92		
IRON MOUNTAIN OFF-SITE DATA PROTECTION				
7/2/2009	195980	1,113.68	JUN'09 OFFSITE STORAGE	1,113.68
7/23/2009	196446	1,115.50	OFFSITE DATA TAPE STORAGE	1,115.50
Vendor Total		2,229.18		
FYTD for IRON MOUNTAIN OFF-SITE DATA PROTECTION		2,229.18		
IRVING ENTERTAINMENT ENTERPRISES				
7/9/2009	196128	100.00	MBL STG DEPOSIT RFND	100.00
Vendor Total		100.00		
FYTD for IRVING ENTERTAINMENT ENTERPRISES		100.00		
ISS SWEEPING, INC.				
7/23/2009	196447	2,503.50	JUN'09 STREET SWEEPING SVCS	1,783.50
			JUN'09 STREET SWPNG-AUTO MALL	720.00
Vendor Total		2,503.50		
FYTD for ISS SWEEPING, INC.		2,503.50		
J.D.H. CONTRACTING				
7/23/2009	196448	4,470.84	CRC MENS/WOMENS SHOWER REPAIRS	3,242.00
			MISC. WORK FOR PD @MALL	1,228.84
7/30/2009	196578	475.00	REPAIR COUNTERS-CRC	475.00
Vendor Total		4,945.84		
FYTD for J.D.H. CONTRACTING		4,945.84		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JACKSON, JERAMY				
7/23/2009	196449	533.50	TUITION REIMBURSEMENT	533.50
Vendor Total		533.50		
FYTD for JACKSON, JERAMY		533.50		
JARRETT, STEPHEN M.				
7/2/2009	195981	261.43	TRAVEL EXP.-ESRI INT'L UC	101.43
			TRAVEL EXP.-ESRI INT'L UC	160.00
Vendor Total		261.43		
FYTD for JARRETT, STEPHEN M.		261.43		
JDEDGE SOFTWARE, LLC				
7/16/2009	196307	1,147.50	CNSLTNG SRVCS>6/22-6/30	1,147.50
Vendor Total		1,147.50		
FYTD for JDEDGE SOFTWARE, LLC		1,147.50		
JOBS AVAILABLE, INC.				
7/9/2009	196129	245.00	EMPLYMNT ADVERTISING	245.00
Vendor Total		245.00		
FYTD for JOBS AVAILABLE, INC.		245.00		
JOHNSON, MICHELLE				
7/16/2009	196308	40.00	RABIES DEP REFUND	20.00
			RABIES DEP REFUND	20.00
Vendor Total		40.00		
FYTD for JOHNSON, MICHELLE		40.00		
JOHNSON, YOLANDA				
7/23/2009	196450	300.00	CELEBRITY JUDGE	300.00
Vendor Total		300.00		
FYTD for JOHNSON, YOLANDA		300.00		
JONES, SUSAN				
7/9/2009	196130	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for JONES, SUSAN		318.73		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JTB SUPPLY CO., INC.				
7/16/2009	196309	337.26		
			FLUSH HAND HOLE CVRS	337.26
7/23/2009	196451	886.57		
			MODULE 12-50 BATTERY BACK-UP	679.69
			TRAFFIC SIGNAL PARTS/SUPPLIES	206.88
	Vendor Total	1,223.83		
FYTD for JTB SUPPLY CO., INC.		1,223.83		
K. HOVNIANIAN HOMES				
7/2/2009	195982	30.00		
			RFND-FALSE ALARM FEE	30.00
	Vendor Total	30.00		
FYTD for K. HOVNIANIAN HOMES		30.00		
KANE, BALLMER & BERKMAN				
7/30/2009	196579	343.19		
			JUN'09 LGL SRVCS-HSG	343.19
	Vendor Total	343.19		
FYTD for KANE, BALLMER & BERKMAN		343.19		
KASHEFIPOUR, HOSSEIN				
7/9/2009	196131	337.70		
			MILEAGE REIMBURSEMENT	64.90
			MILEAGE REIMBURSEMENT	85.80
			MILEAGE REIMBURSEMENT	47.30
			MILEAGE REIMBURSEMENT	51.15
			MILEAGE REIMBURSEMENT	88.55
	Vendor Total	337.70		
FYTD for KASHEFIPOUR, HOSSEIN		337.70		
KAYACHITH, METKEO				
7/9/2009	196132	57.00		
			PROCESSING FEE RFND	57.00
	Vendor Total	57.00		
FYTD for KAYACHITH, METKEO		57.00		
KDM MERIDIAN, INC.				
7/9/2009	196133	5,565.00		
			SUNNYMEAD BLVD REVIT PROJ SVCS	5,565.00
	Vendor Total	5,565.00		
FYTD for KDM MERIDIAN, INC.		5,565.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KELL, JANELLE				
7/7/2009	196038	500.00	IDOL CONTEST WINNER/18-34 CAT.	500.00
Vendor Total		500.00		
FYTD for KELL, JANELLE		500.00		
KHAN, SHAFIQU				
7/23/2009	196452	296.00	CITATION REFUND	296.00
Vendor Total		296.00		
FYTD for KHAN, SHAFIQU		296.00		
KING, PATRICIA A.				
7/9/2009	196134	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for KING, PATRICIA A.		318.73		
KLAMATH BAY				
7/30/2009	196580	3,890.15	PROMO. ITEMS -PD COMM SVCS DEP	2,222.10
			PROMO. ITEMS -PD COMM SVCS DEP	1,250.00
			PROMO. ITEMS -PD TRAFFC DEPT	418.05
Vendor Total		3,890.15		
FYTD for KLAMATH BAY		3,890.15		
KOA CORPORATION				
7/23/2009	196453	5,127.10	PERRIS BLVD WIDENING AT SR-60	5,127.10
Vendor Total		5,127.10		
FYTD for KOA CORPORATION		73,813.32		
KOLB, CHARLES E.				
7/9/2009	196136	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for KOLB, CHARLES E.		318.73		
KOSER, MATTHEW				
7/9/2009	196137	320.00	PER DIEM-D.U.I. TRNG CLASS	320.00
Vendor Total		320.00		
FYTD for KOSER, MATTHEW		320.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KYLE, GARY M.				
7/9/2009	196138	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for KYLE, GARY M.		318.73		
LAFATA, JOSEPHINE				
7/9/2009	196139	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for LAFATA, JOSEPHINE		318.73		
LANDLOGIC, LLC				
7/9/2009	196140	3,278.00	SFTWR LIC. FEE>5/30/10	3,278.00
Vendor Total		3,278.00		
FYTD for LANDLOGIC, LLC		3,278.00		
LAWN TECH EQUIPMENT				
7/9/2009	196141	1,359.16	HANDTOOLS	1,359.16
Vendor Total		1,359.16		
FYTD for LAWN TECH EQUIPMENT		1,359.16		
LAWYERS TITLE INC				
7/23/2009	196454	900.00	PRELIM RPT 488-090-011 AUTO ML TITLE/LITIG. GUARANTEE-ODUFALU	450.00 450.00
Vendor Total		900.00		
FYTD for LAWYERS TITLE INC		900.00		
LEWIS, CAROLYN S.				
7/9/2009	196142	315.49	JULY'09 RETIREE MED BENEFIT	315.49
Vendor Total		315.49		
FYTD for LEWIS, CAROLYN S.		315.49		
LIM & NASCIMENTO ENGINEERING CORP.				
7/30/2009	196583	5,666.00	IRONWOOD AVE-HEACOCK TO PERRIS	5,666.00
Vendor Total		5,666.00		
FYTD for LIM & NASCIMENTO ENGINEERING CORP.		42,760.46		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LLANOS, ADRIANA				
7/2/2009	195983	75.00	RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for LLANOS, ADRIANA		75.00		
LOGAN, CHARLES				
7/9/2009	196143	248.11	JULY'09 RETIREE MED BENEFIT	248.11
Vendor Total		248.11		
FYTD for LOGAN, CHARLES		248.11		
LOR GEOTECHNICAL GROUP, INC.				
7/9/2009	196144	7,430.00	SUNNYMEAD BLVD REVIT PROJ SVCS	5,142.00
			SUNNYMEAD BLVD REVIT PROJ SVCS	2,288.00
7/30/2009	196584	680.00	SHEILA ST SIDEWALK & PARK PROJ	680.00
Vendor Total		8,110.00		
FYTD for LOR GEOTECHNICAL GROUP, INC.		8,110.00		
LOZANO, CLARA				
7/16/2009	196310	60.00	ANML LICENSE FEE RFND	60.00
Vendor Total		60.00		
FYTD for LOZANO, CLARA		60.00		
LUERA, DAVID				
7/9/2009	196145	50.00	RFND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for LUERA, DAVID		50.00		
LUMLEY, ROBERT C.				
7/9/2009	196146	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for LUMLEY, ROBERT C.		318.73		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LUTHERAN SOCIAL SERVICES OF SO. CALI F.				
7/2/2009	195984	2,499.00		
			CDBG EXPENSE REIMB.	2,499.00
7/30/2009	196585	2,503.00		
			CDBG FUNDED SVCS FY08-09	2,503.00
Vendor Total		5,002.00		
FYTD for LUTHERAN SOCIAL SERVICES OF SO. CALI F.		5,002.00		
MARCH JOINT POWERS AUTHORITY				
7/2/2009	195985	5.29		
			APR'09 GAS CHRGS>BLDG 823	4.32
			APR'09 GAS CHRGS>BLDG 938	0.97
7/9/2009	196147	2.51		
			MAY'09 GAS CHRGS>BLDG 823	2.51
7/23/2009	196455	0.56		
			MAY'09 GAS CHGS-BLDG 938	0.56
Vendor Total		8.36		
FYTD for MARCH JOINT POWERS AUTHORITY		8.36		
MARTIAL ARTS INTERNATIONAL, USKO				
7/16/2009	196311	56.00		
			KICKBOXING-1 PARTICIPANT	56.00
Vendor Total		56.00		
FYTD for MARTIAL ARTS INTERNATIONAL, USKO		56.00		
MARTIN, CINDY				
7/7/2009	196039	500.00		
			IDOL CONTEST WINNER/35-UP CAT.	500.00
Vendor Total		500.00		
FYTD for MARTIN, CINDY		500.00		
MARTIN, MICHAEL				
7/9/2009	196148	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for MARTIN, MICHAEL		75.00		
MARTIN, PAUL				
7/23/2009	196456	330.05		
			CITATION REFUND	330.05
Vendor Total		330.05		
FYTD for MARTIN, PAUL		330.05		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MARVEL, ELISA O.				
7/9/2009	196149	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for MARVEL, ELISA O.		75.00		
MATHIS, NOLAN				
7/9/2009	196150	288.60		
			MAY'09 RETIREE MED BENEFIT	288.60
Vendor Total		288.60		
FYTD for MATHIS, NOLAN		288.60		
MATTEI, MIA				
7/7/2009	196040	500.00		
			IDOL CONTEST WINNER/14-17 CAT.	500.00
Vendor Total		500.00		
FYTD for MATTEI, MIA		500.00		
MAXINOSKI, SUE A.				
7/9/2009	196151	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for MAXINOSKI, SUE A.		318.73		
MCALLISTER, GERALD				
7/16/2009	196312	52.36		
			IMPL. ENERGY EFFIC. PROJ CLASS	52.36
Vendor Total		52.36		
FYTD for MCALLISTER, GERALD		52.36		
MCCARTHY & BERLIN, LLP				
7/23/2009	196457	4,767.10		
			LEGAL SERVICES-MAR'09	4,767.10
7/30/2009	196586	1,074.00		
			LEGAL SERVICES /UTILITY-JUN'09	1,074.00
Vendor Total		5,841.10		
FYTD for MCCARTHY & BERLIN, LLP		5,841.10		
MCCARTY, MICHAEL				
7/9/2009	196152	400.00		
			PER ADMIN. PLCY 5.19	400.00
Vendor Total		400.00		
FYTD for MCCARTY, MICHAEL		400.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MCCOWN, TAUNYA				
7/23/2009	196458	88.00		
			REFUND-VARIOUS A/C FEES	22.00
			REFUND-VARIOUS A/C FEES	15.00
			REFUND-VARIOUS A/C FEES	15.00
			REFUND-VARIOUS A/C FEES	36.00
Vendor Total		88.00		
FYTD for MCCOWN, TAUNYA		88.00		
MCDONALD PARTNERS, INC.				
7/2/2009	195986	1,625.00		
			MAY'09 CNSLTNG SRVCS>UTILITIES	1,625.00
Vendor Total		1,625.00		
FYTD for MCDONALD PARTNERS, INC.		1,625.00		
MCDONOUGH, HOLLAND & ALLEN				
7/2/2009	195987	3,178.76		
			APR'09 LGL SRVCS>MVUSD	3,178.76
Vendor Total		3,178.76		
FYTD for MCDONOUGH, HOLLAND & ALLEN		28,727.75		
MCI				
7/16/2009	196314	1,320.52		
			JUL'09 VERIZON INTERNET SVC.	1,320.52
7/23/2009	196459	1,328.73		
			VERIZON INTERNET CONNECTION	1,328.73
Vendor Total		2,649.25		
FYTD for MCI		2,649.25		
MCI WORLDCOM				
7/23/2009	196460	1,081.48		
			JUL'09 DATA SRVCS	1,081.48
Vendor Total		1,081.48		
FYTD for MCI WORLDCOM		1,081.48		
MEDEIROS, STEPHANY				
7/9/2009	196153	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for MEDEIROS, STEPHANY		75.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MELAD & ASSOCIATES				
7/9/2009	196154	1,452.39		
			PLAN CHECK SRVCS	1,452.39
7/30/2009	196587	900.00		
			JUN'09 PLAN CK SRVCS	900.00
	Vendor Total	2,352.39		
FYTD for MELAD & ASSOCIATES		2,352.39		
MELINE, RENE				
7/9/2009	196155	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total	75.00		
FYTD for MELINE, RENE		75.00		
MENDONCA, MELEISA				
7/2/2009	195988	170.00		
			RFND-CAMP REGIST.	170.00
	Vendor Total	170.00		
FYTD for MENDONCA, MELEISA		170.00		
MENGISTU, YESHIALEM				
7/2/2009	195989	83.05		
			MILEAGE REIMBURSEMENT	83.05
	Vendor Total	83.05		
FYTD for MENGISTU, YESHIALEM		83.05		
MERITAGE HOMES OF CA, INC.				
7/16/2009	196315	1,099.38		
			RFND BUS. LIC. OVRPMT	1,099.38
	Vendor Total	1,099.38		
FYTD for MERITAGE HOMES OF CA, INC.		1,099.38		
MESSIN, LOUIS				
7/9/2009	196156	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total	318.73		
FYTD for MESSIN, LOUIS		318.73		
METZ, RANDALL				
7/30/2009	196588	15.00		
			SO CAL FPO MO. MEETING & MEAL	15.00
	Vendor Total	15.00		
FYTD for METZ, RANDALL		15.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MILES, ROBERT				
7/9/2009	196157	240.44	JULY'09 RETIREE MED BENEFIT	240.44
Vendor Total		240.44		
FYTD for MILES, ROBERT		240.44		
MILLER, CINDY A.				
7/9/2009	196158	254.72	CANDY FOR PARADE	127.36
			CANDY FOR PARADE	127.36
Vendor Total		254.72		
FYTD for MILLER, CINDY A.		254.72		
MILLER, ELAINE				
7/16/2009	196316	75.00	SPAY/NEUTER DEPOSIT REFUND	75.00
Vendor Total		75.00		
FYTD for MILLER, ELAINE		75.00		
MINARD, MARK E.				
7/9/2009	196159	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for MINARD, MARK E.		318.73		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MISSION LINEN SUPPLY, INC.				
7/16/2009	196320	1,821.79		
			UNIFORM SUPPLY/LAUNDERING SVCS	18.52
			UNIFORM SUPPLY/LAUNDERING SVCS	18.52
			UNIFORM SUPPLY/LAUNDERING SVCS	18.52
			UNIFORM SUPPLY/LAUNDERING SVCS	18.52
			UNIFORM SUPPLY/LAUNDERING SVCS	18.52
			UNIFORM SUPPLY/LAUNDERING SVCS	57.09
			UNIFORM SUPPLY/LAUNDERING SVCS	57.29
			UNIFORM SUPPLY/LAUNDERING SVCS	57.90
			UNIFORM SUPPLY/LAUNDERING SVCS	57.09
			UNIFORM SUPPLY/LAUNDERING SVCS	57.09
			UNIFORM SUPPLY/LAUNDERING SVCS	13.68
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	15.09
			UNIFORM SUPPLY/LAUNDERING SVCS	14.09
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	25.98
			UNIFORM SUPPLY/LAUNDERING SVCS	25.98
			UNIFORM SUPPLY/LAUNDERING SVCS	25.98
			UNIFORM SUPPLY/LAUNDERING SVCS	25.98
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	9.19
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	17.98
			UNIFORM SUPPLY/LAUNDERING SVCS	17.98
			UNIFORM SUPPLY/LAUNDERING SVCS	17.98
			UNIFORM SUPPLY/LAUNDERING SVCS	17.98
			UNIFORM SUPPLY/LAUNDERING SVCS	17.98
			UNIFORM SUPPLY/LAUNDERING SVCS	4.08
			UNIFORM SUPPLY/LAUNDERING SVCS	4.08
			UNIFORM SUPPLY/LAUNDERING SVCS	4.08
			UNIFORM SUPPLY/LAUNDERING SVCS	4.08
			UNIFORM SUPPLY/LAUNDERING SVCS	4.08
			UNIFORM SUPPLY/LAUNDERING SVCS	46.07
			UNIFORM SUPPLY/LAUNDERING SVCS	49.25
			UNIFORM SUPPLY/LAUNDERING SVCS	47.07
			UNIFORM SUPPLY/LAUNDERING SVCS	49.25
			UNIFORM SUPPLY/LAUNDERING SVCS	13.00
			UNIFORM SUPPLY/LAUNDERING SVCS	33.07
			UNIFORM SUPPLY/LAUNDERING SVCS	82.34
			UNIFORM SUPPLY/LAUNDERING SVCS	82.34
			UNIFORM SUPPLY/LAUNDERING SVCS	82.34
			UNIFORM SUPPLY/LAUNDERING SVCS	82.54
			UNIFORM SUPPLY/LAUNDERING SVCS	82.34
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	1.84
			UNIFORM SUPPLY/LAUNDERING SVCS	38.38
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
Vendor Total		1,821.79		
FYTD for MISSION LINEN SUPPLY, INC.		1,821.79		
MOELLER, DONNA M.				
7/2/2009	195990	115.82		
			NGHBRHD CLEAN-UP EXPENSES	115.82
Vendor Total		115.82		
FYTD for MOELLER, DONNA M.		115.82		
MOLLICA, MIKE				
7/9/2009	196160	401.42		
			JULY'09 RETIREE MED BENEFIT	401.42
Vendor Total		401.42		
FYTD for MOLLICA, MIKE		401.42		
MOORE, AIRAM				
7/7/2009	196041	500.00		
			IDOL CONTEST WINNER/5-9 CAT.	500.00
Vendor Total		500.00		
FYTD for MOORE, AIRAM		500.00		
MORA, PATRICIA A.				
7/9/2009	196161	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for MORA, PATRICIA A.		318.73		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORALES, OSCAR				
7/16/2009	196321	178.00		
			REFUND CofO PERMIT	178.00
Vendor Total		178.00		
FYTD for MORALES, OSCAR		178.00		
MORENO VALLEY BOWL				
7/9/2009	196162	560.00		
			BOWLING-5 PARTICIPANTS	200.00
			BOWLING-9 PARTICIPANTS	360.00
Vendor Total		560.00		
FYTD for MORENO VALLEY BOWL		560.00		
MORENO VALLEY CHAMBER OF COMMERCE				
7/16/2009	196322	210.00		
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
			6/19 "WAKE-UP" MTG>14 ATTND	15.00
Vendor Total		210.00		
FYTD for MORENO VALLEY CHAMBER OF COMMERCE		210.00		
MORENO VALLEY CITY EMPLOYEES ASSOC.				
7/31/2009	2460	1,615.00		
			MVCEA DUES 07/31/09	1,615.00
7/17/2009	2450	1,615.00		
			MVCEA DUES 07/17/09	1,615.00
7/3/2009	2441	1,699.00		
			MVCEA DUES 07/03/09	1,699.00
Vendor Total		4,929.00		
FYTD for MORENO VALLEY CITY EMPLOYEES ASSOC.		4,929.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY UNIFIED SCHOOL DISTRICT				
7/9/2009	196164	100.00	MOBILE STAGE RENTAL DEPOSIT RFND	100.00
Vendor Total		100.00		
FYTD for MORENO VALLEY UNIFIED SCHOOL DISTRICT		100.00		
MORENO, MARIO				
7/9/2009	196165	200.00	PER DIEM-GANG VIOLENCE CONF.	200.00
Vendor Total		200.00		
FYTD for MORENO, MARIO		200.00		
MORGAN, LISA A.				
7/9/2009	196166	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for MORGAN, LISA A.		318.73		
MORRIS, MARI				
7/9/2009	196167	95.00	DEP RFND-RABIES/SPAY/NEUTER	20.00
			DEP RFND-RABIES/SPAY/NEUTER	75.00
Vendor Total		95.00		
FYTD for MORRIS, MARI		95.00		
MOSCROP, JEANETTE				
7/30/2009	196590	75.00	REFUND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for MOSCROP, JEANETTE		75.00		
MOTEL 7/ HEMANSHU PATEL				
7/16/2009	196324	50.00	REFUND-PARKING CIT. ERROR	50.00
Vendor Total		50.00		
FYTD for MOTEL 7/ HEMANSHU PATEL		50.00		
MR. CLEAN, INC.				
7/16/2009	196325	428.00	PRESSURE WASH>6/21	303.00
			PRESSURE WASH>6/21	125.00
7/30/2009	196591	477.41	GYM FLOOR MAINT.	477.41
Vendor Total		905.41		
FYTD for MR. CLEAN, INC.		905.41		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MUNITEMPS				
7/9/2009	196168	10,415.04		
			TEMP SRVC>4/12 MUNOZ	966.97
			TEMP SRVC>4/12 MEDINA	953.53
			TEMP SRVC>4/26-MUNOZ	913.25
			TEMP SRVC>4/26-MEDINA	731.94
			TEMP SRVC>5/10-MUNOZ	946.82
			TEMP SRVC>5/10-MEDINA	812.52
			TEMP SRVC>5/24-MUNOZ	886.39
			TEMP SRVC>5/24-MEDINA	825.95
			TEMP SRVC>6/7-MEDINA	893.10
			TEMP SRVC>6/7-MUNOZ	805.81
			TEMP SRVC>6/21-MUNOZ	183.14
			TEMP SRVC>6/21-MEDINA	792.37
			TEMP SRVC>6/21-MUNOZ	703.25
	Vendor Total	10,415.04		
FYTD for MUNITEMPS		37,015.23		
NAIOP-NATIONAL ASSOC OF INDUSTRIAL & OFF				
7/9/2009	196169	3,256.00		
			ADVERTISING IN DEV. MAG	3,256.00
	Vendor Total	3,256.00		
FYTD for NAIOP-NATIONAL ASSOC OF INDUSTRIAL & OFF		3,256.00		
NATIONAL NOTARY ASSOCIATION				
7/16/2009	196328	52.00		
			1YR MBRSHIP>N BURDINE	52.00
	Vendor Total	52.00		
FYTD for NATIONAL NOTARY ASSOCIATION		52.00		
NATIONWIDE RETIREMENT SOLUTIONS				
7/2/2009	2439	2,116.36		
			PST DEF COMP FOR FICA 07/02/09	2,116.36
7/29/2009	2458	782.74		
			PST DEF COMP FOR FICA 07/29/09	782.74
7/31/2009	2459	1,293.48		
			DEF COMP 457 & 407(A) 07/31/09	1,293.48
7/17/2009	2448	1,106.81		
			PST DEF COMP FOR FICA 07/17/09	1,106.81
	Vendor Total	5,299.39		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS		55,944.21		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NAVARRETE, ROBERT				
7/9/2009	196170	200.00	PER DIEM-GANG VIOLENCE CONF.	200.00
Vendor Total		200.00		
FYTD for NAVARRETE, ROBERT		200.00		
NAVARRO, HERIBERTO				
7/2/2009	195991	300.00	RFND-ANML SRVC CITATION	300.00
Vendor Total		300.00		
FYTD for NAVARRO, HERIBERTO		300.00		
NELSON, ROBERT				
7/9/2009	196171	303.60	JULY'09 RETIREE MED BENEFIT	303.60
Vendor Total		303.60		
FYTD for NELSON, ROBERT		303.60		
NELSON, RUTH L.				
7/9/2009	196172	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for NELSON, RUTH L.		318.73		
NEUSTAEDTER, CRAIG S				
7/9/2009	196173	318.73	JULY'09 RETIREE MED BENEFIT	318.73
Vendor Total		318.73		
FYTD for NEUSTAEDTER, CRAIG S		318.73		
NEW HORIZON MOBILE HOME PARK				
7/2/2009	195992	6.61	RFND UT USER TAXES-EXMPT RESID	6.61
Vendor Total		6.61		
FYTD for NEW HORIZON MOBILE HOME PARK		6.61		
NEW WEST SIGNAL				
7/16/2009	196329	7,600.00	TRAFFIC SIGNAL	7,600.00
Vendor Total		7,600.00		
FYTD for NEW WEST SIGNAL		7,600.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NEWPORT GRADING, INC.				
7/30/2009	196592	5,752.00	RPLCD DMG GUARDRAIL	5,752.00
Vendor Total		5,752.00		
FYTD for NEWPORT GRADING, INC.		5,752.00		
NFPA/NATIONAL FIRE PROTECTION ASSO				
7/30/2009	196593	150.00	MBR-RANDALL METZ	150.00
Vendor Total		150.00		
FYTD for NFPA/NATIONAL FIRE PROTECTION ASSO		150.00		
NGUYEN, QUANG				
7/16/2009	196330	134.75	MILEAGE REIMBURSEMENT	134.75
Vendor Total		134.75		
FYTD for NGUYEN, QUANG		134.75		
NIEBURGER, JUDITH A.				
7/9/2009	196174	401.42	JULY'09 RETIREE MED BENEFIT	401.42
Vendor Total		401.42		
FYTD for NIEBURGER, JUDITH A.		401.42		
NINYO & MOORE GEOTECHNICAL				
7/16/2009	196331	3,133.75	PSB PARKING LOT EXPANSION PROJ	1,885.00
			PSB PARKING LOT EXPANSION PROJ	168.75
			PSB PARKING LOT EXPANSION PROJ	1,080.00
Vendor Total		3,133.75		
FYTD for NINYO & MOORE GEOTECHNICAL		3,133.75		
NOLLAR, JANICE				
7/2/2009	195993	261.42	TRAVEL EXP.-ESRI INT'L UC	101.42
			TRAVEL EXP.-ESRI INT'L UC	160.00
Vendor Total		261.42		
FYTD for NOLLAR, JANICE		261.42		
NORRIS-REPKE, INC.				
7/23/2009	196466	505.00	IRIS AVE STREET IMPRV PROJ.	505.00
Vendor Total		505.00		
FYTD for NORRIS-REPKE, INC.		39,829.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
OCB REPROGRAPHICS				
7/16/2009	196332	2,215.47		
			REPROGRAPHICS-PAVEMNT RESURF.	966.14
			REPROGRAPHICS-PAVEMNT RESURF.	170.41
			REPROGRAPHICS-IRIS AVE PROJ.	160.57
			REPROGRAPHICS-INDIAN BASIN PRJ	42.58
			REPROGRAPHICS-SR-60/NASON PROJ	177.48
			REPROGRAPHICS SRVC	152.20
			REPROGRAPHICS SRVC	384.11
			REPROGRAPHICS SRVC	45.01
			REPROGRAPHICS SRVC	45.02
			REPROGRAPHICS SRVC	71.95
7/23/2009	196467	751.79		
			REPROGRAPHICS-SUNNYMD BL IRRIG	472.57
			REPROGRPHCS-PERRIS BL WIDENING	279.22
Vendor Total		2,967.26		
FYTD for OCB REPROGRAPHICS		2,967.26		
OMNIS, INC.				
7/23/2009	196468	830.00		
			TR. SIG @ SR-60 & REDLANDS BL.	830.00
Vendor Total		830.00		
FYTD for OMNIS, INC.		830.00		
OPERATION SAFEHOUSE, INC.				
7/2/2009	195994	719.62		
			CDBG EXPENSE REIMB.	719.62
7/30/2009	196594	689.32		
			CDBG EXP. REIMB.	689.32
Vendor Total		1,408.94		
FYTD for OPERATION SAFEHOUSE, INC.		1,408.94		
ORACLE USA, INC.				
7/9/2009	196176	22,199.26		
			SOFTWARE UPDATE/SPPRT	21,234.87
			SOFTWARE UPDATE/SPPRT	964.39
Vendor Total		22,199.26		
FYTD for ORACLE USA, INC.		22,199.26		
OROSCO, DAVID & ROSARIO, AMANDA				
7/16/2009	196333	95.00		
			ANIMAL SVCS. REFUND	20.00
			ANIMAL SVCS. REFUND	75.00
Vendor Total		95.00		
FYTD for OROSCO, DAVID & ROSARIO, AMANDA		95.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
OVERLAND PACIFIC & CUTLER, INC.				
7/16/2009	196334	487.50	ALESSANDRO/DAY ST RELOC. SVCS.	487.50
7/23/2009	196469	5,670.00	RIGHT OF WAY SVCS-VARIOUS PROJ	5,670.00
7/30/2009	196595	22,367.00	SR-60/NASON INTERCHG PROJ SVCS	2,292.25
			SR-60/NASON INTERCHG PROJ SVCS	3,108.25
			SR-60/NASON INTERCHG PROJ SVCS	16,966.50
7/30/2009	196596	7,350.00	RIGHT OF WAY SVCS-VARIOUS PROJ	7,350.00
Vendor Total		35,874.50		
FYTD for OVERLAND PACIFIC & CUTLER, INC.		35,874.50		
P&D CONSULTANTS, INC.				
7/30/2009	196597	6,500.00	UNITY COURT PROJ DESIGN SVCS	6,500.00
Vendor Total		6,500.00		
FYTD for P&D CONSULTANTS, INC.		6,500.00		
PACIFIC GREEN HORTICULTURAL SVC				
7/2/2009	195995	1,090.00	PESTICIDE TRTMNT>DSG-2	145.00
			PESTICIDE TRTMNT>E-3	945.00
7/16/2009	196335	1,635.65	JUN'09 LNDSCP MAINT	217.01
			JUN'09 LNDSCP MAINT	80.57
			JUN'09 LNDSCP MAINT	471.08
			JUN'09 LNDSCP MAINT	866.99
Vendor Total		2,725.65		
FYTD for PACIFIC GREEN HORTICULTURAL SVC		2,725.65		
PACIFIC SAFETY COUNCIL				
7/23/2009	196470	8.70	TRAINING VIDEO: TRAFFIC CONTRL	8.70
7/30/2009	196598	2,895.00	10 HR CONSTRUCTN SAFETY PROGRAM	2,773.26
			CONST. SFTY TRNG-6/8/09	121.74
Vendor Total		2,903.70		
FYTD for PACIFIC SAFETY COUNCIL		2,903.70		
PAEZ, JUAN & MARIA				
7/2/2009	195996	20.00	RFND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for PAEZ, JUAN & MARIA		20.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PAINTING BY ZEB BODE				
7/23/2009	196471	550.00		
			PAINTING FOR PD	550.00
7/30/2009	196599	1,250.00		
			MV MALL PD OFFICE PAINTING SVC	1,250.00
	Vendor Total	1,800.00		
FYTD for PAINTING BY ZEB BODE		1,800.00		
PALMER, AMARANDA				
7/30/2009	196600	75.00		
			REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total	75.00		
FYTD for PALMER, AMARANDA		75.00		
PARRA-TOVAR, BRENDA				
7/23/2009	196472	100.00		
			CITATION REFUND	100.00
	Vendor Total	100.00		
FYTD for PARRA-TOVAR, BRENDA		100.00		
PARTS PLUS OF MORENO VALLEY, INC.				
7/9/2009	196178	1,000.01		
			MISC. VEHICLE PARTS	354.43
			MISC. VEHICLE PARTS	12.03
			MISC. VEHICLE PARTS	12.03
			MISC. VEHICLE PARTS	14.05
			MISC. VEHICLE PARTS	531.68
			MISC. VEHICLE PARTS	222.11
			MISC. VEHICLE PARTS	10.48
			MISC. VEHICLE PARTS	5.24
			CRDT FOR INV M240188	-162.04
7/23/2009	196473	156.16		
			AUTOMOTIVE REPAIR PARTS	14.05
			AUTOMOTIVE REPAIR PARTS	142.11
	Vendor Total	1,156.17		
FYTD for PARTS PLUS OF MORENO VALLEY, INC.		1,156.17		
PATTERSON, ALFREY				
7/9/2009	196179	315.49		
			JUL'09 RET MED BNFT	315.49
	Vendor Total	315.49		
FYTD for PATTERSON, ALFREY		315.49		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PBS & J				
7/2/2009	195997	1,675.00		
			MAY'09 PM 33152-1 RWV	630.00
			SHEILA ST PARK PROJ. SVCS	1,045.00
7/16/2009	196336	490.00		
			MV PRELIM WQMPR>5/31	490.00
	Vendor Total	2,165.00		
FYTD for PBS & J		2,165.00		
PEARSON, MATTHEW				
7/23/2009	196474	997.50		
			AUDIO SVCS FOR JULY 4TH EVENT	997.50
	Vendor Total	997.50		
FYTD for PEARSON, MATTHEW		997.50		
PEDLEY SQUARE VETERINARY CLINIC				
7/2/2009	195998	11,131.00		
			VET & EMERG. SRVCS	4,947.00
			VET & EMERG. SRVCS	6,184.00
	Vendor Total	11,131.00		
FYTD for PEDLEY SQUARE VETERINARY CLINIC		11,131.00		
PEREZ, WILLIAM				
7/9/2009	196180	300.00		
			RNTL DEP REFUND	300.00
	Vendor Total	300.00		
FYTD for PEREZ, WILLIAM		300.00		
PERRY, NORMA				
7/9/2009	196181	318.73		
			JUL'09 RET MED BNFT	318.73
	Vendor Total	318.73		
FYTD for PERRY, NORMA		318.73		
PERS LONG TERM CARE PROGRAM				
7/9/2009	196182	648.76		
			LONG TERM CARE INS 07/09/09	648.76
7/23/2009	196475	551.37		
			LONG TERM CARE INS 07/23/09	551.37
	Vendor Total	1,200.13		
FYTD for PERS LONG TERM CARE PROGRAM		1,200.13		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PETTY CASH - FINANCE				
7/30/2009	196606	1,447.98		
			PETTY CASH FUND REPLENISHMENT	25.00
			PETTY CASH FUND REPLENISHMENT	8.00
			PETTY CASH FUND REPLENISHMENT	20.00
			PETTY CASH FUND REPLENISHMENT	25.00
			PETTY CASH FUND REPLENISHMENT	25.00
			PETTY CASH FUND REPLENISHMENT	9.38
			PETTY CASH FUND REPLENISHMENT	25.00
			PETTY CASH FUND REPLENISHMENT	21.74
			PETTY CASH FUND REPLENISHMENT	29.19
			PETTY CASH FUND REPLENISHMENT	29.19
			PETTY CASH FUND REPLENISHMENT	12.10
			PETTY CASH FUND REPLENISHMENT	5.90
			PETTY CASH FUND REPLENISHMENT	7.00
			PETTY CASH FUND REPLENISHMENT	6.00
			PETTY CASH FUND REPLENISHMENT	3.00
			PETTY CASH FUND REPLENISHMENT	3.00
			PETTY CASH FUND REPLENISHMENT	3.00
			PETTY CASH FUND REPLENISHMENT	6.40
			PETTY CASH FUND REPLENISHMENT	3.00
			PETTY CASH FUND REPLENISHMENT	3.75
			PETTY CASH FUND REPLENISHMENT	54.75
			PETTY CASH FUND REPLENISHMENT	28.05
			PETTY CASH FUND REPLENISHMENT	8.58
			PETTY CASH FUND REPLENISHMENT	-0.10
			PETTY CASH FUND REPLENISHMENT	20.00
			PETTY CASH FUND REPLENISHMENT	2.00
			PETTY CASH FUND REPLENISHMENT	5.70
			PETTY CASH FUND REPLENISHMENT	20.00
			PETTY CASH FUND REPLENISHMENT	20.00
			PETTY CASH FUND REPLENISHMENT	11.83
			PETTY CASH FUND REPLENISHMENT	40.98
			PETTY CASH FUND REPLENISHMENT	11.00
			PETTY CASH FUND REPLENISHMENT	31.71
			PETTY CASH FUND REPLENISHMENT	30.00
			PETTY CASH FUND REPLENISHMENT	12.50
			PETTY CASH FUND REPLENISHMENT	3.50
			PETTY CASH FUND REPLENISHMENT	15.50
			PETTY CASH FUND REPLENISHMENT	45.00
			PETTY CASH FUND REPLENISHMENT	18.00
			PETTY CASH FUND REPLENISHMENT	15.00
			PETTY CASH FUND REPLENISHMENT	87.45
			PETTY CASH FUND REPLENISHMENT	5.00
			PETTY CASH FUND REPLENISHMENT	20.00
			PETTY CASH FUND REPLENISHMENT	14.13
			PETTY CASH FUND REPLENISHMENT	56.10
			PETTY CASH FUND REPLENISHMENT	20.00
			PETTY CASH FUND REPLENISHMENT	20.00
			PETTY CASH FUND REPLENISHMENT	20.00
			PETTY CASH FUND REPLENISHMENT	23.63
			PETTY CASH FUND REPLENISHMENT	9.98
			PETTY CASH FUND REPLENISHMENT	71.50
			PETTY CASH FUND REPLENISHMENT	4.00
			PETTY CASH FUND REPLENISHMENT	12.00



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			PETTY CASH FUND REPLENISHMENT	12.95
			PETTY CASH FUND REPLENISHMENT	8.68
			PETTY CASH FUND REPLENISHMENT	3.80
			PETTY CASH FUND REPLENISHMENT	21.14
			PETTY CASH FUND REPLENISHMENT	15.01
			PETTY CASH FUND REPLENISHMENT	51.70
			PETTY CASH FUND REPLENISHMENT	66.55
			PETTY CASH FUND REPLENISHMENT	5.00
			PETTY CASH FUND REPLENISHMENT	52.80
			PETTY CASH FUND REPLENISHMENT	70.95
			PETTY CASH FUND REPLENISHMENT	2.00
			PETTY CASH FUND REPLENISHMENT	23.10
			PETTY CASH FUND REPLENISHMENT	1.50
			PETTY CASH FUND REPLENISHMENT	84.36
Vendor Total		1,447.98		
FYTD for PETTY CASH - FINANCE		1,447.98		
PIONTKOWSKI, BRAD				
7/23/2009	196476	75.00		
			REFUND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for PIONTKOWSKI, BRAD		75.00		
PLATA, DON				
7/9/2009	196183	200.00		
			PER DIEM-GANG VIOLENCE CONF.	200.00
Vendor Total		200.00		
FYTD for PLATA, DON		200.00		
PLAZA HAND CAR WASH				
7/30/2009	196608	518.50		
			CITY VEHICLE CAR WASHES	196.00
			CITY VEHICLE CAR WASHES	322.50
Vendor Total		518.50		
FYTD for PLAZA HAND CAR WASH		518.50		
PLUMMER, TED				
7/2/2009	195999	468.00		
			DEP-7/4/09 SOUND SYST.	200.00
			FNL PMT-7/4/09 SOUND SYST.	425.00
			FTB W/H-VEHICLE REGIST.	-157.00
Vendor Total		468.00		
FYTD for PLUMMER, TED		468.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
POIEMA LANDSCAPE, INC.				
7/16/2009	196338	2,110.00		
			JUN'09 LNDSCP MAINT>E-12	2,110.00
7/23/2009	196477	758.00		
			JUN'09 LANDSC MAINT-SUNNYMD BL	758.00
	Vendor Total	2,868.00		
FYTD for POIEMA LANDSCAPE, INC.		2,868.00		
POTTERS HOUSE CHRISTIAN CHURCH				
7/30/2009	196609	117.42		
			REFUND-BUS LIC FEES DUP PAYMNT	57.00
			REFUND-BUS LIC FEES DUP PAYMNT	57.00
			REFUND-BUS LIC FEES DUP PAYMNT	3.42
	Vendor Total	117.42		
FYTD for POTTERS HOUSE CHRISTIAN CHURCH		117.42		
POUK & STEINLE, INC.				
7/23/2009	196478	3,392.82		
			LASSELLE ST/BAY AVE TS & IMPRV	3,392.82
	Vendor Total	3,392.82		
FYTD for POUK & STEINLE, INC.		3,392.82		
PRECIADO, MARIA				
7/30/2009	196610	20.00		
			REFUND-RABIES DEPOSIT	20.00
	Vendor Total	20.00		
FYTD for PRECIADO, MARIA		20.00		
PRESS ENTERPRISE				
7/16/2009	196339	259.00		
			EMPLYMNT ADVERTISING	259.00
	Vendor Total	259.00		
FYTD for PRESS ENTERPRISE		259.00		
PRICE, GEORGE E.				
7/9/2009	196184	318.73		
			JUL'09 RET MED BNFT	318.73
	Vendor Total	318.73		
FYTD for PRICE, GEORGE E.		318.73		
PRITCHARD, ROBERT				
7/23/2009	196480	100.00		
			MV IDOL CONTEST	100.00
	Vendor Total	100.00		
FYTD for PRITCHARD, ROBERT		100.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PRORIDER, INC.				
7/23/2009	196481	783.00		
			BIKE HELMETS	783.00
			BIKE HELMETS	68.51
			BIKE HELMETS	-68.51
Vendor Total		783.00		
FYTD for PRORIDER, INC.		783.00		
PSOMAS				
7/16/2009	196341	16,830.00		
			LASSELLE ST WIDENING-JFK>ALESS	14,295.00
			LASSELLE ST WIDENING-JFK>ALESS	2,535.00
7/23/2009	196482	1,840.00		
			KITCHING/EUCALYPTUS IMPRV PROJ	1,840.00
Vendor Total		18,670.00		
FYTD for PSOMAS		18,670.00		
PULLIAM, TRENT D.				
7/9/2009	196185	318.73		
			JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for PULLIAM, TRENT D.		318.73		
QUALITY PLAYING CARDS, INC.				
7/16/2009	196342	1,360.00		
			SHIPPING	145.00
			RECYCLED PLAYING CARDS	1,215.00
			RECYCLED PLAYING CARDS	106.32
			RECYCLED PLAYING CARDS	-106.32
Vendor Total		1,360.00		
FYTD for QUALITY PLAYING CARDS, INC.		1,360.00		
R & S OVERHEAD DOORS, INC.				
7/9/2009	196186	1,038.00		
			RMV/INSTALL DOOR AT FS #58	396.00
			INSTLLD DETECTOR @PSB	642.00
7/23/2009	196483	685.00		
			BOTTOM TUBE REPAIR-PSB GATE 3	685.00
Vendor Total		1,723.00		
FYTD for R & S OVERHEAD DOORS, INC.		1,723.00		
RABAGO, MALIA				
7/9/2009	196187	50.00		
			RFND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for RABAGO, MALIA		50.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RADAR SHOP, THE				
7/30/2009	196612	382.46		
			RECERTIFIED PRO-LASER 3	130.00
			RECERTIFIED PRO-LASER 3	252.46
Vendor Total		382.46		
FYTD for RADAR SHOP, THE		382.46		
RALLY MANAGEMENT SERVICES, LLC				
7/9/2009	196188	1,716.64		
			TEMP SRVC>6/14 ANML SRVCS	958.72
			TEMP SRVC>6/21 ANML SRVCS	757.92
7/16/2009	196343	114.90		
			TEMP SRVCS>6/21/09-STARS	114.90
7/23/2009	196484	261.28		
			TEMP SVCS >6/28/09-STARS PRGM	261.28
7/30/2009	196613	1,279.60		
			TEMP SRVCS-STARS	30.64
			TEMP SRVCS-ANML SRVCS	932.80
			TEMP SRVCS-ANML SRVCS	13.77
			TEMP SRVCS-ANML SRVCS	302.39
Vendor Total		3,372.42		
FYTD for RALLY MANAGEMENT SERVICES, LLC		3,372.42		
RAMIREZ, RAFAEL & GIOBANY				
7/23/2009	196485	20.00		
			REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for RAMIREZ, RAFAEL & GIOBANY		20.00		
RANGEL, JUAN				
7/30/2009	196614	20.00		
			REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for RANGEL, JUAN		20.00		
RANGEL, PATRICIA				
7/9/2009	196189	50.00		
			RFND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for RANGEL, PATRICIA		50.00		
REDBOX AUTOMATED RETAIL, LLC				
7/2/2009	196000	259.00		
			RFND-BUS. LIC. OVRPMT	259.00
Vendor Total		259.00		
FYTD for REDBOX AUTOMATED RETAIL, LLC		259.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
REFLEX TRAFFIC SYSTEMS, INC.				
7/2/2009	196001	12,420.00		
			MAY'09 RED LGHT PHOTO ENF PGM	12,420.00
7/23/2009	196486	12,420.00		
			JUN'09 RED LIGHT PHOTO ENF PGM	12,420.00
Vendor Total		24,840.00		
FYTD for REDFLEX TRAFFIC SYSTEMS, INC.		24,840.00		
REFLEX CORP.				
7/2/2009	196002	119.50		
			NET STOCK BOX BALANCE	119.50
Vendor Total		119.50		
FYTD for REFLEX CORP.		119.50		
REVENUE EXPERTS, INC.				
7/2/2009	196003	4,540.63		
			APR'09 CITATION PRCSNG>ANML SR	2,539.85
			MAY'09 CITATION PRCSNG>ANML SR	2,000.78
7/9/2009	196190	6,639.05		
			MAR'09 CIT PRCSNG-POLICE	2,724.95
			MAR'09 CIT PRCSNG-POLICE	1,102.92
			APR'09 CIT PRCSNG-POLICE	2,811.18
7/16/2009	196344	5,789.15		
			MAY'09 CIT PRCSNG>POLICE	5,585.90
			MAY'09 CIT PRCSNG>POLICE	203.25
7/23/2009	196487	2,435.03		
			APR'09 CITATION PROC-B&S DEPT	1,734.28
			APR'09 CITATION PROC-B&S DEPT	484.46
			MAY'09 CITATION PROC-B&S DEPT	216.29
7/30/2009	196615	6,205.57		
			ADMIN CITATION PROCESSING	1,067.14
			ADMIN CITATION PROCESSING	1,664.72
			CITATION PROCESSING	2,486.00
			JUN'09 CIT PRCSNG-ANML SRVCS	456.86
			JUN'09 CIT PRCSNG-BLDG/SFTY	530.85
Vendor Total		25,609.43		
FYTD for REVENUE EXPERTS, INC.		25,609.43		
REYES, JOSEPH J.				
7/2/2009	196004	729.88		
			RFND-ADMIN CITATION/ANML SRVCS	503.88
			RFND-ADMIN CITATION/ANML SRVCS	226.00
Vendor Total		729.88		
FYTD for REYES, JOSEPH J.		729.88		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RINKS, TODD & CAROL				
7/9/2009	196191	95.00		
			DEP RFND-RABIES/SPAY/NEUTER	20.00
			DEP RFND-RABIES/SPAY/NEUTER	75.00
Vendor Total		95.00		
FYTD for RINKS, TODD & CAROL		95.00		
RISICA, NICOLE				
7/16/2009	196345	75.00		
			SPAY/NEUTER DEPOSIT REFUND	75.00
Vendor Total		75.00		
FYTD for RISICA, NICOLE		75.00		
RIV CO FLOOD CONTROL & WATER CONSERVATN				
7/2/2009	196005	4,000.00		
			SR-60/NASON ST INTERCHNG PROJ.	4,000.00
7/9/2009	196192	3,294.40		
			KITCHING ST IMPRV PRJ PLAN CK	159.89
			KITCHING ST IMPRV PRJ PLAN CK	3,134.51
7/23/2009	196488	640.09		
			MAY'09 KITCHING ST PLAN CK FEE	640.09
7/30/2009	196617	209.20		
			JUN'09 KITCHING ST PLAN CK FEE	209.20
Vendor Total		8,143.69		
FYTD for RIV CO FLOOD CONTROL & WATER CONSERVATN		8,143.69		
RIVERSIDE AREA RAPE CRISIS CENTER				
7/30/2009	196618	1,398.31		
			CDBG EXP. REIMB.	673.51
			CDBG EXP. REIMB.	724.80
Vendor Total		1,398.31		
FYTD for RIVERSIDE AREA RAPE CRISIS CENTER		1,398.31		
RIVERSIDE COUNTY CLERK				
7/30/2009	196619	2,057.00		
			FEES-CACTUS AVE IMPRVMNT PROJ	1,028.50
			FEES-CACTUS AVE IMPRVMNT PROJ	1,028.50
Vendor Total		2,057.00		
FYTD for RIVERSIDE COUNTY CLERK		2,057.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY CLERK/RECORDER				
7/9/2009	196193	52.15	MAY'09 RECORDATION RQSTS	52.15
7/23/2009	196489	13.00	LIEN RLS>CASE #FW09-0189	13.00
7/23/2009	196490	52.15	JUN'09 RECORDATION REQUESTS	52.15
7/30/2009	196620	13.00	PROCESS LIEN RELEASE/FW09-0408	13.00
7/30/2009	196621	13.00	PROCESS LIEN RELEASE/FW09-0569	13.00
7/30/2009	196622	13.00	PROCESS LIEN RELEASE/FW09-0668	13.00
7/30/2009	196623	13.00	PROCESS LIEN RELEASE/FW09-0769	13.00
Vendor Total		169.30		
FYTD for RIVERSIDE COUNTY CLERK/RECORDER		169.30		
RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH				
7/2/2009	196006	50.00	MAY'09 RABIES EXAM	50.00
7/30/2009	196624	50.00	6/18/09 RABIES TESTING	50.00
Vendor Total		100.00		
FYTD for RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH		100.00		
RIVERSIDE COUNTY ECONOMIC DEV'T. AGENCY				
7/9/2009	196194	500.00	BUS. FACILITIES MAG ADVERTISIN	500.00
Vendor Total		500.00		
FYTD for RIVERSIDE COUNTY ECONOMIC DEV'T. AGENCY		500.00		
RIVERSIDE COUNTY HABITAT CONSERVATION				
7/9/2009	196195	103.75	K-RAT FEE>JUN'09	103.75
Vendor Total		103.75		
FYTD for RIVERSIDE COUNTY HABITAT CONSERVATION		103.75		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY INFORMATION TECHNOLOGY				
7/2/2009	196007	379.98		
			JUN'09 RADIO LEASE/MAINT.	274.44
			JUN'09 VPN CONNECTION	105.54
7/9/2009	196196	1,785.84		
			MAY'09 RADIO SRVC FOR POLICE	1,785.84
7/16/2009	196346	1,785.84		
			JUN'09 RADIO MAINT>POLICE	1,785.84
Vendor Total		3,951.66		
FYTD for RIVERSIDE COUNTY INFORMATION TECHNOLOGY		3,951.66		
RIVERSIDE COUNTY SHERIFF				
7/16/2009	196347	3,882.78		
			MAY'09 BOOKING FEES	3,882.78
Vendor Total		3,882.78		
FYTD for RIVERSIDE COUNTY SHERIFF		5,852,406.50		
RIVERSIDE COUNTY SHERIFF BEN CLARK				
7/2/2009	196008	438.00		
			SEP22-25/BICYCLE PATROL COURSE	219.00
			SEP22-25/BICYCLE PATROL COURSE	219.00
7/9/2009	196198	642.00		
			REGISTR-BICYCLE PATROL COURSE	219.00
			JAN25-FEB5, 2010-T.C. RECONSTR	423.00
Vendor Total		1,080.00		
FYTD for RIVERSIDE COUNTY SHERIFF BEN CLARK		1,080.00		
RIVERSIDE COUNTY SHERIFF COURT SERVICES				
7/9/2009	196199	423.81		
			GARNISHMENT	423.81
7/23/2009	196491	216.55		
			GARNISHMENT	216.55
Vendor Total		640.36		
FYTD for RIVERSIDE COUNTY SHERIFF COURT SERVICES		640.36		
RIVERSIDE COUNTY SHERIFF MV				
7/16/2009	196348	6,541.72		
			EXTRA DUTY>5/19- 5/31/09	5,478.12
			CK PT DISPATCH>6/5 & 6/13	1,063.60
Vendor Total		6,541.72		
FYTD for RIVERSIDE COUNTY SHERIFF MV		6,541.72		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY TREASURER - REFUNDS				
7/16/2009	196350	30.00	FALSE ALARM REFUND-DUP. PYMT	30.00
Vendor Total		30.00		
FYTD for RIVERSIDE COUNTY TREASURER - REFUNDS		30.00		
RIVERSIDE FIRE EQUIPMENT				
7/9/2009	196200	35.00	FIRE EXTING. MAINT-POLICE	35.00
Vendor Total		35.00		
FYTD for RIVERSIDE FIRE EQUIPMENT		35.00		
ROBERT'S FINE ARTS & FRAMING				
7/9/2009	196201	80.00	FRAMING OF PHOTOS	80.00
Vendor Total		80.00		
FYTD for ROBERT'S FINE ARTS & FRAMING		80.00		
RODGERS, CHARLENE				
7/30/2009	196626	57.00	REFUND-JUNIOR SPUDBALL REGIS	57.00
Vendor Total		57.00		
FYTD for RODGERS, CHARLENE		57.00		
RODRIGUEZ, AUTUMN EARLE				
7/16/2009	196352	100.00	7/4/09 JUDGING SRVC>MV IDOL	100.00
Vendor Total		100.00		
FYTD for RODRIGUEZ, AUTUMN EARLE		100.00		
ROGERS, EUGENE				
7/9/2009	196202	318.73	JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for ROGERS, EUGENE		318.73		
ROGERS, KIANNA				
7/16/2009	196353	150.70	MILEAGE REIMBURSEMENT	107.25
			MILEAGE REIMBURSEMENT	43.45
Vendor Total		150.70		
FYTD for ROGERS, KIANNA		150.70		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ROSS, DAVID T.				
7/9/2009	196203	318.73	JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for ROSS, DAVID T.		318.73		
ROSSON, LOUIS A.				
7/9/2009	196204	318.73	JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for ROSSON, LOUIS A.		318.73		
RUIZ, MIGUEL				
7/16/2009	196354	1,705.22	REFUND PERMIT FEE-80%	1,334.14
			REFUND PERMIT FEE-80%	167.80
			REFUND PERMIT FEE-80%	94.40
			REFUND PERMIT FEE-80%	108.88
Vendor Total		1,705.22		
FYTD for RUIZ, MIGUEL		1,705.22		
RUSSO, JOHN				
7/9/2009	196205	318.73	JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for RUSSO, JOHN		318.73		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RYMAX ELECTRIC, INC.				
7/2/2009	196009	1,539.90		
			APR'09 NIGHT SURVEY>E-1	125.00
			APR'09 NIGHT SURVEY>E-1	125.00
			APR'09 NIGHT SURVEY>E-1	125.00
			APR'09 NIGHT SURVEY>E-1	125.00
			MAY'09 NIGHT SURVEY>E-1	125.00
			MAY'09 NIGHT SURVEY>E-2	125.00
			MAY'09 NIGHT SURVEY>E-3	125.00
			MAY'09 NIGHT SURVEY>E-7	125.00
			APR'09 NIGHT SURVEY>ZN M	125.00
			MAY'09 NIGHT SURVEY>ZN M	125.00
			APR'09 LIGHTING MAINT>E-1	289.90
7/16/2009	196355	2,205.52		
			PALM FLOOD LIGHT REPAIRS IN E7	294.58
			PALM FLOOD LIGHT REPAIRS IN E1	1,285.94
			JUN'09 LIGHTING MAINT-ZONE E-1	125.00
			JUN'09 LIGHTING MAINT-ZONE E-2	125.00
			JUN'09 LIGHTING MAINT-ZONE E-3	125.00
			JUN'09 LIGHTING MAINT-ZONE E-7	125.00
			JUN'09 LIGHTING MAINT-ZONE M	125.00
7/30/2009	196628	309.74		
			JUNE REPAIRS FOR ZONE E1	79.90
			JUNE REPAIRS FOR ZONE E7	229.84
Vendor Total		4,055.16		
FYTD for RYMAX ELECTRIC, INC.		4,055.16		
SA ASSOCIATES				
7/9/2009	196206	12,900.00		
			PROF STAFFING SVCS-VARIOUS PRJ	12,900.00
Vendor Total		12,900.00		
FYTD for SA ASSOCIATES		12,900.00		
SABINE & MORRISON				
7/2/2009	196010	375.00		
			PROF. LGL SRVCS	375.00
Vendor Total		375.00		
FYTD for SABINE & MORRISON		375.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SABRE LIGHTING AND SIGNS				
7/2/2009	196011	2,083.29		
			SIGNS>UTILITIES	419.00
			SIGNS>UTILITIES	30.00
			SIGNS>UTILITIES	800.00
			SIGNS>UTILITIES	325.00
			SIGNS>UTILITIES	250.00
				150.00
				109.29
Vendor Total		2,083.29		
FYTD for SABRE LIGHTING AND SIGNS		2,083.29		
SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP				
7/23/2009	196493	128.70		
			FIRE EXTINGUISHER SVC/PARTS	68.70
			FIRE EXTINGUISHER SVC.	60.00
Vendor Total		128.70		
FYTD for SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP		128.70		
SAN BERNARDINO CO. SHERIFF DEPT				
7/9/2009	196207	550.00		
			POLYGRAPH SRVCS	550.00
Vendor Total		550.00		
FYTD for SAN BERNARDINO CO. SHERIFF DEPT		550.00		
SAN BERNARDINO COUNTY SUPERINTENDENT				
7/30/2009	196629	420.00		
			AFTERSCHOOL UNIV. 6/25-6/27/09	420.00
Vendor Total		420.00		
FYTD for SAN BERNARDINO COUNTY SUPERINTENDENT		420.00		
SAT/HUMAN RESOURCES				
7/2/2009	196012	665.86		
			WRKMNS COMP LGL SRVCS>6/17/09	665.86
Vendor Total		665.86		
FYTD for SAT/HUMAN RESOURCES		665.86		
SC SIGNS				
7/2/2009	196013	2,100.00		
			PUBLIC HEARING SIGNS	945.00
			PUBLIC HEARING SIGNS	1,155.00
Vendor Total		2,100.00		
FYTD for SC SIGNS		2,100.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SCAG/SOUTHERN CALIF ASSO OF GOVTS				
7/2/2009	196014	15,222.00		
			FY09/10 MBRSHD DUES	15,222.00
Vendor Total		15,222.00		
FYTD for SCAG/SOUTHERN CALIF ASSO OF GOVTS		15,222.00		
SECURITY LOCK & KEY				
7/2/2009	196015	141.81		
			COMBO CHANGE/TRIP CHARGE	52.50
			DUPLICATE KEYS>PD	11.31
			NUSNC ABTMNT>14218 TOBY CT	78.00
Vendor Total		141.81		
FYTD for SECURITY LOCK & KEY		141.81		
SENA, ANDRE				
7/23/2009	196495	20.00		
			REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for SENA, ANDRE		20.00		
SEVER, CARRIE				
7/23/2009	196496	20.00		
			REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for SEVER, CARRIE		20.00		
SEYLAZ, THOMAS				
7/9/2009	196208	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for SEYLAZ, THOMAS		75.00		
SHAH, JAGDISH				
7/9/2009	196209	22,200.00		
			PROF STAFFING SVCS-VARIOUS PRJ	22,200.00
Vendor Total		22,200.00		
FYTD for SHAH, JAGDISH		22,200.00		
SHARRETT, SHARON K.				
7/9/2009	196210	179.16		
			JUL'09 RET MED BNFT	179.16
Vendor Total		179.16		
FYTD for SHARRETT, SHARON K.		179.16		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SHELDON, STUART H.				
7/9/2009	196211	318.73	JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for SHELDON, STUART H.		318.73		
SHELL OIL CO.				
7/16/2009	196356	359.33	FUEL PURCHASE	20.00
			FUEL PURCHASES	339.33
7/23/2009	196497	279.59	FUEL PURCHASE	14.54
			FUEL PURCHASE	23.62
			FUEL PURCHASES	241.43
Vendor Total		638.92		
FYTD for SHELL OIL CO.		638.92		
SIMPSON, LOUIS				
7/23/2009	196498	50.00	REFUND-TRAP RENTAL DEPOSIT	50.00
Vendor Total		50.00		
FYTD for SIMPSON, LOUIS		50.00		
SINGER & COFFIN, APC				
7/16/2009	196357	1,850.25	LEGAL SVCS-SR60/NASON INTERCHG	1,572.95
			LEGAL SVCS-SR60/NASON INTERCHG	277.30
7/30/2009	196630	6,725.00	LEGAL SVCS RE: SR60/NASON ST.	6,725.00
Vendor Total		8,575.25		
FYTD for SINGER & COFFIN, APC		8,575.25		
SINGLETON-DECUIR, JANISHEIA				
7/16/2009	196358	54.45	MILEAGE REIMBURSEMENT	54.45
Vendor Total		54.45		
FYTD for SINGLETON-DECUIR, JANISHEIA		54.45		
SKILES, VICTORA				
7/9/2009	196212	124.80	RFND PICNIC SHLTR DEP	124.80
Vendor Total		124.80		
FYTD for SKILES, VICTORA		124.80		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SKONBERG, HEATHER ALLISON				
7/2/2009	196016	1,800.00	CNSLTNG SRVCS>6/17/09	1,800.00
Vendor Total		1,800.00		
FYTD for SKONBERG, HEATHER ALLISON		1,800.00		
SKY TRAILS MOBILE VILLAGE				
7/2/2009	196017	18.63	RFND UT USER TAXES-EXMPT RESID	18.63
Vendor Total		18.63		
FYTD for SKY TRAILS MOBILE VILLAGE		18.63		
SKYTERRA, LP				
7/9/2009	196213	37.38	EMERG. OP. PHONES	37.38
Vendor Total		37.38		
FYTD for SKYTERRA, LP		37.38		
SLAGERMAN, SUSAN A.				
7/9/2009	196214	318.73	JUN'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for SLAGERMAN, SUSAN A.		318.73		
SLONIKER, VANESSA				
7/30/2009	196631	147.00	PER DIEM-THREAT MGMT CONF.	147.00
Vendor Total		147.00		
FYTD for SLONIKER, VANESSA		147.00		
SMITH, RITA				
7/2/2009	196018	50.00	RFND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for SMITH, RITA		50.00		
SO. CALIF SCHOOL OF MUSIC				
7/9/2009	196215	918.00	PIANO-16 PARTICIPANTS	432.00
			PIANO-8 PARTICIPANTS	216.00
			PIANO-10 PARTICIPANTS	270.00
Vendor Total		918.00		
FYTD for SO. CALIF SCHOOL OF MUSIC		918.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOLAR INTEGRATED TECHNOLOGIES, INC.				
7/30/2009	196632	7,891.87	ROOF RPRS-FS #48	7,891.87
Vendor Total		7,891.87		
FYTD for SOLAR INTEGRATED TECHNOLOGIES, INC.		7,891.87		
SOLARES, ARNULFO				
7/2/2009	196019	1,528.00	RFND-ADMIN CITATION/ANML SRVCS	1,528.00
Vendor Total		1,528.00		
FYTD for SOLARES, ARNULFO		1,528.00		
SOSA, JORGE				
7/9/2009	196216	375.00	KOBUDO-3 PARTICIPANTS	63.00
			NINPO-1 PARTICIPANT	24.00
			KARATEDO-8 PARTICIPANTS	288.00
Vendor Total		375.00		
FYTD for SOSA, JORGE		375.00		
SOUTH COAST AIR QUALITY MGMT DISTRICT				
7/9/2009	196217	195.69	EMISSIONS FEES>LAST FY	109.00
			ANNUAL OPERATING FEES	86.69
7/23/2009	196499	402.21	FLAT FEE FOR EMISS.-CITY HALL	109.00
			ANNUAL OPERATING FEE	293.21
Vendor Total		597.90		
FYTD for SOUTH COAST AIR QUALITY MGMT DISTRICT		597.90		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON				
7/2/2009	196020	3,436.36		
			ELECTRICITY CHARGES	40.96
			ELECTRICITY CHARGES	1,156.84
			ELECTRICITY CHARGES	438.69
			ELECTRICITY CHARGES	319.99
			ELECTRICITY CHARGES	744.04
			ELECTRICITY CHARGES	295.03
			ELECTRICITY CHARGES	251.25
			ELECTRICITY CHARGES	80.02
			ELECTRICITY CHARGES	70.94
			ELECTRICITY CHARGES	38.60
7/2/2009	196021	3,811.46		
			IFA CHARGES>6/1/09	274.78
			IFA CHARGES-SUBSTATION	3,536.68
7/9/2009	196218	4,043.40		
			ELECTRICITY CHARGES	60.64
			ELECTRICITY CHARGES	99.49
			ELECTRICITY CHARGES	18.56
			ELECTRICITY CHARGES	1,231.96
			ELECTRICITY CHARGES	166.15
			ELECTRICITY CHARGES	867.28
			ELECTRICITY CHARGES	371.40
			ELECTRICITY CHARGES	20.01
			ELECTRICITY CHARGES	886.03
			ELECTRICITY CHARGES	127.78
			ELECTRICITY CHARGES	138.25
			ELECTRICITY CHARGES	55.85
7/16/2009	196359	15,640.18		
			IFA CHRGS-SUBSTATION	14,146.73
			IFA CHRGS	1,099.13
			ELECTRICITY CHARGES	394.32
7/30/2009	196635	4,635.14		
			ELECTRICITY CHARGES	39.04
			ELECTRICITY CHARGES	1,483.56
			ELECTRICITY CHARGES	473.62
			ELECTRICITY CHARGES	196.33
			ELECTRICITY CHARGES	445.93
			ELECTRICITY CHARGES	1,324.05
			ELECTRICITY CHARGES	268.98
			ELECTRICITY CHARGES	246.72
			ELECTRICITY CHARGES	83.10
			ELECTRICITY CHARGES	73.81
Vendor Total		31,566.54		
FYTD for SOUTHERN CALIFORNIA EDISON		2,257,119.57		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA GAS CO.				
7/16/2009	196361	3,509.52		
			GAS CHARGES	795.62
			GAS CHARGES	1,543.54
			GAS CHARGES	9.53
			GAS CHARGES	23.05
			GAS CHARGES	409.95
			GAS CHARGES	64.26
			GAS CHARGES	14.03
			GAS CHARGES	184.39
			GAS CHARGES	67.11
			GAS CHARGES	100.90
			GAS CHARGES	48.15
			GAS CHARGES	92.97
			GAS CHARGES	51.05
			GAS CHARGES	86.92
			GAS CHARGES	18.05
	Vendor Total	3,509.52		
FYTD for SOUTHERN CALIFORNIA GAS CO.		3,509.52		
SOUTHWEST HEALTHCARE SYSTEM				
7/30/2009	196636	900.00		
			FORENSIC RAPE EXAM-5/3/09	900.00
	Vendor Total	900.00		
FYTD for SOUTHWEST HEALTHCARE SYSTEM		900.00		
SPARKLETTS				
7/2/2009	196022	11.90		
			WTR SRVC>5/21/09 SNNYMD ELEM	0.88
			WTR SRVC>5/21/09 SNNYMD ELEM	11.02
	Vendor Total	11.90		
FYTD for SPARKLETTS		11.90		
SPECK, GARY B.				
7/9/2009	196219	318.73		
			JUL'09 RET MED BNFT	318.73
	Vendor Total	318.73		
FYTD for SPECK, GARY B.		318.73		
SPENCER, MARTHA				
7/9/2009	196220	240.44		
			JUL'09 RET MED BNFT	240.44
	Vendor Total	240.44		
FYTD for SPENCER, MARTHA		240.44		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SPORTS INNOVATORS				
7/2/2009	196023	2,270.00		
			SPORTS OFFICIALS SVCS 6/1>6/28	1,077.50
			SPORTS OFFICIALS SVCS 6/1>6/28	832.50
			FIELD PREP. SVCS 6/1>6/28/09	360.00
7/30/2009	196637	75.00		
			6/29 SOFTBALL OFFICIALS SVCS	75.00
Vendor Total		2,345.00		
FYTD for SPORTS INNOVATORS		2,345.00		
SPRINT/NEXTEL				
7/16/2009	196362	82.76		
			GTF PH CHRGS>6/16/09	82.76
Vendor Total		82.76		
FYTD for SPRINT/NEXTEL		82.76		
STANDARD INSURANCE CO				
7/9/2009	196221	1,589.45		
			SUPPLEMENTAL INSURANCE	1,589.45
Vendor Total		1,589.45		
FYTD for STANDARD INSURANCE CO		31,768.98		
STANLEY CONVERGENT SECURITY SOLUTNS, INC				
7/23/2009	196502	161.12		
			SECURITY SYSTEMS AT PARKS	161.12
7/30/2009	196638	1,348.00		
			RPLCD PWR SUPPLY-CRC	1,348.00
Vendor Total		1,509.12		
FYTD for STANLEY CONVERGENT SECURITY SOLUTNS, INC		1,509.12		
STATE BOARD OF EQUALIZATION				
7/29/2009	200906	11,014.00		
			SALES & USE TAX	11,014.00
Vendor Total		11,014.00		
FYTD for STATE BOARD OF EQUALIZATION		11,014.00		
STATE CONTROLLER'S OFFICE				
7/9/2009	196222	2,500.00		
			ANNUAL STREET RPRT FY07/08	2,500.00
Vendor Total		2,500.00		
FYTD for STATE CONTROLLER'S OFFICE		2,500.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STATE DISBURSEMENT UNIT				
7/23/2009	2447	2,294.98		
			CHILD SUPPORT W/H 07/23/09	2,294.98
7/9/2009	2438	2,174.96		
			CHILD SUPPORT W/H 07/09/09	2,174.96
	Vendor Total	4,469.94		
FYTD for STATE DISBURSEMENT UNIT		4,469.94		
STATE OF CALIF/DEPT OF INDUSTRIAL				
7/30/2009	196639	105.00		
			INSPECT ELEVATOR AT CITY HALL	105.00
	Vendor Total	105.00		
FYTD for STATE OF CALIF/DEPT OF INDUSTRIAL		105.00		
STATE OF CALIFORNIA DEPT. OF CONSUMER AF				
7/9/2009	196223	125.00		
			MBR: LORENZ R GONZALES	125.00
	Vendor Total	125.00		
FYTD for STATE OF CALIFORNIA DEPT. OF CONSUMER AF		125.00		
STATE OF CALIFORNIA DEPT. OF JUSTICE				
7/9/2009	196224	576.00		
			MAY'09 FINGERPRINTING>B/L	224.00
			MAY'09 FINGERPRINTING>HR	192.00
			MAY'09 FINGERPRINTING>EMRG OP	160.00
7/30/2009	196640	7,480.00		
			FINGERPRINTING SVCS-MAY'09	3,109.00
			FINGERPRINTNG SVCS-MAR'09/ADDL	192.00
			FINGERPRINTNG SVCS-JUNE'09	2,884.00
			MAY'09 BLD ALCHL ANLYS	1,295.00
	Vendor Total	8,056.00		
FYTD for STATE OF CALIFORNIA DEPT. OF JUSTICE		8,056.00		
STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV				
7/9/2009	196225	332.83		
			MVU RFND>17395 KENTUCKY DERBY	44.06
			MVU RFND>27715 E TRAILRIDGE WY	288.77
	Vendor Total	332.83		
FYTD for STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV		332.83		
STEER N STEIN OF MORENO VALLEY				
7/23/2009	196503	120.00		
			RFND>FALSE ALARM OVRPMT	120.00
	Vendor Total	120.00		
FYTD for STEER N STEIN OF MORENO VALLEY		120.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STEIN, BRAD				
7/16/2009	196364	132.55		
			MILEAGE REIMBURSEMENT	87.45
			MILEAGE REIMBURSEMENT	45.10
Vendor Total		132.55		
FYTD for STEIN, BRAD		132.55		
STENO SOLUTIONS TRANSCRIPTION SVCS., IN				
7/16/2009	196365	3,638.72		
			JUN'09 DICTATION/TRANSCR. SVC	3,638.72
Vendor Total		3,638.72		
FYTD for STENO SOLUTIONS TRANSCRIPTION SVCS., IN		3,638.72		
STERICYCLE (BFI)				
7/30/2009	196641	442.43		
			MEDICAL WASTE HAULING-JULY'09	442.43
Vendor Total		442.43		
FYTD for STERICYCLE (BFI)		442.43		
STEVENS, JASON				
7/30/2009	196643	20.00		
			REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for STEVENS, JASON		20.00		
STEVE'S LANDSCAPING & WEED ABATEMENT				
7/16/2009	196366	2,887.00		
			NSNCE ABTMNT: 12082 CHAMPLAIN	239.00
			NSNCE ABTMNT: 13725 SYLMAR ST.	104.00
			NSNC ABTMT: 16070 RNCHODELLAGO	258.00
			NSNCE ABTMNT: 13536 ROCK CREST	1,040.00
			NSNCE ABTMT: 14230 VINCENTE DR	236.00
			NSNCE ABTMT: 14458 RIO BRAVO	181.00
			NSNCE ABTMT: 25660 LILY CT.	236.00
			NSNCE ABTMT:11565 STEEPLECHASE	593.00
7/23/2009	196504	859.00		
			NSNCE ABTMNT-11247 LASSELLE ST	238.00
			NSNCE ABTMNT-13920 WALNUT CT.	237.00
			NSNCE ABTMNT-15595 GRANADA DR.	384.00
7/30/2009	196642	1,372.00		
			NSNC ABTMNT-25328 JUANITA	450.00
			NSNC ABTMNT-16716 WAR CLOUD	237.00
			NSNC ABTMNT-15761 PATRICIA ST	298.00
			NSNC ABTMNT-15783 PATRICIA ST	387.00
Vendor Total		5,118.00		
FYTD for STEVE'S LANDSCAPING & WEED ABATEMENT		5,118.00		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STEWART TITLE OF CALIFORNIA				
7/16/2009	196367	450.00	TITLE RPT/APN 296-060-005	450.00
Vendor Total		450.00		
FYTD for STEWART TITLE OF CALIFORNIA		450.00		
STEWART, CLIFFORD				
7/9/2009	196226	248.11	JUL'09 RET MED BNFT	248.11
Vendor Total		248.11		
FYTD for STEWART, CLIFFORD		248.11		
STOP THE VIOLENCE FOUNDATION				
7/2/2009	196024	244.85	DEP RFND-6/17 @C&RC	244.85
Vendor Total		244.85		
FYTD for STOP THE VIOLENCE FOUNDATION		244.85		
STRADLING, YOCCA, CARLSON & RAUTH				
7/16/2009	196368	9,263.09	MAY'09 LGL SVC>FAMILY SVC ASSC	201.00
			MAY'09 LGL SVCS>OAKWOOD HSG	325.00
			MAY'09 LGL SVCS>PERRIS ISLE	1,300.00
			MAY'09 LGL SVCS>RANCHO DORADO	6,481.04
			PROF SRVCS>SPCL TAX	57.00
			MAY'09 LGL SRVC>RNCH DORADO	899.05
Vendor Total		9,263.09		
FYTD for STRADLING, YOCCA, CARLSON & RAUTH		9,263.09		
STRICKLER II, JOHN W.				
7/9/2009	196227	318.73	JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for STRICKLER II, JOHN W.		318.73		
STUCKEY, HARRIETTE				
7/2/2009	196025	184.80	LINE DNCNG-2 PARTICIPANTS	33.60
			LINE DNCNG-8 PARTICIPANTS	151.20
Vendor Total		184.80		
FYTD for STUCKEY, HARRIETTE		184.80		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SUKUT CONSTRUCTION, INC.				
7/9/2009	90708	7,599.08		
			RETENTION PYMT- PROJ06-41570324	7,599.08
Vendor Total		7,599.08		
FYTD for SUKUT CONSTRUCTION, INC.		419,040.77		
SUNNYMEAD ACE HARDWARE				
7/9/2009	196228	152.69		
			MISC. HARDWARE-FIRE	27.99
			MISC. HARDWARE-FIRE	17.74
			MISC. HARDWARE-FIRE	7.78
			MISC. HARDWARE-POLICE	15.21
			MISC. HARDWARE-POLICE	48.67
			MISC. HARDWARE-POLICE	9.23
			MISC. HARDWARE-POLICE	26.07
7/16/2009	196369	44.91		
			MISC. HARDWARE SUPPLIES-PD	13.00
			MISC. HARDWARE SUPPLIES-PD	15.95
			MISC. HARDWARE SUPPLIES-PD	15.96
Vendor Total		197.60		
FYTD for SUNNYMEAD ACE HARDWARE		197.60		
SYMPRO, INC.				
7/23/2009	196505	5,985.00		
			FIRM LICENSE	5,985.00
Vendor Total		5,985.00		
FYTD for SYMPRO, INC.		5,985.00		
TAHER, ROBERT				
7/9/2009	196229	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		75.00		
FYTD for TAHER, ROBERT		75.00		
TEK TIME SYSTEMS, LLC				
7/23/2009	196506	225.78		
			TIME CLOCK REPAIR	225.78
Vendor Total		225.78		
FYTD for TEK TIME SYSTEMS, LLC		225.78		
THE CORNERSTONE GROUP				
7/23/2009	196507	10.47		
			RFND-BUS. LIC. OVRPMT	10.47
Vendor Total		10.47		
FYTD for THE CORNERSTONE GROUP		10.47		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
THE ROTARY CLUB OF MORENO VALLEY				
7/9/2009	196230	482.00	DEP RFND-6/19 @CRC	482.00
Vendor Total		482.00		
FYTD for THE ROTARY CLUB OF MORENO VALLEY		482.00		
THERMAL-COOL INC.				
7/9/2009	196231	358.80	PUPPY COOLER REPAIR/RECHARGE	358.80
7/23/2009	196508	2,052.61	HVAC REPAIRS-CITY HALL	1,687.44
			A/C UNIT#2 REPAIRS-CITY HALL	127.50
			EMERG REPAIR>SR CTR	105.00
			RECALIB. THERM.	132.67
Vendor Total		2,411.41		
FYTD for THERMAL-COOL INC.		2,411.41		
TORRES, AMY				
7/9/2009	196232	750.00	DEP RFND>6/27 @CRC	750.00
Vendor Total		750.00		
FYTD for TORRES, AMY		750.00		
TRI-CITY LINEN SUPPLY, INC.				
7/2/2009	196028	25.00	LINEN RENTAL FOR CONF/RECR CTR	25.00
7/9/2009	196233	25.00	LINEN RENTAL FOR CONF/RECR CTR	25.00
7/30/2009	196645	71.85	LINEN RENTAL-7/18/09	71.85
Vendor Total		121.85		
FYTD for TRI-CITY LINEN SUPPLY, INC.		121.85		
TROPICAL PLAZA NURSERY, INC.				
7/9/2009	196234	15,782.99	JUN'09 LANDSC. MAINT./E-2	13,422.58
			JUN'09 LANDSC. MAINT./E-16	2,195.49
			JUN'09 IRRIGATION REPAIRS/E-2	164.92
Vendor Total		15,782.99		
FYTD for TROPICAL PLAZA NURSERY, INC.		15,782.99		
TUNTLAND, JAMES				
7/9/2009	196235	248.11	JUL'09 RET MED BNFT	248.11
Vendor Total		248.11		
FYTD for TUNTLAND, JAMES		248.11		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TWIN GRAPHICS				
7/9/2009	196236	2,472.98		
			VEH. GRAPHICS FOR PATROL UNITS	371.41
			VEH. GRAPHICS FOR PATROL UNITS	865.08
			VEH. GRAPHICS FOR PATROL UNITS	1,236.49
7/16/2009	196371	824.33		
			VEH. GRAPHICS FOR PATROL UNITS	824.33
Vendor Total		3,297.31		
FYTD for TWIN GRAPHICS		3,297.31		
U.S. HEALTHWORKS MEDICAL GROUP				
7/9/2009	196237	183.00		
			DOT/DMV EXAM FOR D. SRENA	37.00
			BASIC PHYSICAL EXAM - H. BOWIE	33.00
			PRE-EMPLYMNT & DOT/DMV EXAMS	113.00
7/30/2009	196647	96.00		
			PRE-PLACEMENT D/S & PHYSICALS	59.00
			DOT/DMV EXAM CASE#130-042189	37.00
Vendor Total		279.00		
FYTD for U.S. HEALTHWORKS MEDICAL GROUP		279.00		
U.S. POSTAL SERVICE				
7/30/2009	196648	8,000.00		
			RECREATION GUIDE MAILING	4,000.00
			RECREATION GUIDE MAILING	4,000.00
Vendor Total		8,000.00		
FYTD for U.S. POSTAL SERVICE		8,000.00		
UBALDO SERRANO				
7/23/2009	196509	115.86		
			RFND-BUS. LIC. OVRPMT	115.86
Vendor Total		115.86		
FYTD for UBALDO SERRANO		115.86		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNDERGROUND SERVICE ALERT				
7/9/2009	196238	744.00		
			MAY'09 DIGALERT TICKETS	186.00
			MAY'09 DIGALERT TICKETS	186.00
			MAY'09 DIGALERT TICKETS	186.00
			MAY'09 DIGALERT TICKETS	186.00
7/16/2009	196372	678.00		
			JUNE'09 DIGALERT TICKETS	105.49
			JUNE'09 DIGALERT TICKETS	64.01
			JUNE'09 DIGALERT TICKETS	105.51
			JUNE'09 DIGALERT TICKETS	63.99
			JUNE'09 DIGALERT TICKETS	105.51
			JUNE'09 DIGALERT TICKETS	63.99
			JUNE'09 DIGALERT TICKETS	105.49
			JUNE'09 DIGALERT TICKETS	64.01
Vendor Total		1,422.00		
FYTD for UNDERGROUND SERVICE ALERT		1,422.00		
UNION BANK OF CALIFORNIA				
7/2/2009	196029	424.00		
			MAY'09 INVSTMNT SAFEKEEP SVCS	424.00
7/23/2009	196510	632.00		
			JUN'09 INVSTMNT SAFEKEEP SVCS	632.00
Vendor Total		1,056.00		
FYTD for UNION BANK OF CALIFORNIA		52,218.16		
UNITED POWER GENERATION, INC.				
7/16/2009	196373	775.05		
			EMERG GENERATOR REPAIR-FS #48	775.05
Vendor Total		775.05		
FYTD for UNITED POWER GENERATION, INC.		775.05		
UNITED SITE SERVICES OF CA, INC.				
7/9/2009	196239	204.94		
			FENCE RENTAL @ SHELTER >6/17	107.39
			PORTABLE TOILET SVC-CITY YARD	97.55
7/16/2009	196374	77.33		
			PORTABLE TOILET-GOLF COURSE	27.50
			PORTABLE TOILET-GOLF COURSE	49.83
7/30/2009	196649	107.39		
			FENCE RENTAL-ANIMAL SHELTER	107.39
Vendor Total		389.66		
FYTD for UNITED SITE SERVICES OF CA, INC.		389.66		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNITED WAY OF INLAND VALLEYS				
7/9/2009	196240	978.61		
			U W CONTRIBUTIONS	978.61
7/23/2009	196511	913.61		
			U W CONTRIBUTIONS	913.61
	Vendor Total	1,892.22		
FYTD for UNITED WAY OF INLAND VALLEYS		1,892.22		
URBAN CROSSROADS, INC.				
7/30/2009	196650	1,785.00		
			TRAFFIC MODEL UPDATE ENG. SVCS	1,785.00
	Vendor Total	1,785.00		
FYTD for URBAN CROSSROADS, INC.		1,785.00		
URIGUIZU, CESAR				
7/23/2009	196512	800.00		
			CITATION REFUND	400.00
			CITATION REFUND	400.00
	Vendor Total	800.00		
FYTD for URIGUIZU, CESAR		800.00		
UTAH PACIFIC CONSTRUCTION				
7/2/2009	196030	1,500.00		
			RELEASE OF DEPOSIT	1,500.00
	Vendor Total	1,500.00		
FYTD for UTAH PACIFIC CONSTRUCTION		1,500.00		
VA CONSULTING, INC.				
7/23/2009	196513	7,864.18		
			AUTO MALL IMPRV PROJ SVCS.	7,864.18
	Vendor Total	7,864.18		
FYTD for VA CONSULTING, INC.		43,445.13		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VACATE PEST ELIMINATION COMPANY				
7/9/2009	196241	420.00		
			PEST CONTROL SVCS-CITY YARD	115.00
			PEST CONTROL SVCS-CONF/REC CTR	305.00
7/16/2009	196375	1,130.00		
			JUN'09 PEST CTRL-28020 BAY AVE	45.00
			JUN'09 PEST CTRL-CITY HALL	75.00
			JUN'09 PEST CTRL-FS #2	45.00
			JUN'09 PEST CTRL-FS #6	45.00
			JUN'09 PEST CTRL-FS #48	45.00
			JUN'09 PEST CTRL-FS #65	45.00
			JUN'09 PEST CTRL-FS #91	45.00
			JUN'09 PEST CTRL-FS #58	45.00
			JUN'09 PEST CTRL-PRO SHOP	22.50
			JUN'09 PEST CTRL-MTV ANNEX	22.50
			JUN'09 PEST CTRL-TOWN GATE C/C	45.00
			JUN'09 PEST CTRL-LIBRARY	55.00
			JUN'09 PEST CTRL-SENIOR CTR	55.00
			JUN'09 PEST CTRL-ANIMAL SHELTR	115.00
			JUN'09 PEST CTRL-ANNEX BLDG #1	55.00
			JUN'09 PEST CTRL-MARCH HOBBY	45.00
			JUN'09 PEST CTRL-MARCH FLD PRK	45.00
			JUN'09 PEST CTRL-CITY YARD	30.00
			JUN'09 PEST CTRL-CITY YARD	85.00
			JUN'09 PEST CTRL-TRANS TRAILER	45.00
			JUN'09 PEST CTRL-ASES @ MARCH	45.00
			JUN'09 PEST CTRL-P.S.B.	75.00
Vendor Total		1,550.00		
FYTD for VACATE PEST ELIMINATION COMPANY		1,550.00		
VAL VERDE UNIFIED SCHOOL DISTRICT				
7/2/2009	196031	290.00		
			RFND PBLC FUNDS-MARCH MDL SCH	290.00
7/16/2009	196376	390.07		
			RAINBOW RIDGE POWER LINE	390.07
7/23/2009	196525	1,300.00		
			4TH OF JULY XL T-SHIRTS	1,300.00
			4TH OF JULY XL T-SHIRTS	113.75
			4TH OF JULY XL T-SHIRTS	-113.75
Vendor Total		1,980.07		
FYTD for VAL VERDE UNIFIED SCHOOL DISTRICT		1,980.07		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VALI COOPER & ASSOCIATES, INC.				
7/16/2009	196377	19,763.75		
			PROF STAFFING SVCS-VARIOUS PRJ	19,763.75
7/30/2009	196652	20,397.50		
			PROF STAFFING SVCS-VARIOUS PRJ	20,397.50
Vendor Total		40,161.25		
FYTD for VALI COOPER & ASSOCIATES, INC.		40,161.25		
VALLEJO, OFELIA				
7/16/2009	196378	253.30		
			REFUND-CHILDS PLACE PGRM	253.30
Vendor Total		253.30		
FYTD for VALLEJO, OFELIA		253.30		
VANDER HAWK CONSULTING, LLC				
7/30/2009	196653	5,625.00		
			ANNL PAVEMENT MGMT PRGM SVCS.	1,600.00
			ANNL PAVEMENT MGMT UPDATE SVCS	4,025.00
Vendor Total		5,625.00		
FYTD for VANDER HAWK CONSULTING, LLC		5,625.00		
VAS ASSOCIATES, INC.				
7/9/2009	196242	21,875.00		
			PROF STAFFING SVCS-VARIOUS PRJ	21,875.00
Vendor Total		21,875.00		
FYTD for VAS ASSOCIATES, INC.		21,875.00		
VAUGHAN, CODY M.				
7/2/2009	196032	1,404.00		
			RFND-ADMIN CITATION/ANML SRVCS	1,404.00
Vendor Total		1,404.00		
FYTD for VAUGHAN, CODY M.		1,404.00		
VEHICLE REGISTRATION COLLECTIONS				
7/9/2009	196243	157.00		
			W/H ORDER>T. PLUMMER	157.00
Vendor Total		157.00		
FYTD for VEHICLE REGISTRATION COLLECTIONS		157.00		
VERIZON				
7/23/2009	196515	1,620.59		
			BACKBONE CHRGS	1,620.59
Vendor Total		1,620.59		
FYTD for VERIZON		1,620.59		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VERIZON CALIFORNIA				
7/2/2009	196033	70.03	PH CHRGS-SR CTR	70.03
7/16/2009	196380	8,652.58	TELEPHONE CHARGES	159.51
			TELEPHONE CHARGES	201.85
			TELEPHONE CHARGES	160.94
			TELEPHONE CHARGES	522.21
			TELEPHONE CHARGES	219.27
			TELEPHONE CHARGES	211.65
			TELEPHONE CHARGES	217.12
			TELEPHONE CHARGES	185.29
			TELEPHONE CHARGES	68.41
			TELEPHONE CHARGES	218.31
			TELEPHONE CHARGES	143.88
			TELEPHONE CHARGES	335.83
			TELEPHONE CHARGES	114.58
			TELEPHONE CHARGES	431.92
			TELEPHONE CHARGES	326.45
			TELEPHONE CHARGES	123.84
			TELEPHONE CHARGES	70.06
			TELEPHONE CHARGES	287.51
			TELEPHONE CHARGES	21.30
			TELEPHONE CHARGES	136.89
			TELEPHONE CHARGES	279.40
			TELEPHONE CHARGES	11.23
			TELEPHONE CHARGES	11.23
			TELEPHONE CHARGES	45.34
			TELEPHONE CHARGES	27.64
			TELEPHONE CHARGES	52.31
			TELEPHONE CHARGES	22.67
			TELEPHONE CHARGES	22.67
			TELEPHONE CHARGES	22.67
			TELEPHONE CHARGES	150.41
			TELEPHONE CHARGES	79.13
			TELEPHONE CHARGES	41.02
			TELEPHONE CHARGES	64.22
			TELEPHONE CHARGES	145.45
			TELEPHONE CHARGES	56.46
			TELEPHONE CHARGES	22.07
			TELEPHONE CHARGES	78.62
			TELEPHONE CHARGES	3,358.10
			TELEPHONE CHARGES	5.12
7/23/2009	196516	292.90	PH CHRGS>CITY YARD	75.42
			PH CHRGS>CRC	70.03
			PH CHRGS>CITY HALL	75.42
			PH CHRGS>GOLF CRS	72.03
7/30/2009	196654	410.73	PHONE EXP-PD MALL/CLOSING BILL	270.37
			PH CHRGS-SR CNTR	70.18
			PH CHRGS-ANML SHLTR	70.18



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
Vendor Total		9,426.24		
FYTD for VERIZON CALIFORNIA		9,426.24		
VICTOR MEDICAL CO				
7/30/2009	196655	2,525.56		
			ANIMAL MEDICAL SUPPLIES	1,432.62
			ANIMAL MEDICAL SUPPLIES	1,092.94
Vendor Total		2,525.56		
FYTD for VICTOR MEDICAL CO		2,525.56		
VIGIL, ERNEST				
7/9/2009	196244	318.73		
			JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for VIGIL, ERNEST		318.73		
VILLAGE NURSERIES WHOLESale, LLC				
7/9/2009	196245	384.16		
			PLANTS/TREES FOR PARKS DIV.	384.16
Vendor Total		384.16		
FYTD for VILLAGE NURSERIES WHOLESale, LLC		384.16		
VILLANUEVA, MICHAEL				
7/16/2009	196381	75.00		
			SPAY/NEUTER DEPOSIT REFUND	75.00
Vendor Total		75.00		
FYTD for VILLANUEVA, MICHAEL		75.00		
VIP HOME CARE, LLC				
7/16/2009	196382	30.00		
			REFUND FALSE ALARM PYMT.	30.00
Vendor Total		30.00		
FYTD for VIP HOME CARE, LLC		30.00		
VISION SERVICE PLAN				
7/9/2009	196246	4,424.37		
			EMPLOYEE VISION INSURANCE	4,424.37
Vendor Total		4,424.37		
FYTD for VISION SERVICE PLAN		4,424.37		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VISTA PAINT CORPORATION				
7/9/2009	196247	823.78		
			GRAFFITI RMVL PAINT & SUPPLIES	324.58
			GRAFFITI RMVL PAINT & SUPPLIES	499.20
Vendor Total		823.78		
FYTD for VISTA PAINT CORPORATION		823.78		
VOYAGER FLEET SYSTEM, INC.				
7/16/2009	196383	1,347.73		
			CNG FUEL	1,347.73
Vendor Total		1,347.73		
FYTD for VOYAGER FLEET SYSTEM, INC.		1,347.73		
VULCAN MATERIALS CO, INC.				
7/30/2009	196656	9,644.91		
			ASPHALTIC CONCRETE & EMULSION	196.19
			ASPHALTIC CONCRETE & EMULSION	195.54
			ASPHALTIC CONCRETE & EMULSION	9,253.18
Vendor Total		9,644.91		
FYTD for VULCAN MATERIALS CO, INC.		36,098.98		
WAGGONER JR., GLENN C.				
7/9/2009	196248	318.73		
			JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for WAGGONER JR., GLENN C.		318.73		
WAGNER, GARY D.				
7/9/2009	196249	318.73		
			JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for WAGNER, GARY D.		318.73		
WAGONER, ROBERT				
7/9/2009	196250	332.00		
			JUL'09 RET MED BNFT	166.00
			JUN'09 RET MED BNFT	166.00
Vendor Total		332.00		
FYTD for WAGONER, ROBERT		332.00		
WAGY, CARYLON				
7/16/2009	196385	318.73		
			JUN'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for WAGY, CARYLON		318.73		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WASTE MANAGEMENT OF THE INLAND EMPIRE				
7/9/2009	196251	70.04		
			ROLL-OFF BIN RENTAL-JUN'09	70.04
7/23/2009	196517	485.92		
			TRASH SRVC>13942 DAY	361.83
			TRASH SRVC>22105 SHERMAN	124.09
7/30/2009	196657	50.65		
			STORAGE BOX RENTAL/REMOVAL	50.65
Vendor Total		606.61		
FYTD for WASTE MANAGEMENT OF THE INLAND EMPIRE		606.61		
WEISS, TERESA ROSE				
7/7/2009	196042	500.00		
			IDOL CONTEST WINNER/10-13 CAT.	500.00
Vendor Total		500.00		
FYTD for WEISS, TERESA ROSE		500.00		
WELLS FARGO BANK				
7/30/2009	196658	2,000.00		
			'05 LRB ANNUAL TRUSTEE FEE	2,000.00
Vendor Total		2,000.00		
FYTD for WELLS FARGO BANK		2,000.00		
WELLS FARGO CORPORATE TRUST				
7/1/2009	90701	1,377.23		
			INT VAR RATE BOND 07/01/09	1,377.23
Vendor Total		1,377.23		
FYTD for WELLS FARGO CORPORATE TRUST		1,150,185.68		
WEST GROUP				
7/16/2009	196386	819.30		
			LEGAL PUBLICATIONS	635.18
			JUNE'09 ON-LINE SERVICE	184.12
Vendor Total		819.30		
FYTD for WEST GROUP		819.30		
WESTERN EMULSIONS, INC.				
7/16/2009	196387	6,058.95		
			SS-1H OIL FOR RECYCLING PROJ.	5,931.45
			SS-1H OIL FOR RECYCLING PROJ.	127.50
7/30/2009	196659	9,636.04		
			SS1H OIL FOR RECYCLING PROJS.	9,636.04
Vendor Total		15,694.99		
FYTD for WESTERN EMULSIONS, INC.		15,694.99		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WESTERN MUNICIPAL WATER DISTRICT				
7/30/2009	196660	1,659.81		
			WATER UTILITY	1,613.22
			WATER UTILITY	46.59
Vendor Total		1,659.81		
FYTD for WESTERN MUNICIPAL WATER DISTRICT		1,659.81		
WESTERN PACIFIC HOUSING				
7/2/2009	196034	3,675.00		
			RFND-BUS. LIC. OVRPMT	3,675.00
Vendor Total		3,675.00		
FYTD for WESTERN PACIFIC HOUSING		3,675.00		
WHEELER, GERALD				
7/9/2009	196252	100.80		
			YTH GOLF CLINIC-4 PARTICIPANTS	100.80
Vendor Total		100.80		
FYTD for WHEELER, GERALD		100.80		
WHITE, STEPHEN				
7/2/2009	196035	20.00		
			RFND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for WHITE, STEPHEN		20.00		
WIELIN, RONALD A.				
7/9/2009	196253	318.73		
			JUL'09 RET MED BNFT	318.73
Vendor Total		318.73		
FYTD for WIELIN, RONALD A.		318.73		
WILLDAN AND ASSOCIATES				
7/2/2009	196036	3,720.85		
			BLDG & SAFETY PLAN CHECK SVCS	3,720.85
7/30/2009	196661	9,805.01		
			BLDG OFFICIAL SVCS-G. KYLE	2,376.00
			PLAN CHECK SVCS-B&S DEPT	7,429.01
Vendor Total		13,525.86		
FYTD for WILLDAN AND ASSOCIATES		13,525.86		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WILLDAN FINANCIAL SERVICES				
7/2/2009	196037	1,250.00		
			FINAL ARBITRAGE CALCULATION	1,250.00
7/23/2009	196518	845.00		
			PROF SRVCS>CFD #7	845.00
7/30/2009	196662	1,000.00		
			EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
			EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
			EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
			EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
Vendor Total		3,095.00		
FYTD for WILLDAN FINANCIAL SERVICES		3,095.00		
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.				
7/23/2009	196519	3,450.00		
			ELECT CNSLT 08/09 COST	3,450.00
Vendor Total		3,450.00		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.		230,675.00		
WRCRCA				
7/9/2009	196254	1,722.00		
			RESIDENTIAL MSHCP FEES	1,722.00
Vendor Total		1,722.00		
FYTD for WRCRCA		1,722.00		
WURM'S JANITORIAL SERVICES, INC.				
7/23/2009	196520	240.00		
			6/20 & 6/27 CLEANING>TWNTE	240.00
7/30/2009	196664	3,026.85		
			JUN'09 SPCL CLNG-CRC	1,775.00
			JUN'09 SPCL CLNG-CRC	535.00
			JUN'09 JANITRL SVCS-MARCH FLD	716.85
Vendor Total		3,266.85		
FYTD for WURM'S JANITORIAL SERVICES, INC.		3,266.85		



City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
XEROX				
7/9/2009	196255	1,128.14		
			MAY'09 COPIER LSE/EXC COPIES	377.53
			MAY'09 COPIER LSE/EXC COPIES	750.61
7/16/2009	196391	757.13		
			JUN'09 COPIER LEASE-BASE CHG	397.79
			JUN'09 COPIER LEASE-BASE CHG	359.34
7/30/2009	196665	1,527.98		
			JUN'09 COPIER LEASE/COPIES	1,130.05
			JUN'09 COPIER LEASE/COPIES	397.93
Vendor Total		3,413.25		
FYTD for XEROX		3,413.25		
XEROX CAPITAL SERVICES, LLC				
7/30/2009	196666	2,971.23		
			JUN'09 COPIER LEASE/COPIES	2,971.23
Vendor Total		2,971.23		
FYTD for XEROX CAPITAL SERVICES, LLC		2,971.23		
YANEZ, ALDO				
7/16/2009	196392	50.00		
			RFND-MISC. ANML FEES	30.00
			RFND-MISC. ANML FEES	10.00
			RFND-MISC. ANML FEES	10.00
Vendor Total		50.00		
FYTD for YANEZ, ALDO		50.00		
ZAPPARDO, ANTHONY				
7/23/2009	196521	100.00		
			FILMING OF MV IDOL CONTEST 7/4	100.00
Vendor Total		100.00		
FYTD for ZAPPARDO, ANTHONY		100.00		
ZAVALA, LUZ				
7/23/2009	196522	100.00		
			CITATION REFUND	100.00
Vendor Total		100.00		
FYTD for ZAVALA, LUZ		100.00		

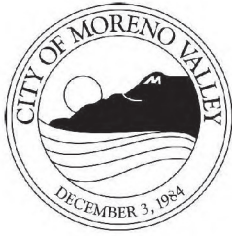


City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ZUMAR INDUSTRIES, INC.				
7/9/2009	196256	2,392.50	SIGN & HARDWARE PRODUCTS	2,392.50
7/23/2009	196523	12,408.10	SIGNS & HARDWARE PURCHASE MISC. SIGNS	9,526.50 2,881.60
Vendor Total		14,800.60		
FYTD for ZUMAR INDUSTRIES, INC.		14,800.60		
Subtotal		1,281,107.32		
GRAND TOTAL		24,334,280.12		



APPROVALS	
BUDGET OFFICER	<i>my</i>
CITY ATTORNEY	<i>Ret</i>
CITY MANAGER	<i>PA</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Director of Public Works/City Engineer

AGENDA DATE: September 22, 2009

TITLE: ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR THE STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE
PROJECT NO. 08-41678827

RECOMMENDED ACTION

Staff recommends that the City Council:

Adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

BACKGROUND

On January 24, 2008 the City Manager approved the Agreement for Design Professional Consultant Services for Phase I (35% design) with Associate Engineers, Inc., in the amount of \$68,147. This portion of the work has been completed, and included planning and engineering services, as well as an Environmental Assessment Initial Study in compliance with CEQA and City requirements for the street improvements on Heacock Street from Hemlock Avenue to Ironwood Avenue.

On February 11, 2009 the City Manager approved the First Amendment to Agreement for Design Professional Consultant Services to allow the parent company, PB Americas, Inc. to assume all of the liabilities, obligations, and commitments of its subsidiary company, Associated Engineers, Inc.

On August 25, 2009 the City Council approved the Second Amendment to Agreement for Professional Consultant Services with PB Americas, Inc. for Phase II and Phase III of the project, which consists of completing the final (100%) design to include Plans, Specifications, and Estimate (PS&E) for street improvements, right-of-way acquisition, coordination with utility companies, and design support services during construction, for a contract amount of \$83,420.

DISCUSSION

The street improvements on Heacock Street between Hemlock Avenue and Ironwood Avenue consist of the widening of a section, approximately 500 feet long, on the west side of Heacock Street, from 390 feet north of Hemlock Avenue to 530 feet south of Ironwood Avenue. The improvements shall provide a four lane arterial roadway with curb, gutter and sidewalk, and will join the existing roadway and sidewalks at both ends of this section.

Section 15070 (Title 14 – California Code of Regulations) of the California Environmental Quality Act (CEQA) states that a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) may be prepared for a project when the Initial Study indicates that no significant effect on the environment will result from project implementation or when mitigation measures as described in the Initial Study are incorporated in the project implementation. Based on the findings in the Initial Study prepared for the project, City Planning staff has determined that preparation of a Mitigated Negative Declaration is recommended in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level in compliance with CEQA and the City's rules to implement CEQA. The Negative Declaration and Initial Study/Environmental Checklist form are attached (Attachment "B").

ALTERNATIVES

1. Adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level. *This alternative will allow design to proceed for the street improvements on this portion of Heacock Street.*
2. Do not adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level. *This alternative will delay the completion of the street improvements on this portion of Heacock Street.*

FISCAL IMPACT

There is no fiscal impact to the adoption of the MND, but it is essential in order to proceed with the design and construction of the project.

The design of this project is included in the Fiscal Year 2009/2010 budget and is being funded with Development Impact Fee (DIF) Arterial Street Capital Projects (Fund 416) monies. There is no impact to the General Fund.

FISCAL YEAR 2009/2010 BUDGET

Heacock St. from Hemlock Ave. to Ironwood Ave. (Account 416.78827)..... \$344,000

ANTICIPATED SCHEDULE:

Completion of Design	March 2010
Start Construction.....	September 2010
Complete Construction.....	December 2010

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:

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

SUMMARY

The Initial Study prepared by the Planning Division for this project identifies mitigation measures to be incorporated into the project specifications. These mitigation measures will reduce all potential environmental impacts to an acceptable level in compliance with CEQA, permitting the City to Adopt a MND for the project.

NOTIFICATION

A notice was published on August 27, 2009 in the Press Enterprise describing the project and advising the public of the preparation of a MND, notice of time and place where the environmental documents could be inspected, and notice that the City Council would consider approval of a MND for the project (or appropriate modifications or alternatives to the project) on the date of this meeting. As of the writing of this report,

no comments have been received. The public has the opportunity to submit comments either prior to or at this evening's City Council meeting.

ATTACHMENTS

Attachment "A" – Location Map

Attachment "B" – Negative Declaration with Initial Study

Prepared By:
Henry Ngo
Associate Engineer

Concurred By:
Prem Kumar, P.E.
Assistant City Engineer/Deputy Public
Works Director

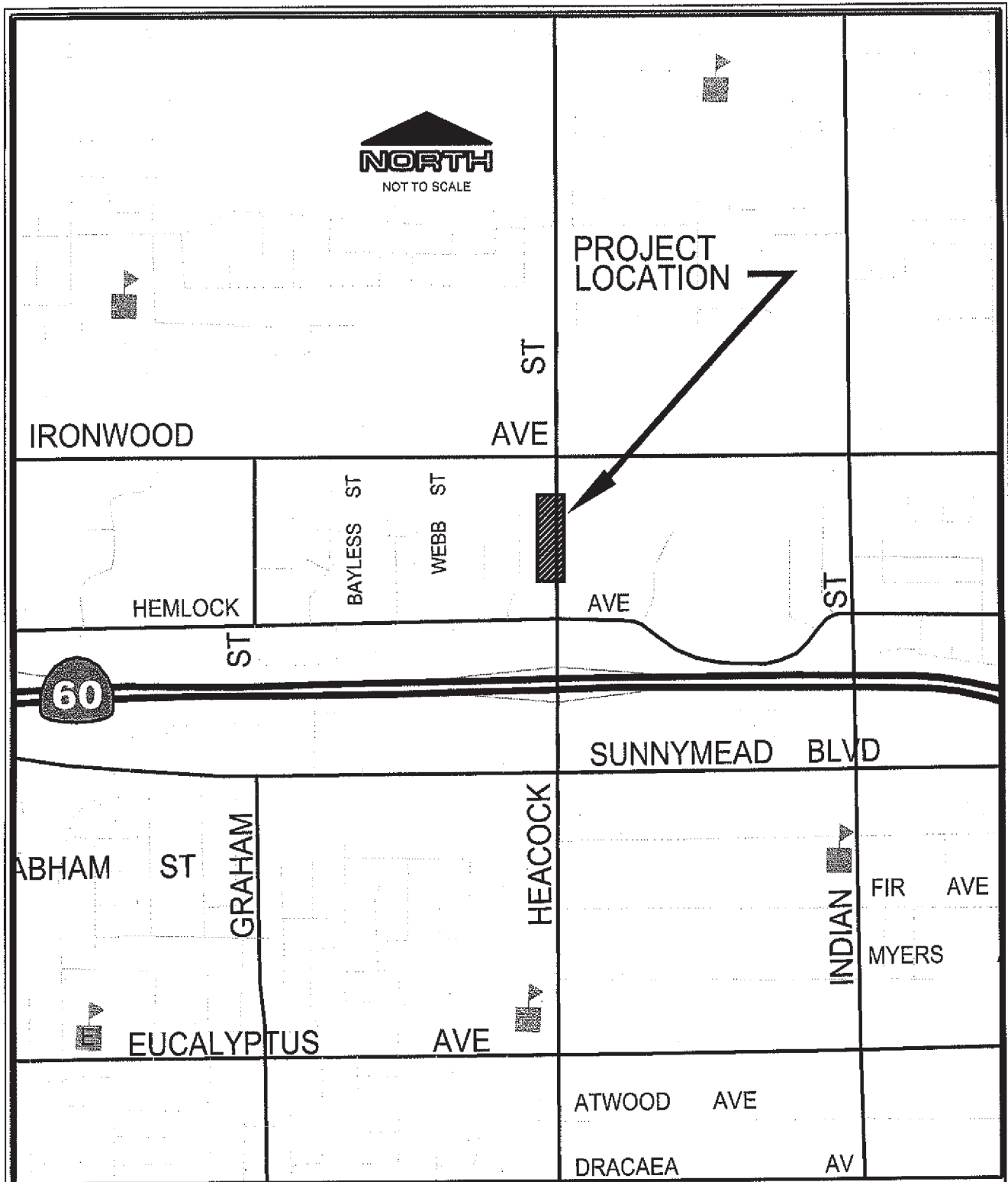
Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
John Terell
Planning Division Manager/Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Henry - 08-41678827 - Heacock from Hemlock to Ironwood\CC Reports\9-22-09 Heacock MND Staff Report.doc

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LOCATION MAP



Public Works Department
Capital Projects Division

ATTACHMENT A

HEACOCK STREET STREET IMPROVEMENTS
Hemlock Ave. to Ironwood Ave.
Project No. 08-41678827

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NEGATIVE DECLARATION

PROJECT TITLE AND FILE NUMBER:

Heacock Street Improvements Between Hemlock Avenue and Ironwood Avenue

PROJECT APPLICANT:

City of Moreno Valley

TELEPHONE NUMBER:

(951) 413-3229

PROJECT LOCATION:

Heacock Street between Hemlock Avenue and Ironwood Avenue in Moreno Valley, Riverside County, California

PROJECT DESCRIPTION:

The Heacock Street improvement alignment encompasses approximately 500 feet of the west side of Heacock Street between Ironwood Avenue and Hemlock Avenue. The proposed project implements a design to potentially expand the roadway with new sidewalk on the west side to full width along this 500 foot segment of Heacock. There are two alternatives. Alternative 1 would include full street improvements for a four-lane arterial highway, consisting of a 100 foot right-of-way and 76 foot curb separation. Alternative 2 includes reduced width improvements for a four-lane arterial highway having an 88.5 foot right-of-way and a 70 foot wide curb separation. Both alternatives involve acquisition of right-of-way.

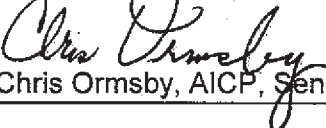
FINDING

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

- The proposed project will not have a significant effect on the environment.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration have been added to the project. The Final Conditions of Approval contain the final form and content of all mitigation measures.

This determination is based upon an Initial Study. The project file, including the Initial Study and related documents is available for review during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) at the City of Moreno Valley, Community Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, California 92553, Telephone (951) 413-3206.

PREPARED BY:


Chris Ormsby, AICP, Senior Planner

DATE:

August 10, 2009

NOTICE

The public is invited to comment on the Negative Declaration. The appropriateness and adoption of the Negative Declaration is considered at the time of project approval in light of comments received.

DATE ADOPTED:

BY:

Attachment "B"

INITIAL STUDY
FOR THE
HEACOCK STREET IMPROVEMENTS PROJECT

Prepared for:

City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92553

Under contract to:

Associated Engineers, Inc.
3311 East Shelby Street
Ontario, California 91764

Prepared by:

Tom Dodson & Associates
2150 North Arrowhead Avenue
San Bernardino, California 92405
(909) 882-3612

August 2008

Table of Contents

Project Description / Background.....	1
Environmental Factors Potentially Affected.....	3
Determination.....	4
Environmental Checklist	
1. Aesthetics.....	6
2. Agricultural Resources.....	6
3. Air Quality.....	7
4. Biological Resources.....	8
5. Cultural Resources.....	9
6. Geology and Soils.....	10
7. Hazards and Hazardous Materials.....	12
8. Hydrology and Water Quality.....	14
9. Land Use and Planning.....	16
10. Mineral Resources.....	17
11. Noise.....	17
12. Population and Housing.....	19
13. Public Services.....	19
14. Recreation.....	20
15. Transportation / Traffic.....	20
16. Utilities and Service Systems.....	22
17. Mandatory Findings of Significance.....	24
Summary of Mitigation Measures.....	26
References.....	27

TABLES

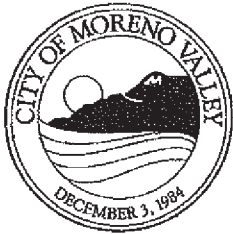
Table 1	Summary Comparison of Alternatives.....	2
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FIGURES

Figure 1	Regional Location
Figure 2	Site Location
Figure 3	Aerial Photograph Showing Heacock Street Improvement Site Location
Figure 4	Heacock Street Improvement Alternative 1
Figure 5	Heacock Street Improvement Alternative 2
Figure 6	Heacock Street Improvement Alternatives 1 & 2, Driveway Profiles & Sections

APPENDICES

Appendix 1 – Air Quality Analysis
Appendix 2 – Historical/Archaeological Resources Survey Report
Appendix 3 – Noise Impact Analysis



INITIAL STUDY / ENVIRONMENTAL CHECKLIST FORM CITY OF MORENO VALLEY

PROJECT DESCRIPTION / BACKGROUND

1. Project Title: HEACOCK STREET IMPROVEMENTS
2. Lead Agency Name: City of Moreno Valley
Address: 14177 Frederick Street
Moreno Valley, CA 92553
3. Contact Person: John Terell
Phone Number: (951) 413-3206
4. Project Location:

The Heacock Street Improvements Project (Project) alignment is located approximately one-half mile north of the Heacock Street/SR-60 Interchange in the northwestern portion of the City of Moreno Valley. The portion of Heacock Street that will be constructed as part of this project consists of the western half of the segment between Hemlock Avenue and Ironwood Avenue, north of the 60 Freeway. The proposed project is located in Section 1 of Township 3 South, Range 4 West San Bernardino Meridian on the USGS - Sunnymead Quadrangle, 7.5 Minute Series Topographic Map (see Figures 1 and 2).

5. Project Sponsor: City of Moreno Valley
Address: 14177 Frederick Street
Moreno Valley, CA 92553
6. General Plan
Designation: Commercial/Office, roadways are allowed within any designated land use or zone
7. Zoning: Retail Commercial (RC) / Community Commercial (CC) /
Office Commercial (OC) / Neighborhood Commercial (NC)
8. Description of the Project:

The Heacock Street improvement alignment encompasses approximately 500 feet of the west side of Heacock Street between Ironwood Avenue and Hemlock Avenue. Refer to the aerial photo in Figure 3. Within this short segment Heacock Street has not been expanded to its full width, as it has to the north and south of this segment. The proposed project is to implement a design that will expand the roadway to full width along this 500 foot segment of Heacock. The complicating factor within this segment is the close proximity of existing residences along the west side of Heacock. The engineering firm of Associated Engineers, Inc. has developed two alternatives for improving this segment of the Heacock Street alignment, both of which require acquisition of private property to support the new road right-of-way.

Table 1 is a summary comparison of the two alternatives recommended to the City by Associated Engineers, with a recommendation that the Alternative 2 improvements should be implemented based on a reduction in the amount of land the need to be taken to support the roadway improvement. This information is contained in the "DESIGN REPORT Alternatives for Street Widening HEACOCK STREET (Hemlock Avenue to Ironwood Avenue)" (June 2008). The two alternatives were summarized in the DESIGN REPORT in the following manner:

Alternative 1 would include full width improvements for a four-lane arterial highway having a 76 feet curb separation, 100 foot Right-of-Way, and a 14 foot wide center two-way left turn lane. This alternative requires

acquisition of an easement across the east 20 feet of the adjacent properties. Impacts to properties at two locations would be very significant resulting in driveway limitations and structural modification. It is likely that at least one of the owner's would require a full take of the property.

Alternative 2 would include reduced width improvements for a four-lane arterial highway having a 70 feet curb separation, 88.50 feet Right-of-Way, and a 10 feet wide center two-way left turn lane. This Alternative requires acquisition of an easement across the east 8.50 feet of the adjacent properties. Although impacts to the adjacent properties are significant, they would not be nearly as severe as those proposed in Alternative 1 and would not result in driveway limitations or structural modification. This proposed Alternative would serve adequately as a four-lane arterial highway.

Figures 4 and 5 provide the alternative engineered drawings for the proposed project. Figure 6 shows the alternative driveway profiles and sections. The proposed Heacock Street roadway improvements will be required to conform with the City of Moreno Valley road construction and public works standards. Utility infrastructure that exists within the roadway alignment will be either relocated or protected in place. In addition, existing water conveyance pipelines will be reinstalled within the alignment at a depth that will be protective of the utility line.

**Table 1
SUMMARY COMPARISON OF ALTERNATIVES**

Comparison Item	Alternative 1	Alternative 2
Number of private properties impacted	5	5
Existing ½ width R/W dimension	30'	30'
Ultimate ½ width R/W dimension	50'	38.5'
Required R/W acquisition width	20'	8.5'
Required R/W acquisition area	9,960 SF	4,233 SF
Future R/W may be required	No	Yes
Ultimate curb separation	76'	70'
Center two-way left-turn lane dimension	14'	10'
Sewer service reconstruction required	Yes	No
Water service reconstruction required	Yes	No
Special driveway design considerations required	Yes	Yes
Building modification required	Yes	No
Noise mitigation required	Yes	Yes
Significant areas of concern	Yes	No

Construction Scenario

Construction will consist of several phases that may occur sequentially or concurrently, depending upon the availability of materials. Construction is envisioned as beginning in late-2008 and is estimated to require approximately two to three months for completion.

For the roadway the identified construction phases include:

- Removal of existing pavement, curb and gutter, and sidewalk. Equipment will include a saw, loader, load truck, and water truck.
- Grading of the road alignment, i.e., preparation of the ground surface for the final paving, including installation of utility infrastructure, drainage system and sidewalks, curbs and gutters. Equipment includes a backhoe, roller, concrete truck, concrete pumper truck, and water truck.
- Paving will be carried out by pavers, rollers (compactors), water truck.
- Lane striping and signage installation.

During construction, detours and other traffic management methods would be employed to maintain the flow of traffic. Through a traffic management plan access to properties along Heacock Street will be assured for any traffic requiring access to property along the Project alignment. This plan will be coordinated with the various emergency providers (fire, police, and ambulance services) for the project area.

Discussion with the project engineers indicates that the maximum number of employees required to construct this project on any day is estimated to be 25 persons. The maximum number of trucks deliveries on any day will be 20 truck deliveries, which includes export/import of fill material or dirt, delivery of concrete, delivery of asphalt, and delivery of support materials.

9. Surrounding Land Uses and Setting:

The land uses in the vicinity of Heacock Street are a mix of residential, office and commercial uses. Utility infrastructure (electricity, water, sewer and natural gas) exists within the roadway alignment and will be managed to minimize any outages that may result from construction activities.

Topography is relatively flat with the overall slope to the south. Any storm runoff from the roadway will remain within existing roadway area and will be collected in the same manner as currently occurs. Soils in the project area consist of Greenfield, Tujunga and Hanford soil series. No faults are known to occur in the project area. Bale Creek lies to the east of the project area (outside the project area of potential effect). No natural drainage channels will be affected by the proposed project.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).

The City must submit a Notice of Intent (NOI) to the State Water Resources Control Board for a construction NPDES (National Pollution Discharge Elimination System) permit. This permit is granted automatically by submittal of an NOI to the State Board, but is enforced through a Storm Water Pollution Prevention Plan (SWPPP) that identifies construction best management practices for the site. The Regional Board enforces the best management practice requirements described in the NPDES permit and SWPPP by ensuring construction activities adequately implement the project SWPPP. Implementation of the SWPPP is carried out by the construction contractor, with the Regional Board providing enforcement oversight.

The project is located within the Western Riverside County (WRC) Multiple Species Habitat Conservation Plan (MSHCP) area; however, the project area is either paved or developed with residential uses and implementing the proposed project has no potential to impact sensitive habitat. In addition, the Heacock Street Improvement Project alignment is not located within an MSHCP criteria area. The proposed project is considered to be consistent with the policies set forth in the MSHCP and the City has found the proposed project consistent with the MSHCP.

Other than these permits or demonstrations, no other permits have been identified for the development of this site.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below (■) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Hazards & Hazardous Materials		Public Services
	Agricultural Resources		Hydrology/Water Quality		Recreation
	Air Quality		Land Use/Planning		Transportation/Traffic
	Biological Resources		Mineral Resources		Utilities/Service Systems
	Cultural Resources		Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	■
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Chris Dransby

Signature

8/10/09

Date

Chris Dransby

Printed Name

For

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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1. AESTHETICS: Would the project:

a) Have a substantial adverse effect on a scenic vista?			■	
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			■	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			■	

a-c. The Heacock Street roadway alignment is relatively flat and is surrounded by existing urban development that already disrupts any important scenic views that may occur along this segment of the roadway. The viewshed in all directions is dominated by man-made facilities, ranging from residential structures to larger buildings and roadways. The project is the expansion and improvement of an existing roadway. All facilities associated with the proposed project will be constructed at ground level. The proposed roadway will incorporate landscaping that will enhance the appearance of this segment of Heacock Street relative to the existing visual setting. No state designated scenic highways occur in the vicinity of the proposed project. Based on the lack of important scenic views, the height of the proposed facilities and the enhanced landscaping and visual setting, the proposed project will not result in a significant impact to the existing viewshed. No mitigation is required.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			■	
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d. New street lighting (three new street lights) will be installed along this portion of the roadway, on the west side of the street. Street lighting already exists within this segment of Heacock Street and such lighting is common throughout the area, including Heacock Street to the north and south of this segment, and on the east side of the roadway. No significant impact is forecast to occur due to the installation of street lighting along this segment on the west side of Heacock Street.

2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?

a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?				■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				■
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				■

a-c. The proposed project consists of the expansion and improvement of an existing roadway within an already developed, urbanized area. The segment of Heacock Street to be improved by the proposed project is surrounded by residential and commercial land uses. No land zoned or designated for agricultural use occurs within the project area; therefore, no impact to agricultural resources is anticipated to result from implementation of the proposed project.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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3. **AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

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a. The proposed project is the construction of roadway improvements, including sidewalks and curb/gutters, to Heacock Street with the goal of upgrading the roadway to be consistent with the City's General Plan Circulation Element. As a result, the proposed project is an infrastructure improvement that will enhance the flow of local traffic on Heacock. Since this infrastructure improvement is being developed consistent with the City's General Plan, it has no potential to conflict with or obstruct implementation of the applicable air quality plans, the 2007 AQMP and SCAG's 2003 Regional Comprehensive Plan and Guide.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

	■		
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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

	■		
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b&c. The proposed project is the construction of roadway improvements to Heacock Street as outlined in the Project Description. To assess the construction-related emissions from the proposed project an air emissions analysis utilizing the most recent version of URBEMIS (2007) was employed. A copy of the emissions study by JE Compliance Services, Inc. is provided as Appendix 1. The data indicate that emissions are not considered to be regionally significant with implementation of mitigation and that the construction activities would exceed Localized Significance Thresholds (LSTs) without mitigation. The following mitigation measures must be implemented to control project-related construction emissions to a less than significant level. Since this roadway improvement will improve the flow of traffic along Heacock Street, any change in future operational emissions is forecast to be beneficial, not adverse.

3-1 During all grading and ground disturbing activities exposed surfaces shall be watered three times per day.

The final air pollutant(s) of concern are Greenhouse Gas Emissions (GHG). The CO2 emissions from the proposed project are shown on Table 3 of Appendix 1. Emissions of GHG during construction are estimated to range from slightly less than one ton per day to 434.7 tons per day, with no change in CO2 emissions during operations. The high value of 434.7 tons per day is based on the volume of concrete that will be consumed. Concrete manufacture is a highly energy intensive process and this causes the high value during fine grading/paving. Total estimated CO2 emissions for installing the proposed project are 1,321 tons (per year). This annual value comprises 0.000002%, respectively, of the annual statewide burden of 541,000,000 tons per year. Thus, the proposed project's one time contribution to global emissions is miniscule. Given the objective of providing for pedestrian circulation and better flow of traffic on the roadway, the proposed project's contribution to GHG is considered to be a less than significant impact.

d) Expose sensitive receptors to substantial pollutant concentrations?

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d. Based on implementing mitigation measure 3.1, no sensitive receptors will experience substantial pollutant concentrations.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e). Create objectionable odors affecting a substantial number of people?			■	
<p>e. During construction, the proposed project includes operations that will have diesel and asphalt odors associated with equipment and materials. None of these odors are permanent, nor are they normally considered so offensive as to cause sensitive receptors to complain. Diesel fuel odors from construction equipment and new asphalt paving fall into this category. Both based on the short-term of the emissions and the characteristics of these emissions, no significant odor impacts are forecast to result from implementing the proposed project.</p>				
<p>4. BIOLOGICAL RESOURCES. Would the project:</p>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				■
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Wildlife Service?				■
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				■
<p>a-c. The Heacock Street improvement project alignment primarily consists of four paved lanes and existing roadway shoulders. This area is totally disturbed and does not include any native or natural biological resources. The properties located adjacent to the alignment consist of existing residential and commercial uses with man-made landscapes. No natural stream courses, riparian habitat, wetlands, or natural sensitive communities occur within the project area. The project will not result in impacts to sensitive or special status species or their habitat.</p>				
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				■
<p>d. The proposed roadway improvement project is not located within an area that supports wildlife dispersal or migration. No native vegetation or habitat occurs at or in the vicinity of the proposed project location.</p>				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				■
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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e&f. The proposed project site consists of paved roadway and man-made landscaped area. No natural or native biological resources occur within the project area. No potential exists for the proposed project to conflict with local policies or ordinances protection biological resources.

All projects in western Riverside County are subject to the MSHCP. The City requires compliance with all applicable regulations prior to project development and compliance with the MSHCP is required, including paying any fees that will contribute to buying land for habitat conservation under the County Plan. The site is not within a core area of the MSHCP or part of a constrained linkage. The project site does not provide habitat considered important under the MSHCP. Therefore, the project is consistent with the policies of the MSHCP, and project related impacts to the MSHCP are not considered significant.

5. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			■	
b) Cause a substantial adverse change in the significance of archaeological resources pursuant to Section 15064.5?		■		

a&b. A Historical/Archaeological Resources Survey Report was prepared by CRM TECH to evaluate potential historical and archaeological resources within the proposed project area. This document is provided as Appendix 2 to this document. The study resulted in the identification of two post-WWII era residences within the project area, located at 12151 and 12183 Heacock Street; however, neither of the residences meet the definition of a "historical resource," as provided in CEQA. No archaeological sites or any other potential "historical resources" were encountered during the study. Further, the Historical/Archaeological Resources Survey Report concluded that no further cultural resources investigation is recommended.

As in most cases, the CRM TECH report did address the potential discovery of subsurface or buried cultural resources and recommended mitigation to address such resources. Therefore, the following mitigation measure will be implemented to reduce potential impacts due to exposure of buried cultural materials that could not be identified by the combined records search and surface survey of the project alignment.

5-1 If buried cultural resources are discovered during project construction, all work in the area of the find shall cease, and a qualified archaeologist retained by the City shall investigate the find, and make recommendations on its disposition. Any resources exposed during grading shall be managed by assessing the value of objects, determining whether the material deserves curation, and preparing and implementing a curation plan to protect such resources. The qualified professional shall compile a report of findings and make it available to peers for review and use of the information.

With implementation of this measure, potential impacts to accidentally exposed buried cultural resources can be reduced to a less than significant level.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		■		
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c. The City's General Plan indicates that the proposed project area is located in an area of high paleontological sensitivity. However, the proposed project area is already developed with the existing Heacock Street roadway alignment and urban uses. In addition, paleontological artifacts, if they exist within the proposed alignment, are likely to be below the area anticipated to be disturbed by grading. Because of the already developed nature of the project area, the potential for paleontological resources to occur in the project area is low and no site-specific paleontological study was conducted. However, the following mitigation measure will be implemented to reduce potential impacts to paleontological resources.</p> <p>5-2 If paleontological resources are discovered during project construction, all work in the area of the find shall cease, and a qualified paleontologist shall be retained by the City to investigate the find, and to make recommendations on its disposition.</p> <p>With implementation of this measure, potential impacts to paleontological resources can be reduced to a less than significant level.</p>				
<p>d) Disturb any human remains, including those interred outside of formal cemeteries?</p>		■		
<p>d. No known human remains are interred at the site. The following mitigation measure will be required to mitigate potentially significant impacts.</p> <p>5-3 If any human remains are encountered during initial grading activities, all ground disturbing activities in the vicinity of the discovery will be terminated immediately and the County Coroner's office <u>MUST</u> be contacted within 24 hours to arrange for management of such remains.</p> <p>Implementation of this measure can reduce the potential impacts to a less than significant level.</p>				
<p>6. GEOLOGY AND SOILS. Would the project:</p>				
<p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:</p>				
<p>(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</p>				■
<p>i) The site is not located within a State of California Fault-Hazard Zone for active faulting and no active fault traces or faults have been found on the project site. Ground rupture normally occurs along pre-existing faults. As there are no active faults on the project site, the ground rupture potential is projected to be low to non-existent.</p>				
<p>(ii) Strong seismic ground shaking?</p>			■	
<p>ii) The site is located in a seismically active area typical of southern California and is likely to experience severe ground shaking due to earthquakes on nearby faults. The nearest known special study zone and active fault is the San Jacinto fault located east of the site. According to the City's General Plan, the proposed project is not located within an Alquist-Priolo Special Studies Zone (Figure 6-3 of the 2006 General Plan). Because this project is the expansion of an existing roadway to its ultimate width and no structures or human occupants are involved, the potential impact from strong seismic ground shaking is considered a less than significant impact.</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(iii) Seismic-related ground failure, including liquefaction?			■	
<p>iii) According to the City's General Plan, liquefaction is not considered to be a local hazard since groundwater levels in Moreno Valley are far below the ground surface. As there are no residences or structures associated with the proposed project, this issue does not pose a significant hazard.</p> <p>The project alignment is located within an area of potential ground subsidence. However, because no residences or structures are included in this project and because the roadway already has an engineered and stable foundation, no potential for significant adverse impact to the roadway is forecast.</p> <p>For a roadway and associated road improvements, curb, gutter, etc., standard grading and compaction requirements for the roadway will be sufficient to protect against significant subsidence and liquefaction. These are design requirements mandated by the current design requirements for City roadways, so no actual mitigation is required.</p>				
(iv) Landslides?				■
<p>iv) According to the City's General Plan, the project site is not subject to any known landslide or mudslide hazards of significance.</p>				
(b) Result in substantial soil erosion or the loss of topsoil?		■		
<p>b. Due to grading associated with construction activities, there will be temporary construction impacts that might cause dust or erosion. Please refer to the detailed discussion and mitigation measures addressing water and wind-related soils erosion (fugitive dust) in the Air Quality and Hydrology sections of this document. Mitigation measures required in those sections of the document will control potential water erosion and fugitive dust generation from project implementation. No further mitigation is required under this item.</p>				
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			■	
<p>c. Refer to discussion under issue 6.a.iii) above. Standard grading and compaction requirements for the roadway will be sufficient to protect against significant subsidence and liquefaction. These are design requirements mandated by the current design requirements for City roadways, so no actual mitigation is required.</p>				
(d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?				■
<p>d. The soils that occur within the project alignment are not considered to be expansive soils and the installation of the road base would eliminate any potential for such soils to adversely impact the roadway. Therefore, impacts of expansive soils would be less than significant.</p>				
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				■
<p>e. No septic systems would be used to serve this project. Therefore, no adverse impacts due to the use of any septic tanks or alternative waste water disposal systems can result from project implementation.</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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7. HAZARDS AND HAZARDOUS MATERIALS. Would the project?

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			■	
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a. The proposed roadway improvement project is not associated with the need for routine transport, use or disposal of hazardous materials. This project is not forecast to cause any significant environmental impacts related to activities related to routine delivery, management or disposal of hazardous materials. By improving roadway capacity within the project area, this project can enhance traffic safety and thereby reduce any hazards to the public for existing transport of hazardous materials or wastes. Short-term handling of petroleum products during construction is addressed in the following comment. No mitigation is required.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?		■		
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b. During construction there is a potential for accidental release of petroleum products in sufficient quantity to pose a significant hazard to people and the environment. Because the construction equipment can contain enough petroleum products to damage the environment or expose people to hazardous emissions, the City requires compliance with Best Management Practices to manage clean-up of potential spills of hazardous materials during construction. However, to ensure that the SWPPP contains sufficient measures to address accidental spills, the following mitigation measure will be implemented.

7-1 All spills or leakage of petroleum products during construction activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility.

Though the risk of accidents would not be eliminated, the effects of such an accidental release of hazardous material would be controlled to a less than significant level by implementing this measure in conjunction with standard City policies.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			■	
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c. The proposed project alignment is located within one-quarter mile of several educational and child care facilities. However, the project itself does not include the emission or routine handling of hazardous materials, substances or wastes over the long-term. Short-term management of petroleum products, as described above, will control the effects of an accidental release of hazardous materials.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?			■	
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d. The proposed project alignment is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Thus, no known potential exists to expose residents, motorists or the public in general to any significant hazards.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				■
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				■
e&f. The project is not located in the vicinity of a public or private airstrip and no potential hazards can occur from this type of operation.				
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?		■		
<p data-bbox="134 667 1469 884">g. The expansion and improvement of the Heacock Street roadway would not interfere with any long-term emergency response or evacuation plan. The road improvement project would ease traffic congestion on local roads which would facilitate the movement of emergency vehicles traveling through these areas. Since the project is within a five-minute response time for fire protection and emergency response, the potential impact on emergency response and access is forecast to be less than significant. The project will be built to conform to all City police, fire and public works standards. The road improvements would also facilitate emergency access to the properties north of the proposed project.</p> <p data-bbox="212 911 1469 1035">However, as described in Section 15 of this document, construction activities can interfere with emergency access to properties along the project alignment, and mitigation to ensure emergency access during construction has been identified for implementation. With implementation of these measures, the short-term interference with emergency response can be controlled to a less than significant impact level.</p>				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				■
<p data-bbox="134 1220 1469 1310">h. The project site is not located in a wildland fire hazard area and implementation of the proposed project would not exposure residents or motorists to a significant risk of loss, injury or death associated with wildland fires.</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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8. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?		■		
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a. The proposed project alignment already contains impervious surfaces and activities that typically generate urban non-point source pollution under present conditions. The proposed project will result in the installation of a paved roadway that will be larger in area than the existing roadway. The project alignment will continue to generate urban non-point pollutants (particles, trash, oil, etc.), but at an increased rate due to the increased impervious surface that will be used by vehicles. After implementation, this project will discharge its surface runoff into the existing regional drainage system. Varying amounts of urban pollutants, such particles and petroleum products (motor oil, antifreeze, etc.), could be introduced into downstream waters from the proposed roadway. However, the proposed project is not anticipated to generate discharges that would require pollution controls beyond those already required by the City.

The City has adopted best management practices (BMPs) designed to control discharge of non-point source pollution that could result in a significant adverse impact to surface water quality. BMPs will be required during construction through the compilation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and after development, a separate set of BMPs must be implemented through a Water Quality Management Plan (WQMP). Although BMPs are mandatory for the project to comply with established pollutant discharge requirements, the following mitigation measure is designed to establish a performance standard to provide a performance standard that the degree of water quality control is adequate to ensure the project does not contribute significantly to downstream water quality degradation.

8-1 The City will select best management practices that achieve reduction in non-point source pollutants to the maximum extent practical, during construction (Storm Water Pollution Prevention Plan, SWPPP) and following development (Water Quality Management Plan, WQMP). To control urban runoff after the project is constructed the reduction in pollutants shall also meet the Santa Ana Regional Water Quality Control Board's municipal stormwater control requirements as implemented through the City and County.

Compliance will be ensured through fulfilling the requirements of the SWPPP and WQMP, which can be monitored by both the City and the Santa Ana Regional Water Quality Control Board.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			■	
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b. No potential exists to directly intercept the groundwater table from grading activities and no wells are proposed to be installed as part of the proposed project. The proposed project does not require the use of domestic water, and, therefore, is not forecast to result in any direct significant effects on groundwater. Also, the project alignment, i.e., the area in which the new paved lanes will be installed, does not presently serve as an essential or primary location for percolation of surface water to the groundwater table. Therefore, no potential exists to significant impact groundwater resources, either directly or indirectly. No mitigation is required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				■
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Please refer to the substantiation under 8.a. The proposed project would not result in significant adverse changes in the local drainage pattern, i.e., the drainage pattern would remain the same. All onsite flows will be captured within the proposed curb and gutter system and delivered to the existing drainage system. The existing flows also follow the existing Heacock Street roadway alignment and ultimately enter the Santa Ana River. The SWPPP and WQMP will both be implemented by the City to ensure that both short- and long-term storm runoff discharges are not unacceptably degraded by sediment or other pollutants.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?				■
d. Please refer to the substantiation under 8.c. The proposed project will not increase the rate or amount of surface runoff in a manner that could result in flooding on or offsite. The project area consists of an area already developed with the existing Heacock Street roadway and urban uses, all of which consist of impervious surfaces, asphalt, and concrete. Expansion and improvement of the Heacock Street roadway may result in a minor increase in impervious surfaces. The total volume of flow being delivered to the local and regional drainage systems is not projected to increase substantially. The capacity of the drainage system is adequate to accept the projected flows. The proposed project would not result in significant adverse changes in the local drainage pattern, i.e., the drainage pattern would remain the same; therefore, no mitigation is required.				
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				■
e. The SWPPP and WQMP documents that must be prepared specifically for this project must define which best management practices (BMPs) will be applied to this project and their implementation will ensure that significant erosion and sedimentation, nor other significant water quality degrading impacts will occur from implementing the proposed project. As stated above, the proposed project will result in a minor increase in storm water flows. The existing storm drain system has more than sufficient capacity to receive these flows without any downstream flooding.				
f) Otherwise substantially degrade water quality?			■	
f. No other activities associated with this project have a potential to otherwise degrade surface water or groundwater quality or the beneficial uses of such water. No additional mitigation is required.				
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				■
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				■
g&h. According to the City's General Plan, Figure 6-4, the proposed project area is not located within a flood hazard area. In addition, the proposed project is the expansion of Heacock Street with support infrastructure, and does not include the construction of habitable structures. As a result, no structures will be constructed that could impede or redirect flood flows. No mitigation is required.				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i. Refer to the discussion under 8.g-h. Based on a review of the General Plan, the proposed project alignment is not located within a 100-year flood hazard zone. Thus, the installation of the proposed roadway facilities will not result in an exposure of new facilities to significant flood hazards.				
j) Inundation by seiche, tsunami, or mudflow?				■
j. The project site is not located near any water body which could expose it to seiche, tsunami or mudflow. No mitigation is required.				
9. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				■
a. The proposed roadway expansion and improvement project is located within a portion of the City developed with commercial and residential use. The proposed project is intended to ease traffic congestion and provide enhanced access and connection through the community. The proposed project has no potential to cause a physical division in the existing community.				
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				■
b. The roadway improvements proposed by the project would not conflict with the general plan designation or zoning. The improvement is part of the implementation of the General Plan Circulation Element and will help ease congestion resulting from General Plan buildout. The General Plan Circulation Element designates Heacock Street as an arterial with a 100-ft. right-of way, and a curb-to-curb width of 76 feet. The proposed project would construct Heacock Street to these specifications, or an alternative acceptable to the City. This project is fully consistent with the General Plan and has no potential to conflict with any designations or zoning.				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				■
<p>c. The proposed project would be required to abide with the applicable environmental plans and policies of other agencies with regulatory authority over environmental resources. These agencies include the Air Quality Management District and the State Water Resources Control Board. The project must also prepare and submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP).</p> <p>All projects in western Riverside County are subject to the MSHCP. The City requires compliance with all applicable regulations prior to project development and will require the applicant to comply with the MSHCP including paying any fees that will contribute to buying land for habitat conservation under the County Plan. Refer to discussions on specific issues for additional information regarding compliance with regulatory agency regulations and standards for biological resources, air quality, water quality and others.</p> <p>The site is not within a core area of the MSHCP or part of a constrained linkage. The project site does not provide habitat considered important under the MSHCP. Therefore, the impact of the project on the MSHCP is not considered significant.</p> <p>The site is not within the jurisdiction of the Airport Land Use Commission as it is not within the airport influence area of any airport.</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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10. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				■
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				■
a&b. The site is not located on any known significant mineral resource and is not known to have been mined in the past.				

11. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			■	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				■
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			■	
d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		■		

a-d. The proposed roadway improvement project will generate noise during construction activities at the site. Generally, construction equipment can generate noise levels of about 70 to 90 dBA at a distance of 50 feet from the equipment. Construction noise is considered a short-term impact on ambient noise levels. Noise generated by equipment can reach high episodic levels, but these episodes are of relatively short duration.

In order to control construction noise levels to a level consistent with the City Noise Element and Noise Ordinance, the following mitigation measures shall be implemented during project-related construction activities.

11-1 During construction, vehicle staging areas and stockpiling shall be located as far as is practicable from existing noise sensitive uses. The sensitive noise uses consist of residential uses located adjacent to the Heacock Street alignment.

11-2 Project construction activities shall be limited to the period of 7:00 a.m. to 7:00 p.m., Monday through Saturday, within one-half mile of any occupied structure designed for human occupancy. Construction during other periods, or on Sundays or holidays, would be limited to emergencies and activities determined to be in the interest of the general public. If nocturnal construction is planned or required to minimize traffic interference, and if any occupied structures are present within one-half mile, a requested exemption to the above time limits shall be submitted to the City Engineer. The City Engineer shall confirm that such operations are not detrimental to health, safety and welfare of the noise receptors prior to authorizing construction outside the time permitted by ordinance.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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11-3 The City shall respond to any noise complaints received for this project by measuring noise levels at the affected receptor site. If the noise level exceeds an CNEL of 65 dBA exterior or an CNEL of 45 dBA interior at the receptor, the construction contractor will implement adequate measures (which may include portable sound attenuation walls, use of quieter equipment, shift of construction schedule to avoid the presence of sensitive receptors, etc. to reduce noise levels to the greatest extent feasible). Any monitoring would be carried out by a qualified acoustical firm under contract to the construction contractor and responsible to the City.

11-4 The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.

As construction noise impacts are of relatively short and temporary duration, incorporation of these mitigation measures would reduce construction noise impacts to a less than significant level. None of the construction activities for Heacock are forecast to generate substantial vibration or low intensity sound. These measures must be included in the contract specifications for this project to ensure implementation by the construction contractor.

The proposed project is the expansion and improvement of an existing roadway located within an area already developed with a mix of residential and commercial uses. The proposed project is intended to enhance pedestrian circulation and alleviate traffic congestion within the immediate area.

Existing noise levels throughout the project area derive almost exclusively from vehicular sources on the Heacock Street. According to the City's General Plan, the exterior residential noise standard is 65 decibel (dB) Community Noise Equivalent Level (CNEL) and the interior residential noise standard is 45 dB CNEL. The Noise Impact Analysis prepared for the proposed project, dated June 2008, is provided as Appendix 3 to this document. It indicates that the existing average CNEL at 50 feet from centerline is currently over 65 dBA. According to the noise measurements taken along the proposed Heacock Street Improvement Project alignment, the average of the CNELs taken at 50 feet from the roadway centerline is 71.4 dB. Thus, the existing residences are exposed to a noise level that exceeds the City's existing residential exterior noise standard.

Implementation of the proposed project would result in the situating of some of the existing residences closer to the nearest Heacock Street travel lane. In addition, existing residences along Heacock Street would experience additional noise due to projected increased traffic volumes for which the roadway improvements are intended to accommodate. The Noise Impact Analysis forecast a maximum noise level increase of 0.1 dB CNEL due to the proposed roadway improvements. In addition, the noise level increase due to the proposed roadway improvements combined with projected year 2030 area build-out conditions is forecast to be 1.1 dB CNEL. This forecast increase in noise levels, even with a background noise level that currently exceeds the City's residential exterior noise standard, is not considered to be a significant impact because it falls well below the level at which a noise increase is distinguishable, which is 3 dB.

e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				■

e&f. The project site is not within an airport land use plan area nor near a public airstrip.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			■	
<p>a. The proposed road improvement project does not provide any new housing. The site is within the current developed area in the City and surrounding community. It will modify the existing Heacock Street roadway to its ultimate design and is considered to be planned infrastructure consistent with the circulation element of the General Plan. No extension of utilities and services will be required as part of the project. Existing utilities may be relocated as part of the project to accommodate the roadway. The needs of existing and projected population as anticipated by the General Plan and General Plan FEIR will be partially met by the road improvement project. As it serves existing and planned needs, the proposed project has no possibility of inducing substantial growth within the City or project area in general.</p>				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			■	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			■	
<p>b&c. The proposed project alignment consists of an existing roadway that will be improved and expanded to its ultimate planned width. No structures exist within the 100-foot right-of-way. However, if Alternative 1 is implemented, one residential property may require structure modifications in order to install the new road segment. The project Design Report indicates that a garage may need to be reconstructed as part of the acquisition of a 20 foot wide strip of right of way. The owner has indicated that the required acquisition may constitute a full take of the property. Under Alternative 2 property must be acquired from each residence, but none of the residences are forecast to be eliminated. Thus, depending upon which alternative the City selects, this project may require acquisition of a single residence or no residence, i.e., Alternative 1 and Alternative 2. Although the loss of a single residence and acquisition of the required right-of-way will impact the community, this circumstance is not concluded to be a significant adverse impact on the City's housing resources. The City is required to appraise the property proposed for acquisition under either alternative, and provide adequate compensation for the property takes, again regardless of which alternative is selected. Since no significant City-wide adverse impact from property acquisition is forecast to result from implementing this project, no mitigation is required.</p>				
13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			■	
<p>a. The City of Moreno Valley Fire Service contracts with the Riverside County Fire Department to provide fire services to the City. The project is a roadway improvement to ease congestion for existing traffic in the area and does not contain structures or other development that would increase demand for fire protection services. During construction, mitigation measures required in the Transportation/Traffic section (Section 15) will ensure emergency access to all parcels of land adjacent to the Heacock Street alignment during construction. Thus, the project is not forecast to cause any significant adverse effects to fire protection resources or demand for such resources. No mitigation is required.</p>				
b) Police protection?			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b. The Moreno Valley Police Department and Riverside County Sheriff's Department provide law enforcement services to the project area. The proposed project incorporates standard roadway improvement designs that optimize public safety. The roadway design will be examined by the City to ensure compliance with City circulation policies. Measures included to mitigate traffic impacts would also improve safety and may decrease demand for police services in response to local traffic accidents. During construction mitigation measures required in the Transportation/Traffic section (Section 15) will ensure emergency access to all parcels of land adjacent to the Heacock Street alignment during construction. Thus, the project is not forecast to cause any significant adverse effects to law enforcement resources or demand for such resources. No mitigation is required.</p>				
<p>c) Schools?</p>				■
<p>c. The proposed project is a road improvement project and would create no demand for school capacity. No school facilities would be displaced by the development and there are no schools known to be planned within the vicinity of the project site. No mitigation is required.</p>				
<p>d) Parks?</p>				■
<p>d. The proposed project is a roadway improvement project. The proposed project would not place any demand on existing local or regional park and recreation facilities. It would also not displace any existing or known proposed recreational facilities. No mitigation is required.</p>				
<p>e) Other public facilities?</p>				■
<p>e. No other public services have been identified that may be adversely impacted by the proposed project.</p>				
<p>14. RECREATION.</p>				
<p>a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</p>				■
<p>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</p>				■
<p>a&b. The proposed project is a roadway improvement project that would ease existing traffic congestion. No demand for recreation or parks would result from the implementation of the proposed project. In addition, no adverse impact to any existing recreation opportunities are forecast to occur if the proposed project is implemented. No mitigation is required.</p>				
<p>15. TRANSPORTATION / TRAFFIC. Would the project:</p>				
<p>a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</p>			■	
<p>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</p>			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>a&b. The 2006 City General Plan identified the ultimate roadway design for all major roadways. Heacock Street is designated as an Arterial (Figure 9-1, 2006 City General Plan) and the proposed project implements the buildout design for this roadway. Completion of this roadway to full buildout capacity will enhance the flow of both existing and future traffic. The roadway itself will not cause any significant increase in traffic volume, but it will provide capacity for buildout of the General Plan with the land uses allocated on Figure 2-2 (City General Plan). Thus, the net effect on the circulation system will be a benefit, with no adverse increases in traffic from project implementation.</p>				
<p>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?</p>				■
<p>c. No air traffic exists in the vicinity of the project alignment. Thus, no potential exists for the project to adversely impact air traffic. No mitigation is required.</p>				
<p>d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?</p>		■		
<p>d. Temporary circulation impacts resulting from construction activities will occur. During construction activities, the traffic flow will be maintained to the highest level possible with the use of standard traffic control devices. Typical traffic control measures include warning signs, warning lights, and flagpersons. The following mitigation measures ensure circulation will be maintained along the project portion of Heacock Street during construction.</p> <p>15-1 The construction contractor will time the construction activities to minimize obstruction of through traffic lanes adjacent to the site during peak hour traffic.</p> <p>15-2 The construction contractor will provide adequate traffic management resources, as determined by the City, to ensure adequate access to all occupied properties on a daily basis, including emergency access. A construction traffic management plan shall be prepared and approved by the City prior to initiation of construction within the project alignment. The plan can include the following components: protective devices, flag persons or police assistance for traffic control, to maintain safe traffic flow on local streets affected by construction at all times.</p>				
<p>15-3 All temporary roadway construction effects shall be repaired and returned to operation in a condition comparable to that which existed prior to initiating construction. The City shall verify the acceptability of all temporary roadway repairs.</p> <p>Implementation of traffic control measures will provide guidance and navigational tools throughout the project area in order to maintain traffic flow and levels of safety during construction. These measures must be included in the contract specifications for this project to ensure implementation by the construction contractor.</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?		■		
<p>e. Permanent emergency access to the uses along the alignment will be maintained, so the proposed project will not cause any adverse impact to such access. During construction emergency access could be compromised, so the following mitigation measure will be implemented.</p> <p>15-4 The construction contractor shall maintain emergency access to all land uses adjacent to Heacock Street. The method of ensuring emergency access will be defined in the traffic management plan and approved by the City. If an emergency evacuation relies upon Heacock Street, the contractor shall provide adequate resources to facilitate such an evacuation.</p> <p>Implementation of this emergency access measure will provide guidance and navigational tools throughout the project area in order to maintain traffic flow and levels of safety during construction.</p>				
f) Result in inadequate parking capacity?			■	
<p>f. The existing roadway does not provide a parking lane and the proposed project is not forecast to include parking due to the high volume of traffic. Parking and staging for construction of this segment of Heacock is available on open property available on the east side of the roadway. Thus, this project has not potential to cause inadequate parking capacity, as none presently exists. No mitigation is required.</p>				
g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				■
<p>g. Based on its size and type of operations, this project does not involve any alternative transportation facilities. This decision does not conflict with any City policies regarding alternative transportation. No mitigation is required.</p>				
<p>16. UTILITIES AND SERVICE SYSTEMS. Would the project:</p>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			■	
<p>a. The proposed roadway improvement project would not require wastewater services. However, the project alignment will generate urban non-point pollutants (particles, trash, oil, etc.). After implementation, this project will discharge its surface runoff into the existing regional drainage system. Varying amounts of urban pollutants, such particles and petroleum products (motor oil, antifreeze, etc.), could be introduced into downstream waters from the proposed roadway. However, the proposed project is not anticipated to generate discharges that would require pollution controls beyond those already required by the City.</p> <p>As referenced within the Hydrology section, the City has adopted best management practices (BMPs) designed to control discharge of non-point source pollution that could result in a significant adverse impact to surface water quality. BMPs will be required during construction through the implementation of the SWPPP. Compliance will be ensured through fulfilling the requirements of the SWPPP, which can be monitored by both the City and the Santa Ana Regional Water Quality Control Board.</p>				
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b. This project may result in the relocation of water distribution facilities; which is considered a less than significant impact to the water distribution system. No other adverse impacts to the water distribution system are forecast to result from project implementation.</p>				
<p>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p>			■	
<p>c. The proposed development must install minor drainage improvements, curb and gutter along the roadway alignment, but no change in the overall drainage pattern will result from implementing the proposed project. Please refer to a detailed discussion of this issue in the Hydrology Section. The proposed project would comply with all Riverside County Conservation and Flood Control District regulations including provision for no net increase in incremental discharge volumes from the site and for water quality requirements. The project would also have to meet the City requirements. The project is not anticipated to significantly increase the volume of flows downstream (from a few hundred square feet of additional pavement) of the project and no significant project specific or cumulative significant adverse impact is forecast for the storm water drainage system if the project is implemented as proposed.</p>				
<p>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</p>			■	
<p>d. The proposed project is located within the boundaries of Eastern Municipal Water District (EMWD or District). The proposed project would require water for dust control and compaction during grading and during general construction activities. This water would most likely be delivered in water trucks and/or could be obtained with a temporary connection to EMWD's water distribution system. These temporary water needs would be coordinated with EMWD. Based on the small volume of water required (note that recycled water can be used), the project's demands on the existing water supply system is not forecast to require substantial water supply during construction and no demand is forecast over the long-term.</p> <p>16-1 If available to the construction contractor at this location, the project will use recycled water in place of potable water for dust-control and grading, as allowed under unrestricted use requirements of Title 22, California Administrative Code, Division 4, Chapter 3.</p> <p>The forecast water consumption is not considered to be a significant impact, however, implementation of the measures described above can reduce potential water supply and demand impacts to a non-significant level.</p>				
<p>e) Result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</p>				■
<p>e. No demand for wastewater services would result from project implementation. Therefore, no adverse impacts to the wastewater infrastructure or to any septic tanks can result from project implementation.</p>				
<p>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</p>		■		
<p>g) Comply with federal, state, and local statues and regulations related to solid waste?</p>				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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f&g. The proposed project will generate short term demand for solid waste service system capacity during construction. This project includes a small volume of organic debris based on the limited plant cover within the project alignment. The vegetation removed will be either chipped and diverted to the green waste composting process in Riverside County, or if the volume of the vegetation is very low, it may be collected and delivered to a regional landfill. Other construction related debris will be diverted to recycle material markets or, for non-recyclable material, the demolition debris will be delivered to an inert material landfill (Class III). Small, unquantifiable volumes of trash and other debris from the site will be removed during grading and delivered to the waste disposal system. Although County and City source reduction requirements may reduce the overall volume for waste disposal, the following mitigation measure will be implemented to ensure maximum diversion of solid waste. Solid waste capacity in area landfills has been expanded to provide adequate disposal capacity for cumulative demand. Combined with the City's mandatory source reduction and recycling program, the proposed project is not forecast to cause a significant adverse impact to the waste disposal system.

16-2 To the maximum extent feasible, all vegetation debris and all structural demolition debris from implementing this project shall be diverted to recycle markets (green waste for composting and structure materials for reuse). A plan for recycling this waste will be prepared and implemented by the construction and demolition contractor(s).

Implementation of the measures described above can reduce impacts from waste generation from construction of the proposed project to a less than significant level.

17. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened plant or animal, or eliminate important examples of the major periods of California history or prehistory?		■		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?		■		

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		■		
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The segment of Heacock Street that will be improved encompasses less than one acre. The evaluation in the preceding Initial Study indicates that several topical issues will experience potential impacts that require mitigation to reduce these potential impacts to a less than significant level. Thus, there are no identified unavoidable significant adverse environmental impacts forecast to result from implementing this proposed project. Mitigation measures have been identified to reduce impacts to air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, traffic and solid waste issues to a less than significant level.

- a. *Less Than Significant With Mitigation Incorporation* The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Contingency mitigation is identified to reduce potential cultural resource impacts to a less than significant level. No historical or archaeological resources were identified on the project site, but mitigation is required to prevent potentially significant impacts to subsurface resources that may be exposed by grading activities at the site during construction.
- b. *Less Than Significant With Mitigation Incorporation* The project does have impacts that are individually limited, but cumulatively considerable. The incremental effects of the project for certain issues would be considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, but mitigation is available to reduce these potentially significant cumulative effects to a less than significant level. Mitigation is identified for air quality, hydrology and water quality, traffic and solid waste. With implementation of these measures, the potential for cumulatively significant impacts is reduced to a less than significant level.
- c. *Less Than Significant Impact* With mitigation for air quality, geology and soils, hazards and hazardous waste, hydrology and water quality and noise issues, the project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

With mitigation the Heacock Street improvements are not forecast to cause any significant adverse environmental impacts to any of the environmental resource issues addressed in this Initial Study. The City of Moreno Valley proposes to issue a Negative Declaration with mitigation as the appropriate environmental determination for this project to comply with the California Environmental Quality Act. A Notice of Intent to Adopt a Mitigated Negative Declaration will be distributed in conjunction with this Initial Study and after reviewing any comments received on the Initial Study, the City will respond to comments and, if justified on the whole of the record, the City will consider adopting a Mitigated Negative Declaration at a future meeting for this project. The date of such meeting has not yet been determined, but any parties that submit comments will be notified of the meeting date.

SUMMARY OF MITIGATION MEASURES

- 5-1 If buried cultural resources are discovered during project construction, all work in the area of the find shall cease, and a qualified archaeologist retained by the City shall investigate the find, and make recommendations on its disposition. Any resources exposed during grading shall be managed by assessing the value of objects, determining whether the material deserves curation, and preparing and implementing a curation plan to protect such resources. The qualified professional shall compile a report of findings and make it available to peers for review and use of the information.
- 5-2 If paleontological resources are discovered during project construction, all work in the area of the find shall cease, and a qualified paleontologist shall be retained by the City to investigate the find, and to make recommendations on its disposition.
- 5-3 If any human remains are encountered during initial grading activities, all ground disturbing activities in the vicinity of the discovery will be terminated immediately and the County Coroner's office MUST be contacted within 24 hours to arrange for management of such remains.
- 7-1 All spills or leakage of petroleum products during construction activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility.
- 8-1 The City will select best management practices that achieve reduction in non-point source pollutants to the maximum extent practical, during construction (Storm Water Pollution Prevention Plan, SWPPP) and following development (Water Quality Management Plan, WQMP). To control urban runoff after the project is constructed the reduction in pollutants shall also meet the Santa Ana Regional Water Quality Control Board's municipal stormwater control requirements as implemented through the City and County.
- 11-1 During construction, vehicle staging areas and stockpiling shall be located as far as is practicable from existing noise sensitive uses. The sensitive noise uses consist of residential uses located adjacent to the Heacock Street alignment.
- 11-2 Project construction activities shall be limited to the period of 7:00 a.m. to 7:00 p.m., Monday through Saturday, within one-half mile of any occupied structure designed for human occupancy. Construction during other periods, or on Sundays or holidays, would be limited to emergencies and activities determined to be in the interest of the general public. If nocturnal construction is planned or required to minimize traffic interference, and if any occupied structures are present within one-half mile, a requested exemption to the above time limits shall be submitted to the City Engineer. The City Engineer shall confirm that such operations are not detrimental to health, safety and welfare of the noise receptors prior to authorizing construction outside the time permitted by ordinance.
- 11-3 The City shall respond to any noise complaints received for this project by measuring noise levels at the affected receptor site. If the noise level exceeds an CNEL of 65 dBA exterior or an CNEL of 45 dBA interior at the receptor, the construction contractor will implement adequate measures (which may include portable sound attenuation walls, use of quieter equipment, shift of construction schedule to avoid the presence of sensitive receptors, etc. to reduce noise levels to the greatest extent feasible). Any monitoring would be carried out by a qualified acoustical firm under contract to the construction contractor and responsible to the City.
- 11-4 The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.
- 15-1 The construction contractor will time the construction activities to minimize obstruction of through traffic lanes adjacent to the site during peak hour traffic.

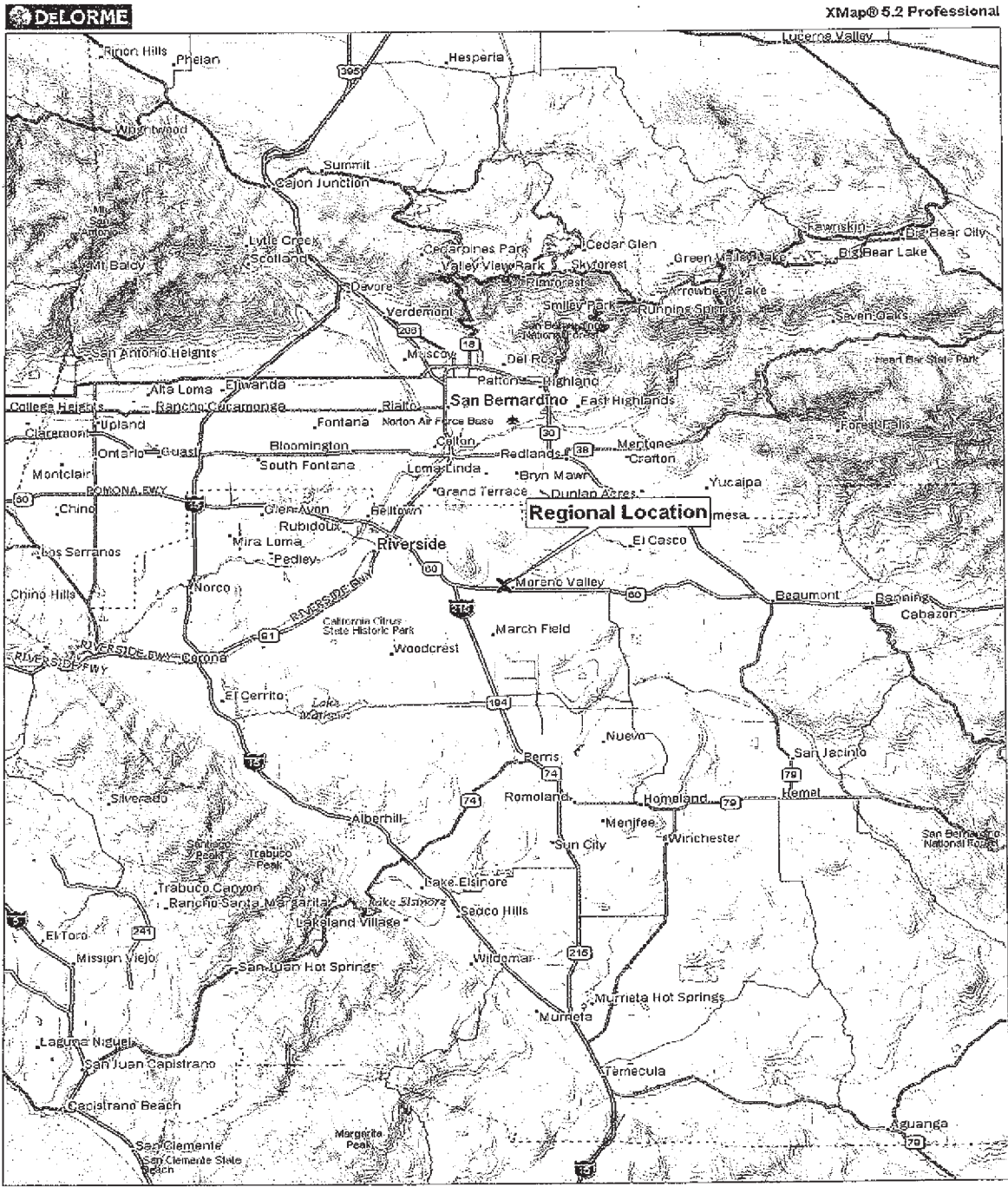
- 15-2 The construction contractor will provide adequate traffic management resources, as determined by the City, to ensure adequate access to all occupied properties on a daily basis, including emergency access. A construction traffic management plan shall be prepared and approved by the City prior to initiation of construction within the project alignment. The plan can include the following components: protective devices, flag persons or police assistance for traffic control, to maintain safe traffic flow on local streets affected by construction at all times.
- 15-3 All temporary roadway construction effects shall be repaired and returned to operation in a condition comparable to that which existed prior to initiating construction. The City shall verify the acceptability of all temporary roadway repairs.
- 16-1 If available to the construction contractor at this location, the project will use recycled water in place of potable water for irrigation water for landscaping, and for dust-control and grading, as allowed under unrestricted use requirements of Title 22, California Administrative Code, Division 4, Chapter 3. Otherwise, any landscaping for the Heacock Street alignment shall consist of drought-resistant native and non-native (not invasive) plants.
- 16-2 To the maximum extent feasible, all vegetation debris and all structural demolition debris from implementing this project shall be diverted to recycle markets (green waste for composting and structure materials for reuse). A plan for recycling this waste will be prepared and implemented by the construction and demolition contractor(s).

REFERENCES

- Associated Engineers, Inc., "Design Report, Alternatives for Street Widening, Heacock Street (Hemlock Avenue to Ironwood Avenue)," June 9, 2008
- CRM TECH, "Historical/Archaeological Resources Survey Report, Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California," June 3, 2008
- Giroux & Associates, "Noise Impact Analysis, Heacock Street Improvements, Moreno Valley, California," June 6, 2008
- JE Compliance Services, Inc., "Air Quality Analysis for Heacock Street Projects in Moreno Valley, California," June 26, 2008
- City of Moreno Valley, General Plan, July 11, 2006
- City of Moreno Valley, Program Environmental Impact Report for Moreno Valley General Plan, July 2006
- South Coast Air Quality Management District, 2007 Air Quality Data (www.aqmd.gov)
- South Coast Air Quality Management District, CEQA Air Quality Handbook, Diamond Bar, California
- Southern California Association of Governments (SCAG), "Regional Comprehensive Plan and Guide," 2003

FIGURES

FIGURE 1
Regional Location



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 www.delorme.com

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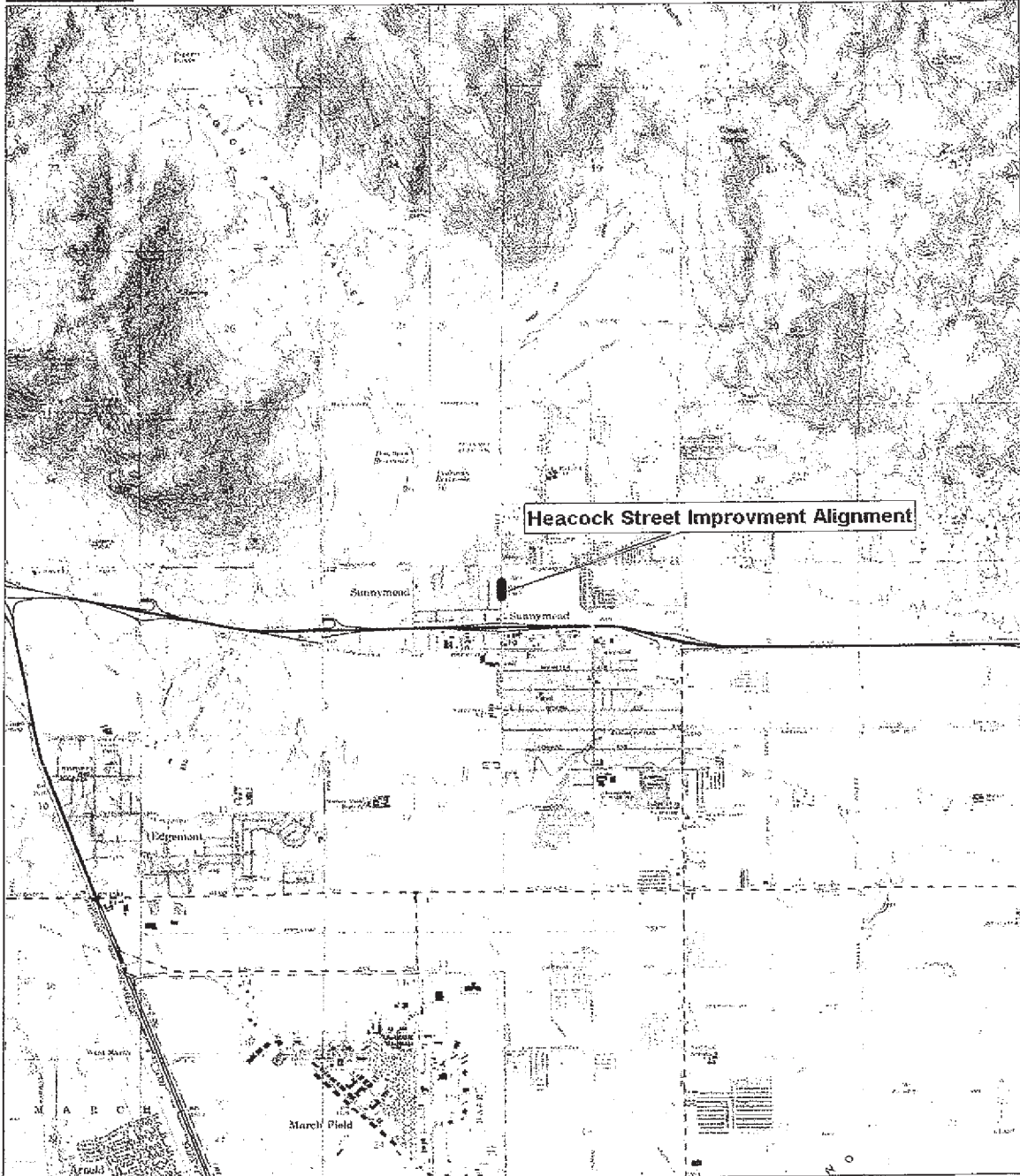
0 2 4 6 8 10 12 14 mi
 Data Zoom 8-6

Tom Dodson & Associates
 Environmental Consultants

FIGURE 2
Site Location

DeLORME

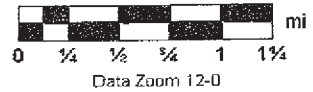
XMap® 5.2 Professional



Data use subject to license

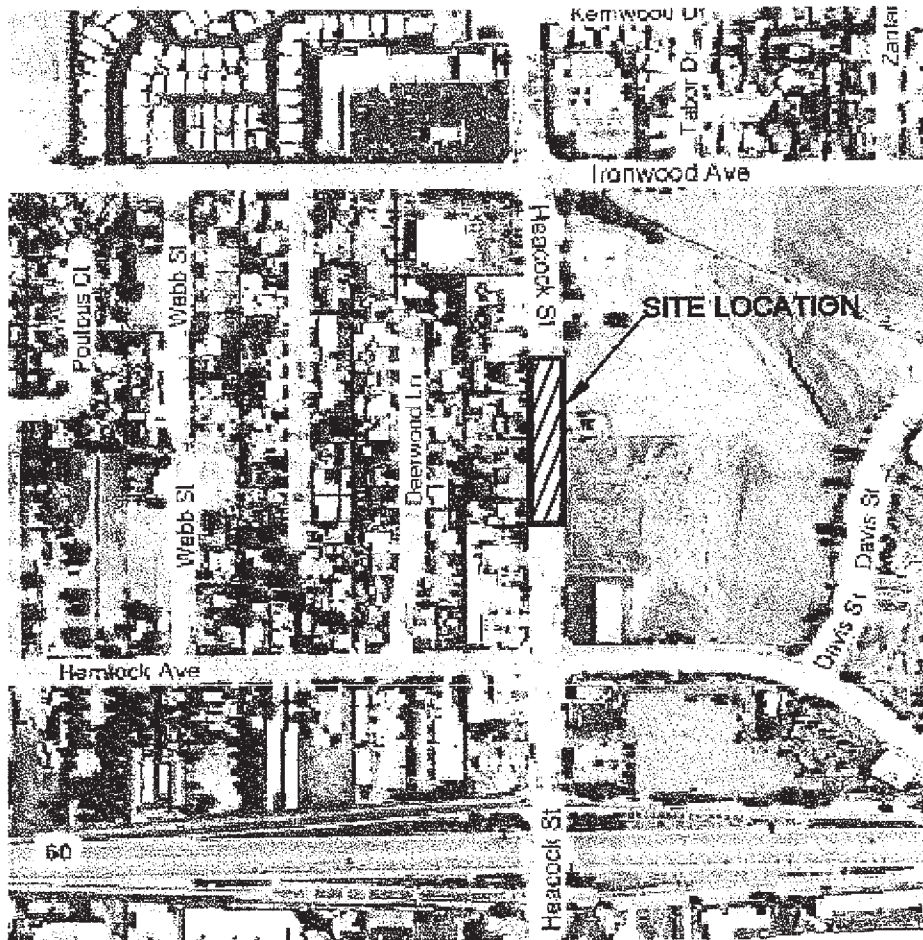
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www.delorme.com



Tom Dodson & Associates
Environmental Consultants

FIGURE 3
Aerial Photo Showing Heacock Street Improvement Site Location



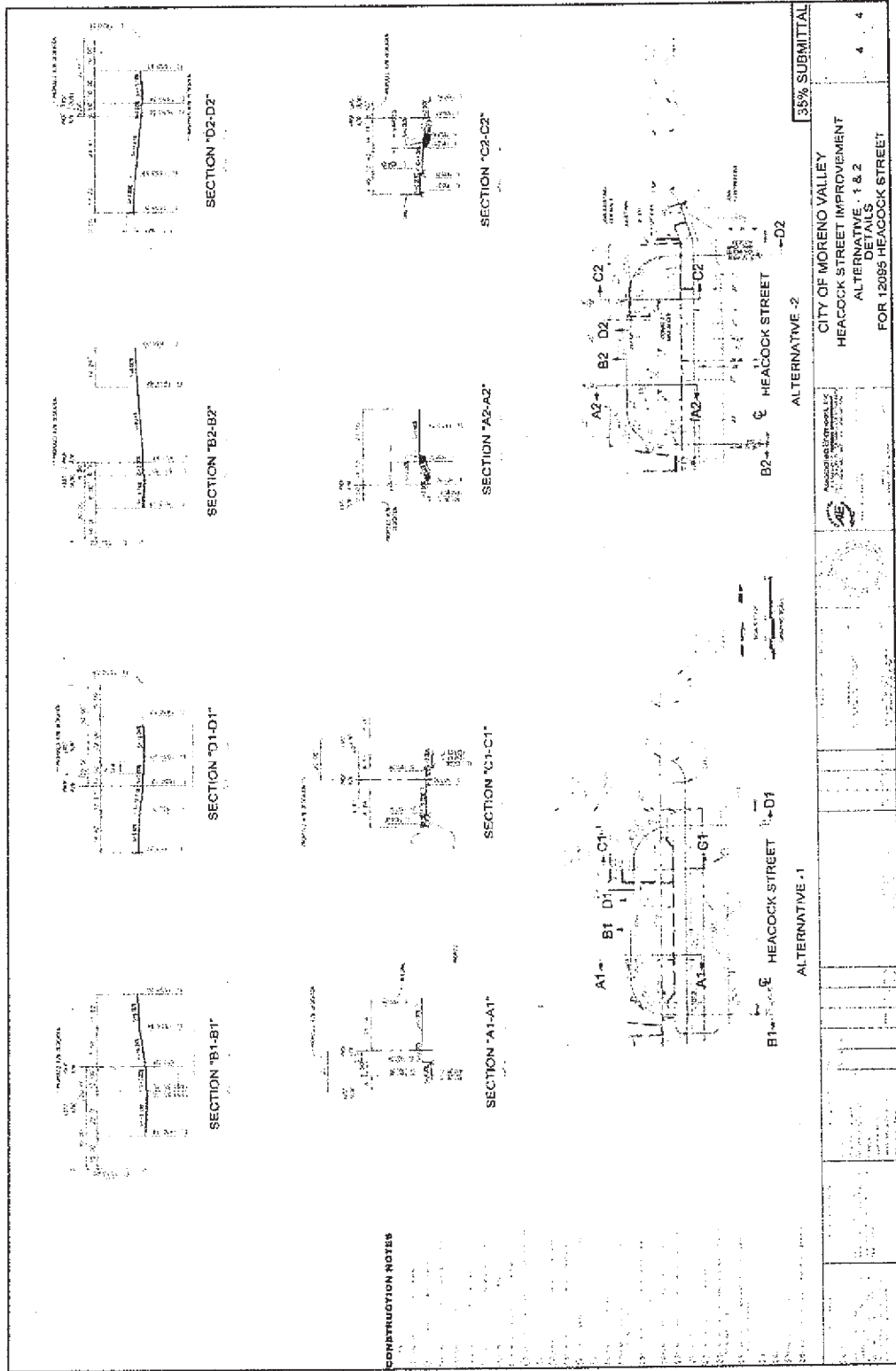
File: L:\2007\07093\Drawg\exhibit\ExhibitB.dwg Jul 08, 2008 - 4:26pm Kinzle

EXHIBIT 'A'

Source: Associated Engineers, Inc.

Tom Dodson & Associates
Environmental Consultants

FIGURE 6
Heacock Street Improvements Alternatives 1 & 2, Driveway Profiles and Sections



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APPENDIX 1



Air Quality
Auditing
CEQA Air Analysis
Fire & Building Code
Health & Safety
Industrial Hygiene
Permitting
Project Management
Risk Assessment
Strategic Planning
Water Quality

Web-based Solutions
Quality ISO 9000
Environment ISO 14000
EHS Hosted Applications
QMS Hosted Applications
RIOS Hosted Applications

VIA EMAIL: tda@tdaenv.com

Mr. Tom Dodson
Tom Dodson & Associates
2150 North Arrowhead Avenue
San Bernardino, CA 92405

26 June 2008

Re: Air Quality Analysis for Heacock Street Project in Moreno Valley, California.

Dear Tom:

JE Compliance Services, Inc. (JECSI) was retained by Tom Dodson & Associates to prepare a limited air quality analysis to focus on construction emission calculations for the Heacock Street expansion project in Moreno Valley, California. The analysis does not include the emissions associated with existing or expected operations within the project area. Additionally, the analysis does not include an evaluation of whether the proposed project is in federal conformity nor does it include a federal conformity test in compliance with 40 CFR part 93. JECSI has not evaluated whether the proposed project is included in a regional emission analysis or included in any urban airshed model.

Analysis Methodology

URBEMIS 2007 (version 9.2) was used to estimate emissions during the construction project. Both SCAQMD and California Air Resources Board (CARB) use and suggest the use of the URBEMIS 2007 model for developing emission estimates for construction projects. The following activities were evaluated: removal of existing roadway, mass grading, fine grading and utility installation, paving and lane striping. The project schedule is provided in **Table 1**.

The equipment schedule for each phase was based on default URBEMIS 2007 equipment. URBEMIS 2007 uses OFFROAD2007 model for off-road vehicle emission factors and EMFAC 2007 for on-road vehicle emission factors. Due to a desired quantity of worker trips and delivery trips per day that could not be set in URBEMIS 2007, emissions from worker trips and delivery vehicles were calculated using emission factors provided by SCAQMD.

Emissions from roadway removal and grading activities were estimated using an emission factor of 10 pounds per acre-day. Approximately 600 cubic yards of soil is expected to be exported during grading activities. It is estimated that the daily acreage to be disturbed during mass and fine site grading activities will not exceed 0.25 acres. Additionally, a mitigation measure of three times daily watering was applied to the grading phases.

Daren E. Jorgensen
President

Bruce A. Armbruster
Vice President

Brian T. Thorne
Vice President

Peter G. Stein
Vice President

Corporate Headquarters
12505 North Mainstreet
Suite 212
Rancho Cucamonga
California
91739

909.483.3300 Phone
909.494.7523 Fax

<http://www.jecsi.net>

JE Compliance Services, Inc

Mr. Tom Dodson
Tom Dodson & Associates
26 June 2008
Page 2

Emissions of carbon dioxide from the manufacturing of concrete manufacturing (indirect emission source) were calculated outside of URBEMIS. The emissions were calculated using estimated quantities of concrete and USEPA and GHG Protocol emissions factors. URBEMIS outputs and supplemental calculations are provided in **Attachments**.

Emissions Evaluation

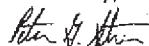
SCAQMD publishes screening levels to determine if a project is regionally significant.¹ Additionally, SCAQMD provides guidance on determining localized significance thresholds (LSTs) for a project.² SCAQMD provides mass rate LSTs look up tables that are a function of the project location, project size, and sensitive receptor distance. A site size of one acre and a receptor distance of 25 meters were used to determine the LST for the project.

Unmitigated criteria pollutant emissions from the construction phase of the project are provided in **Table 2**. The emissions of criteria pollutants from the construction phase do not exceed the regional thresholds. The LST for particulate matter was exceeded during the mass grading and fine grading phases. No other criteria pollutants exceeded their respective LSTs.

Mitigated criteria pollutant emissions from the construction phase of the project are provided in **Table 3**. The emissions of criteria pollutants from the construction phase do not exceed the regional thresholds or LSTs.

Please call me or Daren with any comments or questions.

Sincerely,



Peter G. Stein
Vice President

Daren E. Jorgensen
President

¹ CEQA Air Quality Handbook, SCAQMD, April 1993, Section 6.4 Significance thresholds updated October 2006.

² Final Localized Significance Threshold Methodology, SCAQMD, June 2003.

Table 1 - Project Schedule

Activity	Duration (days)*
Remove roadway	3
Mass grading	4
Fine grading	3
Paving	2
Lane striping	1

*presented as working days

Table 2 - Overall Maximum Unmitigated Daily Construction Emissions (lbs/day)

Activity	VOC	NOx	CO	SOx	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2
Removal of roadway	2.87	19.53	14.57	0.01	2.51	0.92	3.43	0.52	0.81	1.33	2,995.12
Mass grading	3.89	27.4	19.92	0.02	2.54	1.54	4.08	0.53	1.39	1.93	3,978.93
Fine grading/utilities	5.22	38.9	23.99	0.02	2.68	1.94	4.62	0.68	1.76	2.44	86,9443.34
Paving	5.4	27.3	23.06	0.02	0	1.86	1.86	0	1.66	1.66	3,515.44
Lane striping	1.56	6.08	12.87	0.02	0.00	0.28	0.28	0.00	0.21	0.21	1,778.74
Max. Daily Emissions	5.40	38.90	23.99	0.02	2.68	1.94	4.62	0.68	1.76	2.44	869,443.34
Regional significance threshold	75	100	550	150	150	150	150	55	55	55	-
Localized significance threshold (see note 2)	-	235	523	-	4	4	4	3	3	3	-

Note 1: Localized significance threshold based on project area size of one acre and sensitive receptor distance of 25 meters from project boundary.

Table 3 - Overall Maximum Mitigated Daily Construction Emissions (lbs/day)

Activity	VOC	NOx	CO	SOx	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2
Removal of roadway	2.87	19.53	14.57	0.01	1.31	0.92	2.23	0.3	0.81	1.11	2,995.12
Mass grading	3.89	27.4	19.92	0.02	1.34	1.54	2.88	0.28	1.39	1.68	3,978.93
Fine grading/utilities	4.92	38.9	23.99	0.02	1.48	1.94	3.42	0.43	1.76	2.19	869,443.34
Paving	5.4	27.3	23.06	0.02	0	1.86	1.86	0	1.66	1.66	3,515.44
Lane striping	1.56	6.08	12.87	0.02	0.00	0.28	0.28	0.00	0.21	0.21	1,778.74
Max. Daily Emissions	5.40	38.90	23.99	0.02	1.48	1.94	3.42	0.43	1.76	2.19	869,443.34
Regional significance threshold	75	100	550	150	150	150	150	55	55	55	-
Localized significance threshold (see note 2)	-	235	523	-	4	4	4	3	3	3	-

Note 1: Localized significance threshold based on project area size of one acre and sensitive receptor distance of 25 meters from project boundary.



Mr. Tom Dodson
Tom Dodson & Associates
26 June 2008
Page 4

Attachments



Combined Summer Emissions Reports (Pounds/Day)

File Name: S:\clients\wd\tdod\207423\Heacock street improvement updated.urb924

Project Name: Heacock Street

Project Location: Riverside County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10.Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
2010 TOTALS (lbs/day unmitigated)	4.07	31.16	13.33	0.01	2.53	1.69	4.09	0.53	1.55	1.98	3,039.24
2010 TOTALS (lbs/day mitigated)	4.07	31.16	13.33	0.01	1.32	1.69	2.88	0.28	1.55	1.73	5,039.24

Construction Unmitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

ROG	NOx	CO	SO2	PM10.Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
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Time Slice 12/1/2010-12/3/2010 Active Days: 3	1.99	18.67	7.35	0.00	2.52	0.83	3.34	0.53	0.76	1.29	2,023.83
Mass Grading 12/01/2010-12/03/2010	1.99	18.67	7.35	0.00	2.52	0.83	3.34	0.53	0.76	1.29	2,023.83
Mass Grading Dust	0.00	0.00	0.00	0.00	2.50	0.00	2.50	0.52	0.00	0.52	0.00
Mass Grading Off Road Diesel	1.78	16.09	5.41	0.00	0.00	0.73	0.73	0.00	0.67	0.67	1,546.24
Mass Grading On Road Diesel	0.18	2.52	0.90	0.00	0.01	0.10	0.11	0.00	0.09	0.09	353.20
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/6/2010-12/9/2010 Active Days: 4	2.69	22.01	11.09	0.01	2.53	1.28	3.81	0.53	1.18	1.71	2,371.88
Mass Grading 12/06/2010-12/09/2010	2.69	22.01	11.09	0.01	2.53	1.28	3.81	0.53	1.18	1.71	2,371.88
Mass Grading Dust	0.00	0.00	0.00	0.00	2.50	0.00	2.50	0.52	0.00	0.52	0.00
Mass Grading Off Road Diesel	2.33	17.43	8.43	0.00	0.00	1.10	1.10	0.00	1.02	1.02	1,611.73
Mass Grading On Road Diesel	0.32	4.53	1.62	0.01	0.02	0.18	0.20	0.01	0.16	0.17	635.76
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/13/2010-12/15/2010 Active Days: 3	3.66	31.16	13.33	0.00	2.51	1.58	4.09	0.53	1.45	1.98	3,039.24
Fine Grading 12/13/2010-12/15/2010	3.66	31.16	13.33	0.00	2.51	1.58	4.09	0.53	1.45	1.98	3,039.24
Fine Grading Dust	0.00	0.00	0.00	0.00	2.50	0.00	2.50	0.52	0.00	0.52	0.00
Fine Grading Off Road Diesel	3.62	31.07	11.76	0.00	0.00	1.57	1.57	0.00	1.45	1.45	2,852.65
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.05	0.09	1.57	0.00	0.01	0.01	0.01	0.00	0.00	0.01	186.59

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Time Slice 12/20/2010-12/20/2010 Active Days: 1	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Phase Assumptions

- Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation
 Total Acres Disturbed: 0.5
 Maximum Daily Acreage Disturbed: 0.25
 Fugitive Dust Level of Detail: Default
 10 lbs per acre-day
 On Road Truck Travel (VMT): 0
 Off-Road Equipment:
 1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day
 2 Other General Industrial Equipment (238 hp) operating at a 0.51 load factor for 8 hours per day
 1 Rollers (95 hp) operating at a 0.59 load factor for 8 hours per day
 1 Tractors/Loaders/Backhoes (168 hp) operating at a 0.55 load factor for 7 hours per day
 1 Wheel Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt

- Total Acres Disturbed: 0.5
 Maximum Daily Acreage Disturbed: 0.25
 Fugitive Dust Level of Detail: Default
 10 lbs per acre-day
 On Road Truck Travel (VMT): 83.33
 Off-Road Equipment:

6/26/2008 4:11:12 PM

- 1 Concrete/Industrial Saws (10 hp) operating at a 0.73 load factor for 8 hours per day
- 1 Other Material Handling Equipment (191 hp) operating at a 0.59 load factor for 8 hours per day
- 1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day
- 1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 150

Off-Road Equipment:

- 1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day
- 1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day
- 1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day
- 1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Paving 12/20/2010 - 12/20/2010 - Paving

Acres to be Paved: 0.25

Off-Road Equipment:

- 2 Pavers (100 hp) operating at a 0.62 load factor for 7 hours per day
- 2 Rollers (95 hp) operating at a 0.56 load factor for 7 hours per day
- 1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Construction Mitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Summer Pounds Per Day, Mitigated

ROG	NOX	CO	SO2	PM10 Dust	PM10 Exhaust	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
-----	-----	----	-----	-----------	--------------	------------	---------------	-------	-----

Time Slice 12/1/2010-12/3/2010 Active Days: 3	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading 12/01/2010- 12/03/2010	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	1.78	16.09	5.41	0.00	0.00	0.73	0.73	0.00	0.67	0.67	1,546.24
Mass Grading On Road Diesel	0.18	2.52	0.90	0.00	0.01	0.10	0.11	0.00	0.09	0.09	353.20
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/6/2010-12/9/2010 Active Days: 4	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading 12/06/2010- 12/09/2010	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	2.33	17.43	8.43	0.00	0.00	1.10	1.10	0.00	1.02	1.02	1,611.73
Mass Grading On Road Diesel	0.32	4.53	1.62	0.01	0.02	0.18	0.20	0.01	0.16	0.17	635.76
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/13/2010-12/15/2010 Active Days: 3	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Mass Grading 12/13/2010- 12/15/2010	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Fine Grading Off Road Diesel	3.62	31.07	11.76	0.00	0.00	1.57	1.57	0.00	1.45	1.45	2,852.65
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.05	0.09	1.57	0.00	0.01	0.01	0.01	0.00	0.00	0.01	186.59

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Time Slice 12/20/2010-12/20/2010 Active Days: 1	4.0Z	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Construction Related Mitigation Measures

The following mitigation measures apply to Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation
 For Soil Stabilizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt
 For Soil Stabilizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

For Soil Stabilizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

Urbemis 2007 Version 9.2.4

Combined Winter Emissions Reports (Pounds/Day)

File Name: S:\clients\wd\ltdod\207423\Heacock street improvement updated.urb924

Project Name: Heacock Street

Project Location: Riverside County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10</u>	<u>PM2.5 Dust</u>	<u>PM2.5 Exhaust</u>	<u>PM2.5</u>	<u>CO2</u>
2010 TOTALS (lbs/day unmitigated)	4.07	31.16	13.33	0.01	2.53	1.69	4.09	0.53	1.55	1.98	3,039.24
2010 TOTALS (lbs/day mitigated)	4.07	31.16	13.33	0.01	1.32	1.69	2.88	0.28	1.55	1.73	3,039.24

Construction Unmitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Winter Pounds Per Day, Unmitigated

<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10</u>	<u>PM2.5 Dust</u>	<u>PM2.5 Exhaust</u>	<u>PM2.5</u>	<u>CO2</u>
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Time Slice	12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Active Days:	1											
Asphalt	12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas		0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel		3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel		0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips		0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Phase Assumptions

Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

2 Other General Industrial Equipment (238 hp) operating at a 0.51 load factor for 8 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/1/2010 - 12/9/2010 - Removal of asphalt

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 83.33

Off-Road Equipment:

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- 1 Concrete/Industrial Saws (10 hp) operating at a 0.73 load factor for 8 hours per day
- 1 Other Material Handling Equipment (191 hp) operating at a 0.59 load factor for 8 hours per day
- 1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day
- 1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 150

Off-Road Equipment:

- 1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day
- 1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day
- 1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day
- 1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Paving 12/20/2010 - 12/20/2010 - Paving

Acres to be Paved: 0.25

Off-Road Equipment:

- 2 Pavers (100 hp) operating at a 0.62 load factor for 7 hours per day
- 2 Rollers (95 hp) operating at a 0.56 load factor for 7 hours per day
- 1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Construction Mitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Winter Pounds Per Day, Mitigated

COG NOx SO2 PM10 Dust PM10 Exhaust PM2.5 Dust PM2.5 Exhaust PM2.5

CO2

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Time Slice 12/1/2010-12/3/2010 Active Days: 3	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading 12/01/2010- 12/03/2010	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	1.78	16.09	5.41	0.00	0.00	0.73	0.73	0.00	0.67	0.67	1,546.24
Mass Grading On Road Diesel	0.18	2.52	0.90	0.00	0.01	0.10	0.11	0.00	0.09	0.09	353.20
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/6/2010-12/9/2010 Active Days: 4	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading 12/06/2010- 12/09/2010	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	2.33	17.43	8.43	0.00	0.00	1.10	1.10	0.00	1.02	1.02	1,611.73
Mass Grading On Road Diesel	0.32	4.53	1.62	0.01	0.02	0.18	0.20	0.01	0.16	0.17	635.76
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/13/2010-12/15/2010 Active Days: 3	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading 12/13/2010- 12/15/2010	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Fine Grading Off Road Diesel	3.62	31.07	11.76	0.00	0.00	1.57	1.57	0.00	1.45	1.45	2,652.65
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.05	0.09	1.57	0.00	0.01	0.01	0.01	0.00	0.00	0.01	186.59

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Time Slice 12/20/2010-12/20/2010 Active Days: 1	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Construction Related Mitigation Measures

The following mitigation measures apply to Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation

For Soil Stabilizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt

For Soil Stabilizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

For Soil Stabilizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

Maximum Daily Unmitigated Construction Emissions (2010)

Activity	Source	VOC	NOx	CO	SO2	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2	Comments
Removal of roadway	Fugitive dust					2.50		2.50	0.52		0.52		URBEMIS
Removal of roadway	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Removal of roadway	On-road equipment	0.18	2.52	0.9	0	0.01	0.1	0.11	0	0.09	0.09	353	URBEMIS
Removal of roadway	Off-road equipment	1.78	16.09	5.41	0	0	0.73	0.73	0	0.67	0.67	1,546.24	URBEMIS
Mass grading	Fugitive dust					2.50		2.50	0.52		0.52		URBEMIS
Mass grading	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Mass grading	On-road equipment	0.65	9.05	3.23	0.01	0.04	0.35	0.39	0.01	0.32	0.34	1,272	URBEMIS
Mass grading	Off-road equipment	2.33	17.43	8.43	0	0	1.1	1.1	0	1.02	1.02	1,611.73	URBEMIS
Fine grading/utilities	Fugitive dust					2.50		2.50	0.52		0.52		URBEMIS
Fine grading/utilities	Off-road equipment	3.62	31.07	11.76	0	0	1.57	1.57	0	1.45	1.45	2,852.65	URBEMIS
Fine grading/utilities	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Fine grading/utilities	Deliveries	0.39	3.09	2.77	0	0	0.11	0.11	0	0.1	0.1	410	SCAQMD factors
Fine grading/utilities	Concrete deliveries	0.3	3.82	1.2	0.01	0.18	0.17	0.35	0.16	0.16	0.32	421.12	SCAQMD factors
Fine grading/utilities	Cement manufacturing											864,664.06	EPA
Paving	Off-gas	0.65											URBEMIS
Paving	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Paving	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683	SCAQMD factors
Paving	Off-road equipment	3.19	21.22	10.19	0	0	1.58	1.58	0	1.45	1.45	1,736.70	URBEMIS
Lane striping	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Lane striping	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683.06	SCAQMD factors

Maximum Daily Mitigated Construction Emissions (2010)

Activity	Source	VOC	NOx	CO	SO2	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2	Comments
Removal of roadway	Fugitive dust					1.30		1.30	0.3		0.3		URBEMIS
Removal of roadway	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Removal of roadway	On-road equipment	0.18	2.52	0.9	0	0.01	0.1	0.11	0	0.09	0.09	353	URBEMIS
Removal of roadway	Off-road equipment	1.78	16.09	5.41	0	0	0.73	0.73	0	0.67	0.67	1,546.24	URBEMIS
Mass grading	Fugitive dust					1.30		1.30	0.27		0.27		URBEMIS
Mass grading	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Mass grading	On-road equipment	0.65	9.05	3.23	0.01	0.04	0.35	0.39	0.01	0.32	0.34	1,272	URBEMIS
Mass grading	Off-road equipment	2.33	17.43	8.43	0	0	1.1	1.1	0	1.02	1.02	1,611.73	URBEMIS
Fine grading/utilities	Fugitive dust					1.30		1.30	0.27		0.27		URBEMIS
Fine grading/utilities	Off-road equipment	3.62	31.07	11.76	0	0	1.57	1.57	0	1.45	1.45	2,852.65	URBEMIS
Fine grading/utilities	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Fine grading/utilities	Deliveries	0.39	3.09	2.77	0	0	0.11	0.11	0	0.1	0.1	410	SCAQMD factors
Fine grading/utilities	Concrete deliveries	0	3.82	1.2	0.01	0.18	0.17	0.35	0.16	0.16	0.32	421.12	SCAQMD factors
Fine grading/utilities	Cement manufacturing											864,664.06	EPA
Paving	Off-gas	0.65											URBEMIS
Paving	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Paving	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683	SCAQMD factors
Paving	Off-road equipment	3.19	21.22	10.19	0	0	1.58	1.58	0	1.45	1.45	1,736.70	URBEMIS
Lane striping	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Lane striping	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683.06	SCAQMD factors

Emissions from Worker Trips/Deliveries

Y = EMISSION FACTOR

where,

- Y = Daily emissions of criteria pollutant, lbs/day
- M = Number of trips per day
- D = Distance per trip, miles
- EF = Emission factor/criteria pollutant, lb/mile

Emissions from On-Road Vehicles During Mobilization Phase

Year	Activity Miles	Total daily round trips	Miles during trip	Emission factors (lb/mile)										Emissions (lb/day)			
				VOC	CO	NOx	SOx	PM10	PM2.5	CO2	CH4	VOC	CO	NOx	SOx	PM10	PM2.5
2002	40	35	40	0.00012884	0.00038377	0.00038377	1.0737E-03	3.6984E-03	3.4711E-05	1.9585E-04	1.9585E-05	8.26	0.91	0.09	0.25	1095.64	0.08
2002	10	15	10	0.000250576	0.000767545	0.000767545	2.1474E-03	7.3968E-03	7.0029E-05	3.9171E-04	3.9171E-05	16.52	3.06	0.11	0.51	406.83	0.02
2003	10	35	10	0.000250576	0.000767545	0.000767545	2.1474E-03	7.3968E-03	7.0029E-05	3.9171E-04	3.9171E-05	16.52	3.06	0.11	0.51	406.83	0.02

DRAFT - FOR DISCUSSION PURPOSES ONLY

APPENDIX 2

HISTORICAL/ARCHAEOLOGICAL RESOURCES SURVEY REPORT
HEACOCK STREET ROAD-WIDENING PROJECT

City of Moreno Valley
Riverside County, California

For Submittal to:

City of Moreno Valley
Public Works Department
14177 Frederick Street
Moreno Valley, CA 92553

Prepared for:

Tom Dodson
Tom Dodson and Associates
2150 North Arrowhead Avenue
San Bernardino, CA 92405

Prepared by:

CRM TECH
1016 East Cooley Drive, Suite A/B
Colton, CA 92324

Michael Hogan, Principal Investigator
Bai "Tom" Tang, Principal Investigator

June 3, 2008
CRM TECH Contract No. 2228

NATIONAL ARCHAEOLOGICAL DATABASE INFORMATION

Author(s): Josh Smallwood, Historical Archaeologist/Report Writer
Terri Jacquemain, Historian
Laura H. Shaker, Native American Liaison

Consulting Firm: CRM TECH
1016 East Cooley Drive, Suite A/B
Colton, CA 92324
(909) 824-6400

Date: June 3, 2008

Title: Historical/Archaeological Resources Survey Report: Heacock Street
Road-Widening Project, City of Moreno Valley, Riverside County,
California

For Submittal to: City of Moreno Valley
Public Works Department
14177 Frederick Street
Moreno Valley, CA 92553
(951) 413-3000

Prepared for: Tom Dodson
Tom Dodson and Associates
2150 North Arrowhead Avenue
San Bernardino, CA 92405
(909) 882-3612

USGS Quadrangle: Sunnymead, Calif., 7.5' quadrangle; Section 1, T3S R4W, San
Bernardino Base Meridian

Project Size: Approximately 0.25 mile

Keywords: Moreno Valley area, Riverside County; historical/archaeological
resources survey; Assessor's Parcel Nos. 292-182-014 to -019, 292-193-
024 to -029, and 292-193-034; post-WWII-era single-family residences;
no "historical resources" under CEQA

MANAGEMENT SUMMARY

In April and May, 2008, at the request of Tom Dodson and Associates, CRM TECH performed a cultural resources study for the proposed widening of an approximately 0.25-mile-long segment of Heacock Street between Ironwood Avenue and Hemlock Avenue in the Sunnymead area of the City of Moreno Valley, Riverside County, California. The project area encompasses the existing road right-of-way as well as a total of 13 parcels, Assessor's Parcel Nos. 292-182-014 to -019, 292-193-024 to -029, and 292-193-034, which are situated along the west side of Heacock Street and will be affected by the road-widening project. The study is part of the environmental review process for the proposed project, located in the northeast quarter of Section 1, T3S R4W, San Bernardino Base Meridian. The City of Moreno Valley Public Works Department, as Lead Agency for the project, required the study in compliance with the California Environmental Quality Act (CEQA).

The purpose of the study is to provide the City of Moreno Valley Public Works Department with the necessary information and analysis to determine whether the proposed project would cause substantial adverse changes to any historical/archaeological resources that may exist in or adjacent to the project area, as mandated by CEQA. In order to identify and evaluate such resources, CRM TECH conducted a historical/archaeological resources records search, pursued historical background research, consulted with Native American representatives, and carried out an intensive-level field survey.

As a result of the study, two post-WWII-era single-family residences were recorded within the project area at 12151 and 12183 Heacock Street, but neither of them meets the definition of a "historical resource," as provided in CEQA. No archaeological sites or any other potential "historical resources" were encountered during the course of the study. Based on the research results summarized above, this study concludes that no "historical resources" are known to exist within or adjacent to the project area.

Therefore, CRM TECH recommends to the City of Moreno Valley Public Works Department a finding of *No Impact* regarding cultural resources. No further cultural resources investigation is recommended for the project unless construction plans undergo such changes as to include areas that have not been surveyed. However, if buried cultural materials are encountered during any earth-moving operations associated with the project, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.

TABLE OF CONTENTS

MANAGEMENT SUMMARY	i
INTRODUCTION	1
SETTING	3
Current Natural Setting	3
Cultural Setting	4
Prehistoric Context	4
Ethnohistoric Context	4
Historic Context	5
RESEARCH METHODS	6
Records Search	6
Native American Participation	6
Historical Research	6
Field Survey	7
RESULTS AND FINDINGS	7
Previous Cultural Resources Studies	7
Native American Input	7
Historical Overview	9
Potential Historical Resources in the Project Area	11
12151 Heacock Street	11
12183 Heacock Street	12
DISCUSSION	13
Definition	13
Evaluation	13
CONCLUSION AND RECOMMENDATIONS	14
REFERENCES	15
APPENDIX 1: Personnel Qualifications	17
APPENDIX 2: Correspondence with Native American Representatives	22
APPENDIX 3: California Historical Resources Information System Record Forms	30

LIST OF FIGURES

Figure 1. Project vicinity	1
Figure 2. Project area	2
Figure 3. Overview of the current natural setting of the project area	3
Figure 4. Previous cultural resources studies	8
Figure 5. The project area and vicinity in 1853-1882	10
Figure 6. The project area and vicinity in 1897-1898	10
Figure 7. The project area and vicinity in 1939	10
Figure 8. The project area and vicinity in 1951-1953	10
Figure 9. Historic-period buildings in the project area	12

LIST OF TABLES

Table 1. Previously Recorded Cultural Resources in the Vicinity	9
Table 2. Buildings Located in the Project Area	11

INTRODUCTION

In April and May, 2008, at the request of Tom Dodson and Associates, CRM TECH performed a cultural resources study for the proposed widening of an approximately 0.25-mile-long segment of Heacock Street between Ironwood Avenue and Hemlock Avenue in the Sunnymead area of the City of Moreno Valley, Riverside County, California (Fig. 1). The project area encompasses the existing road right-of-way as well as a total of 13 parcels, Assessor's Parcel Nos. 292-182-014 to -019, 292-193-024 to -029, and 292-193-034, which are situated along the west side of Heacock Street and will be affected by the road-widening project. The study is part of the environmental review process for the proposed project, located in the northeast quarter of Section 1, T3S R4W, San Bernardino Base Meridian (Fig. 2). The City of Moreno Valley Public Works Department, as Lead Agency for the project, required the study in compliance with the California Environmental Quality Act (CEQA; PRC §21000, et seq.).

CRM TECH performed the present study to provide the City of Moreno Valley Public Works Department with the necessary information and analysis to determine whether the proposed project would cause substantial adverse changes to any historical/archaeological resources that may exist in or around the project area, as mandated by CEQA. In order to identify and evaluate such resources, CRM TECH conducted a historical/archaeological resources records search, pursued historical background research, consulted with Native American representatives, and carried out an intensive-level field survey. The following report is a complete account of the methods, results, and final conclusion of the study.

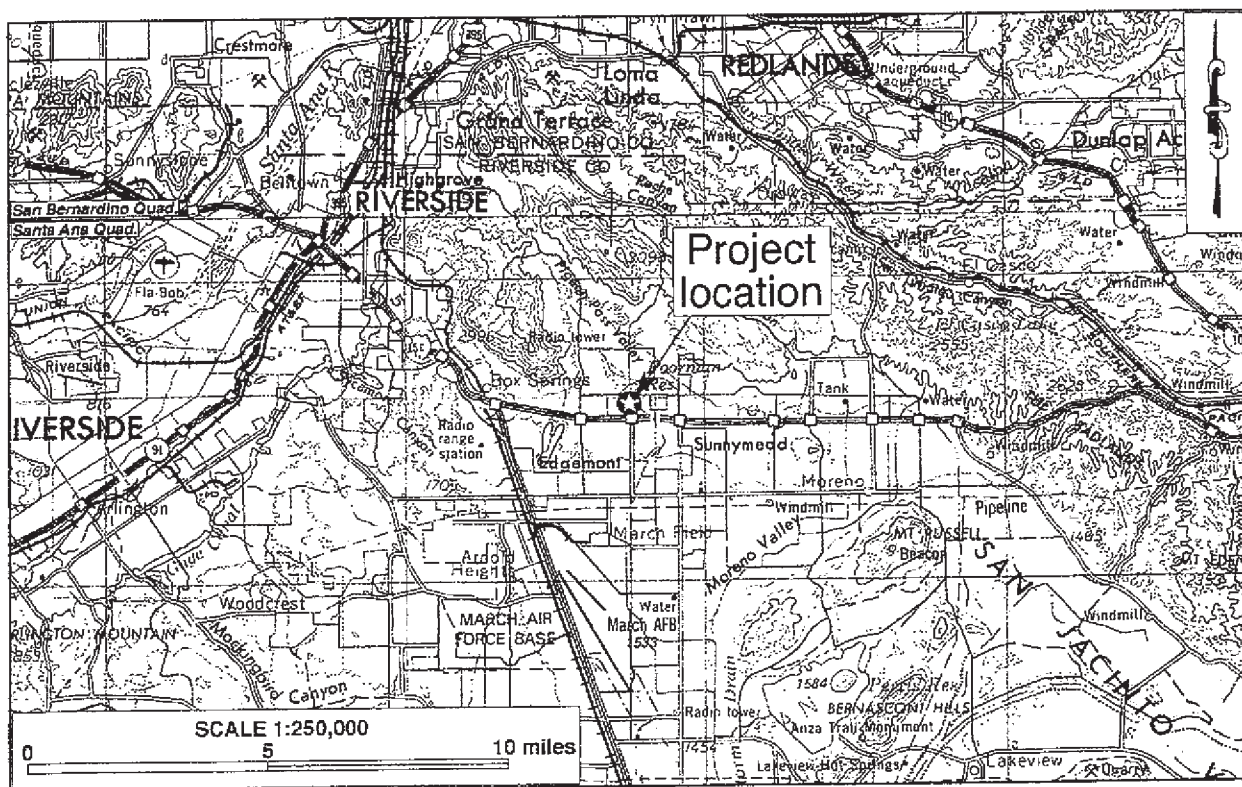


Figure 1. Project vicinity. (Based on USGS San Bernardino and Santa Ana, Calif., 1:250,000 quadrangles [USGS 1969; 1979])

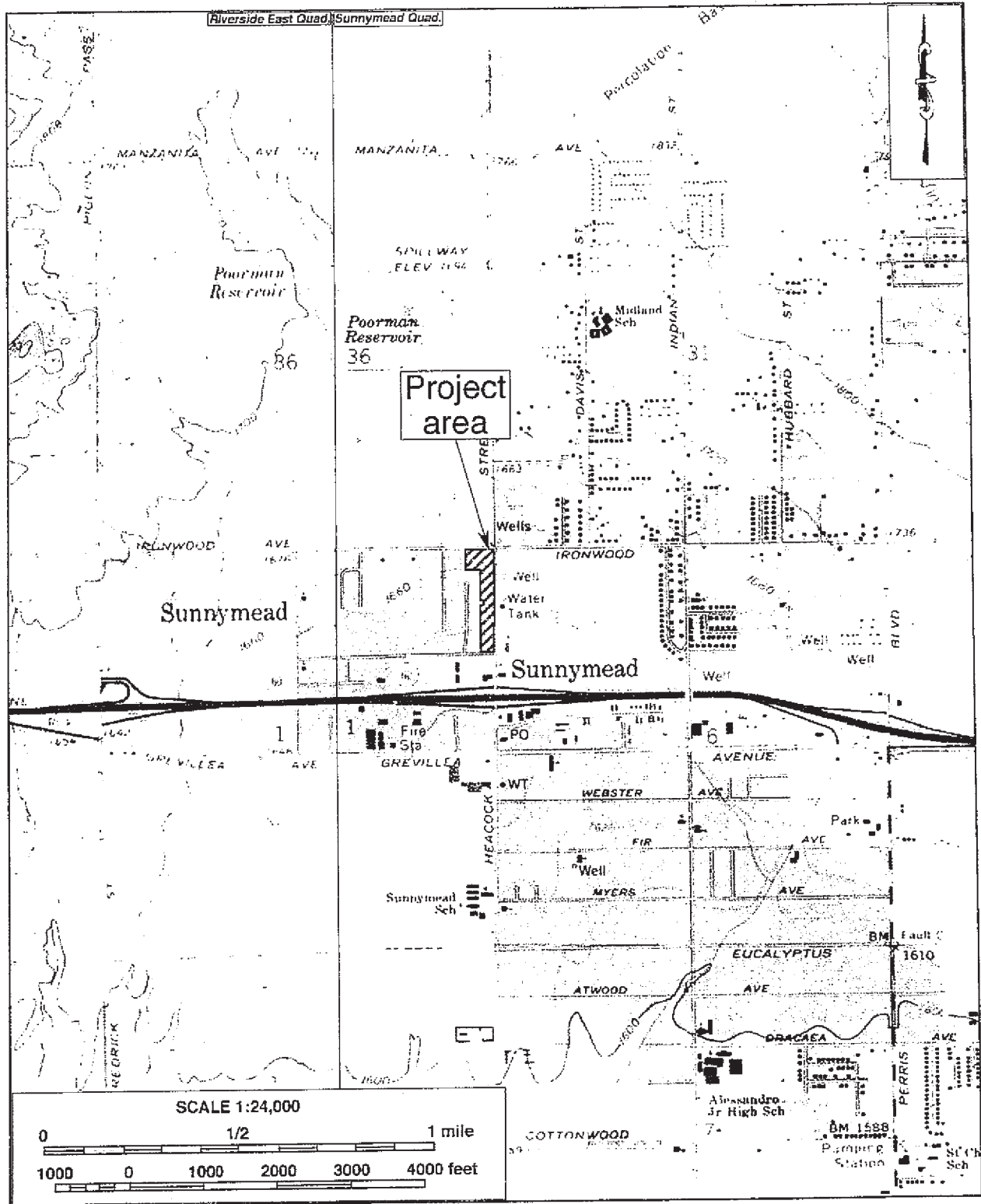


Figure 2. Project area. (Based on USGS Riverside East and Sunnymead, Calif., 1:24,000 quadrangles [USGS 1980a; 1980b])

SETTING

CURRENT NATURAL SETTING

The project area is situated near the southeast end of the Pigeon Pass Valley, a narrow valley extending southeast from the Box Springs Mountains. The surrounding region often experiences some extreme temperatures, reaching over 100 degrees in summer and dipping to near freezing in winter. As discussed above, the project area encompasses 13 residential and commercial parcels along an approximately 0.25-mile-long segment of Heacock Street between Ironwood Avenue and Hemlock Avenue. Heacock Street is a modern, four-lane roadway with signal lights at Ironwood Avenue and Hemlock Avenue. The project area lies in an urban setting and, except for a patch of vacant land immediate to the east, it is surrounded by residential and commercial development (Fig. 3). State Route 60 traverses approximately 0.10-mile to the south of the project location.

The elevation of the property ranges between about 1,650 and 1,660 feet above mean sea level, with a subtle rise toward the north from Hemlock Avenue and a gentle drop in elevation approaching Ironwood Avenue. Both sides of Heacock Street are lined by concrete sidewalks, except for an approximately 450-foot-long segment along the west side that is unimproved. Currently, pedestrian traffic along this unimproved stretch requires walking along an uneven dirt surface next to oncoming traffic. Vegetation along this segment consists mostly of weeds, and it is shaded by the overhanging branches of several mature, domestic trees.

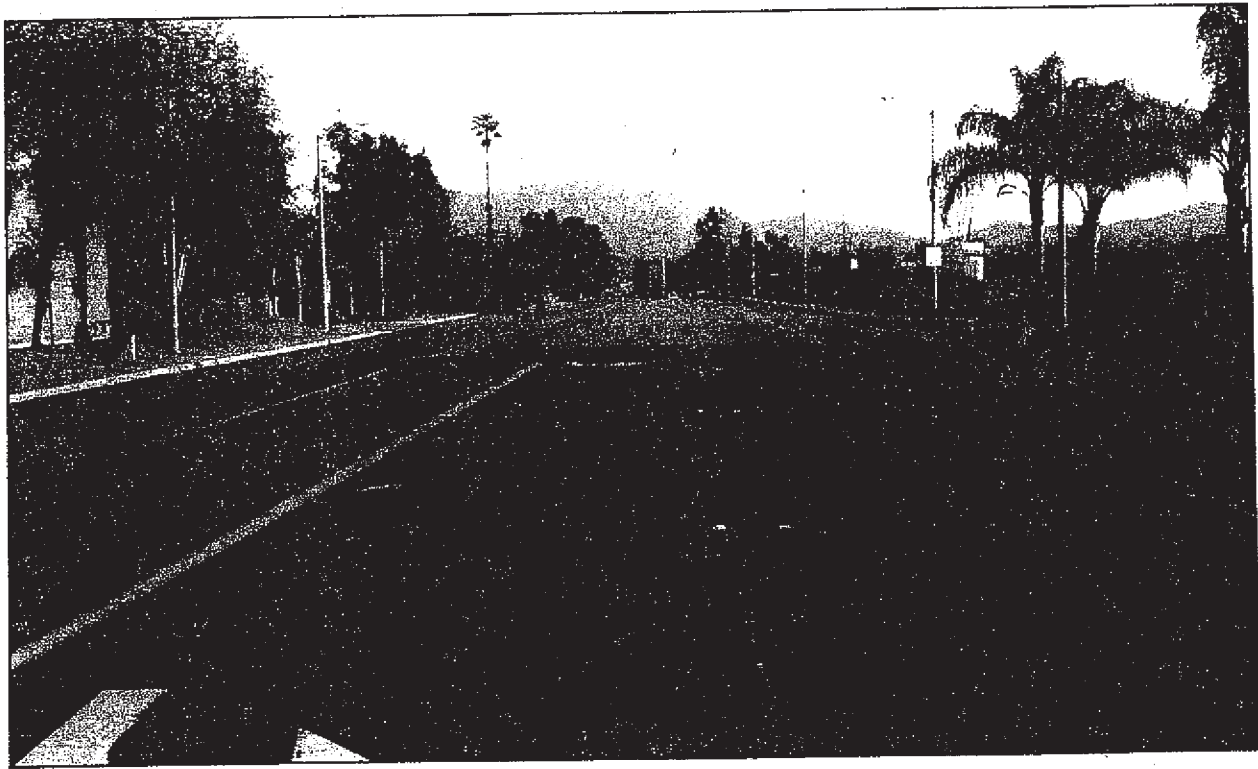


Figure 3. Overview of the current natural setting of the project area. (Photo taken on April 28, 2008; view to the north along Heacock Street from near the intersection of Hemlock Avenue)

CULTURAL SETTING

Prehistoric Context

It is widely acknowledged that human occupation in what is now the State of California began 8,000-12,000 years ago. In attempting to describe and understand the cultural processes that occurred in the ensuing years, archaeologists have developed a number of chronological frameworks that endeavor to correlate the technological and cultural changes that are observable in archaeological records to distinct time periods. Unfortunately, none of these chronological frameworks has been widely accepted, and none has been developed specifically for the so-called Inland Empire, the nearest ones being for the Colorado Desert and Peninsular Ranges area (Warren 1984) and for the Mojave Desert (Warren and Crabtree 1986).

The development of an overall chronological framework for the region is hindered by the lack of distinct stratigraphic layers of cultural sequences that could be dated by absolute dating methods to provide concrete dates. Since results from archaeological investigations in this region have yet to be synthesized into an overall chronological framework, most archaeologists tend to follow a chronology adapted from a scheme developed by William J. Wallace in 1955 and modified by others (Wallace 1955; 1978; Warren 1968; Chartkoff and Chartkoff 1984; Moratto 1984). Although the beginning and ending dates of the different horizons or periods may vary, the general framework of prehistory in this region under this chronology consists of the following four periods:

- Early Hunting Stage (ca. 10,000 BC-6,000 BC), which was characterized by human reliance on big game animals, as evidenced by large, archaic-style projectile points and the relative lack of plant-processing artifacts;
- Millingstone Horizon (ca. 6,000 BC-AD 1,000), when plant foods and small game animals came to the forefront of subsistence strategy, and from which a large number of millingstones, especially well-made, deep-basin metates, were left;
- Late Prehistoric Period (ca. AD 1,000-1,500), during which a more complex social organization, a more diversified subsistence base—as evidenced by smaller projectile points, expedient millingstones and, later, pottery—and regional cultures and tribal territories began to develop;
- Protohistoric Period (ca. AD 1,500-1,700s), which ushered in long-distance contact with Europeans, and thereby led to the Historic Period.

Ethnohistoric Context

The subject property of this study lies in an area where the traditional territories of three Native American groups overlap: the Serrano of the San Bernardino Mountains, the Luiseño of the Perris-Elsinore region, and the Gabrielino of the San Gabriel Valley. Kroeber (1925:Plate 57) suggests that the Native Americans of the Riverside area were probably Luiseño, Reid (1968:8-9) states that they were Serrano, and Strong (1929:7-9, 275) claims that they were Gabrielino. In any case, there also occurred a late influx of Cahuilla during the 19th century (Bean 1978).

Whatever the linguistic affiliation, Native Americans in the Moreno Valley area exhibited similar social organization and resource procurement strategies. Villages were based on

clan or lineage groups. Their home/base sites are marked by midden deposits, often with bedrock mortar/metate features. During their seasonal rounds to exploit natural resources, small groups often ranged some distances in search of specific plants and animals. Their gathering strategies often left behind signs of special use sites, such as boulder slicks, at the locations of the resources.

Historic Context

In comparison to other nearby communities such as Riverside and San Jacinto, the City of Moreno Valley is a "late-boomer" both in early development in the 19th century and in urban growth in the 20th. By the mid-19th century, the area that constitutes present-day Moreno Valley remained essentially uninhabited, despite its location on a grassy plain surrounded by several large Mexican land grants. In 1853-1855, when the U.S. government initiated the first official land survey in southern California, the only man-made features observed in the area were a few roads crisscrossing the desert floor, including a wagon road from San Bernardino to Temecula, a second one leading to San Jacinto, and several unidentified roads or trails.

The Moreno Valley area remained unclaimed public land until 1870, when a large tract of 13,471 acres was purchased from the U.S. government in one single transaction (BLM n.d.). It was on this vast acquisition that the 11,560-acre Alessandro Tract and the town of Alessandro, where the March Air Reserve Base lies today, were laid out and offered to settlers in 1887 (Gunther 1984:11), during a land boom that swept through southern California in the 1880s. After this initial development scheme failed, the developers of Redlands in San Bernardino County, fresh from their acclaimed success in creating the Bear Valley reservoir and the thriving Redlands colony, took over the Alessandro Tract with the intention of irrigating the land with an elaborate water system (*ibid.*).

Water from the Bear Valley reservoir reached the Moreno Valley area in 1891, ushering in a few years of prosperity in the early 1890s. Two more communities came into being in the vicinity during this brief boom: New Haven, soon to be renamed Moreno, and Midland, also known as Armada (Gunther 1984:323, 333). However, the boom soon turned to bust during the drought of the late 1890s, when Bear Valley water was no longer delivered to the Moreno Valley area. As a result, the budding towns in the area became largely abandoned, and many of the buildings were taken up and moved to Riverside (*ibid.*:13, 334).

During the early 20th century, the Moreno Valley area began to recover slowly. In 1912, a 1,100-acre portion of the original Alessandro Tract was re-subdivided as the Sunnymead Orchard Tract (County Surveyor 1912), thus bestowing on the community formerly known as Midland or Armada the new name of Sunnymead. A series of development projects began in 1923 to the west of Sunnymead, which ultimately resulted in the establishment of the community of Edgemont (Gunther 1984:171-172).

Despite these development efforts, Moreno Valley's economic prospect was severely hampered by the lack of reliable water supply until 1973, after the completion of the California Aqueduct and its southern terminus, Lake Perris (Gunther 1984:334). Since then, the promise of affordable housing brought an influx of commuters to the Moreno Valley area, setting off a period of rapid growth and urbanization. By 1984, when residents in the

communities of Moreno, Sunnymead, and Edgemont voted to incorporate as the City of Moreno Valley, the new city had already become the second most populous in Riverside County (*ibid.*), thanks mainly to its attraction as a "bedroom community."

RESEARCH METHODS

RECORDS SEARCH

On March 27, 2008, CRM TECH archaeologist Nina Gallardo (see App. 1 for qualifications) conducted the historical/archaeological resources records search at the Eastern Information Center (EIC), University of California, Riverside. The EIC is the State of California's official cultural resource records repository for the County of Riverside, and a part of the California Historical Resources Information System established and maintained under the auspices of the California Office of Historic Preservation.

During the records search, Gallardo examined maps and records on file at the EIC for previously identified cultural resources in or near the project area, and existing cultural resources reports pertaining to the vicinity. Previously identified cultural resources include properties designated as California Historical Landmarks, Points of Historical Interest, or Riverside County Landmarks, as well as those listed in the National Register of Historic Places, the California Register of Historical Resources, or the California Historical Resources Information System.

NATIVE AMERICAN PARTICIPATION

On March 27, 2008, CRM TECH submitted a written request to the State of California's Native American Heritage Commission for a records search in the commission's sacred lands file. Following the Native American Heritage Commission's recommendations, CRM TECH contacted a total of 14 Native American representatives in the region in writing on April 3 to solicit local Native American input regarding any potential cultural resources concerns over the proposed project. The correspondences between CRM TECH and the Native American representatives are attached to this report in Appendix 2.

HISTORICAL RESEARCH

Historical research for this study was carried out in two phases. The preliminary background research was conducted by CRM TECH historian Terri Jacquemain (see App. 1 for qualifications) on the basis of published history in local history and property information from the Riverside County Assessor's Office, available online. The property information was used to formulate a preliminary assessment of the age of the buildings that would be encountered during the field inspection.

After the identification of historic-period buildings in the project area, Jacquemain and historical archaeologist Josh Smallwood (see App. 1 for qualifications) pursued more focused and in-depth research on the history of the buildings and the parcels on which they are located. Sources consulted during this phase of the research included historic maps of the Moreno Valley area and the archival records of the U.S. Bureau of Land Management (BLM) and the County of Riverside, primarily real property tax assessment

and building safety records. Among maps consulted for this study were the U.S. General Land Office's (GLO) land survey plat map dated 1855-1883 and the U.S. Geological Survey's (USGS) topographic maps dated 1901, 1942-1943, and 1953. These maps are collected at the Science Library of the University of California, Riverside, and the California Desert District of the BLM, located in Moreno Valley.

FIELD SURVEY

On April 28, 2008, Josh Smallwood carried out the intensive-level field survey for this study, including an inspection of all existing buildings in the project area. Prior to the on-foot survey, Smallwood drove the streets immediately adjacent to the project area and in the surrounding neighborhood to examine the age, condition, and design of buildings in the immediate vicinity. During the on-foot survey, Smallwood walked along the west side of Heacock Street and made an assessment of the age of each building within the project area based on the overall appearance. Smallwood then compared the estimated construction date with the information gathered during the preliminary historical research, and completed field recording procedures on those buildings that appeared to be more than 45 years old.

In order to facilitate the proper recordation and evaluation of the buildings, Smallwood made detailed notations and preliminary photo-documentation of their structural and architectural characteristics and current conditions. Smallwood's observations and photo-recordation during the field inspection formed the basis of the building descriptions and historical integrity evaluation presented below.

RESULTS AND FINDINGS

PREVIOUS CULTURAL RESOURCES STUDIES

According to records on file at the Eastern Information Center, the project area had not been previously surveyed for cultural resources prior to this study and no historical/archaeological resources had been recorded within the project boundaries (Fig. 4). Outside the project boundaries but within a one-mile radius, EIC records show a total of six previous cultural resources studies covering various small tracts of land and linear features representing less than 10% of the land within the one-mile radius (Fig. 4).

None of these previous intensive-level surveys encountered any historical/archaeological sites, although six historical buildings were recorded during the 1980s as part of a countywide reconnaissance sponsored by the Riverside County Historical Commission (Table 1). These buildings were all vernacular wood-framed residences constructed during the early 20th century. None of these buildings was located within or adjacent to the project boundaries, and therefore none of them requires any further consideration during this study.

NATIVE AMERICAN INPUT

In response to CRM TECH's inquiry, the Native American Heritage Commission reports that the sacred lands record search identified no Native American cultural resources in the

Site No.	Recorded by/Date	Description
33-007284	Warner 1983	24638 Fir Avenue, vernacular wood-frame residence, ca. 1915
33-007285	Warner 1983	23741 Hemlock Avenue, vernacular wood-frame residence, ca. 1910
33-007286	Warner 1983	11808 Indian Street, vernacular wood-frame residence, ca. 1907
33-007287	Warner 1983	11811 Indian Street, vernacular wood-frame residence, ca. 1920
33-007288	Warner 1983	11919 Indian Street, vernacular wood-frame residence, ca. 1922
33-007289	Warner 1983	12680 Indian Street, vernacular wood-frame residence, ca. 1915

vicinity of the project area. However, noting that "the absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any 'area of potential effect,'" the commission recommends that local Native American representatives be consulted for additional information, and provided a list of potential contacts in the region (see App. 2).

Upon receiving the commission's response, CRM TECH initiated correspondence with all 10 individuals on the referral list and the organizations they represent. In addition, John Gomez, Jr., Cultural Resources Coordinator for the Ramona Band of Cahuilla Indians, Maurice Chacon, Cultural Resources Coordinator for the Cahuilla Band of Indians, Darren Hill, Cultural Resources Coordinator for the Soboba Band of Luiseño Indians, and Anna Hoover, Cultural Analyst for the Temecula (Pechanga) Band of Luiseño Indians, were also contacted. As of this date, written responses have been received from Mr. Hill and Ms. Hoover (see App. 2).

In letters dated April 14 and 22, 2008, respectively, Mr. Hill and Ms. Hoover both identify the project area as a part of their tribes' ancestral lands. Both, therefore, request copies of archaeological documentations pertaining to the project and further consultation with the project proponents and the Lead Agency (see App. 2).

HISTORICAL OVERVIEW

Based on historic sources consulted for this study, the project area evidently was undeveloped throughout the 19th century but experienced some settlement during the early 20th century, followed by new waves of development activities in the mid- and late-20th century (Figs. 5-8). During the 1850s-1880s, the only man-made feature observed in the vicinity was a segment of a wagon road traversing across the barren landscape (GLO 1855). The project area itself apparently remained unsettled at that time (Fig. 5). According to BLM records, the project area was included in a nearly 2,000-acre cash-sale by the U.S. government to Ira S. Waring in May of 1870 (BLM n.d.).

By the late 1890s, the forerunner of Heacock Street had been constructed along its present course, but no buildings or other signs of settlement were found within the project boundaries at that time (Fig. 6). A few scattered farmhouses were evident in the vicinity, and a grid of streets had formed around the community of Armada, nearly two miles to the southeast of the project location (Fig. 6). By the 1930s, numerous buildings existed along the west side of Heacock Street in the town of Sunnymead, including several within the project area (Fig. 7). Heacock Street had become the main intersection along U.S. Highway 60 (USGS 1943), signed in 1931, and known today as Sunnymead Boulevard (California Highways n.d.).

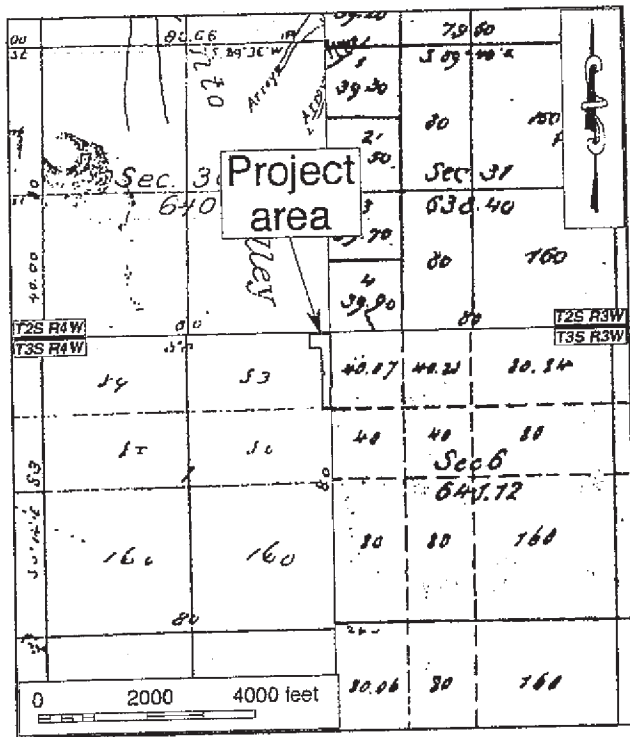


Figure 5. The project area and vicinity in 1853-1882.
(Source: GLO 1855; 1876; 1877; 1883)

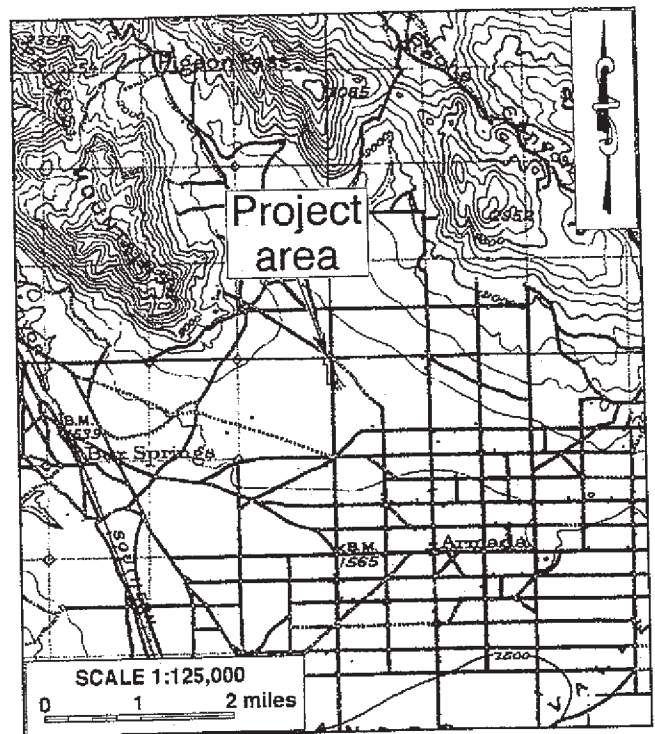


Figure 6. The project area and vicinity in 1897-1898.
(Source: USGS 1901)

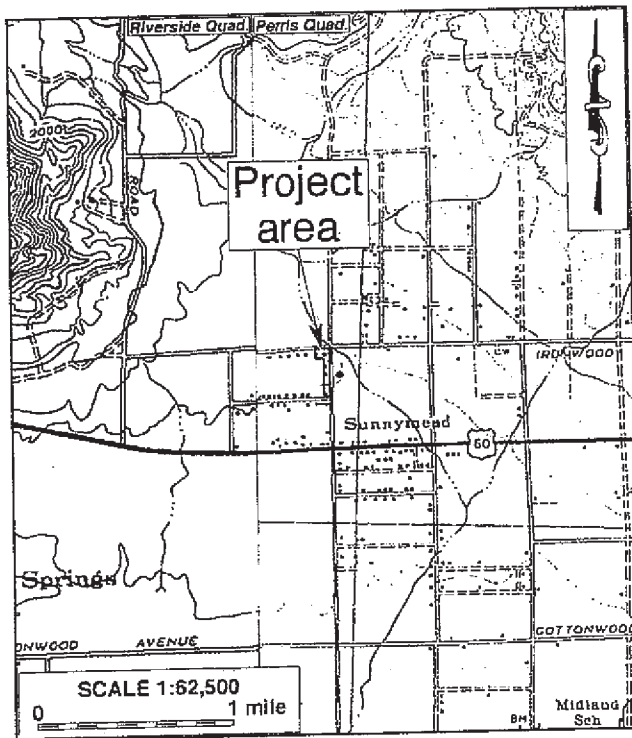


Figure 7. The project area and vicinity in 1939.
(Source: USGS 1942; 1943)

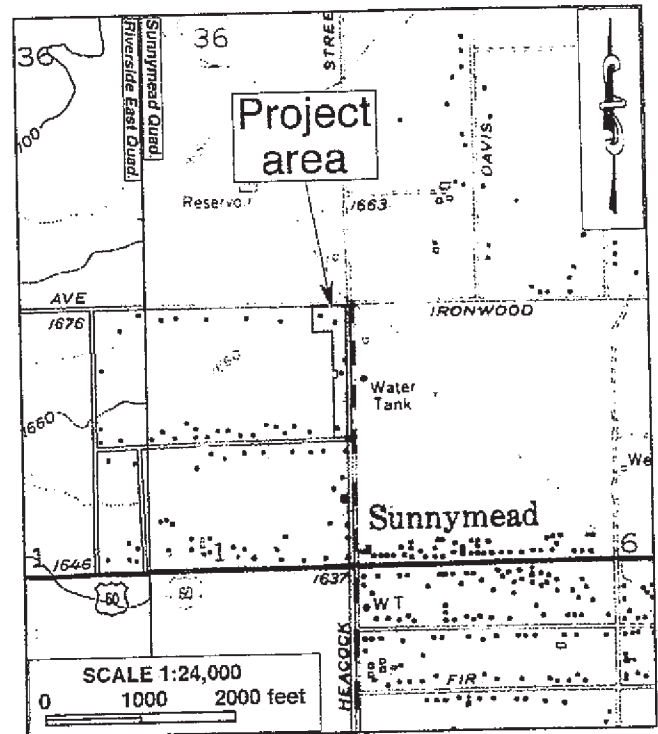


Figure 8. The project area and vicinity in 1951-1953.
(Source: USGS 1953a; 1953b)

These buildings evidently remained at their locations within the project area through at least the early 1950s, with no additional development noted (Fig. 8). The surrounding area, meanwhile, experienced significant growth during the post-WWII era, especially along Sunnymeade Boulevard closer to the town center. Field observations and archival records suggest that a new wave of development occurred within the project boundaries by the late 1950s-1960s, and again in later years, as discussed below.

POTENTIAL HISTORICAL RESOURCES IN THE PROJECT AREA

During the intensive-level field survey, no evidence of any prehistoric—i.e., Native American—cultural resources was found within the project area. However, as mentioned above, a number of buildings are present within the project area on various parcels along the west side of Heacock Street. Two of these buildings, single-family residences at 12151 and 12183 Heacock Street, are evidently more than 45 years of age, dating to the late 1950s (see App. 3 for DPR forms). Building permits reveal that the residences at 12095-120097 and 12107-12109 Heacock Street were constructed in 1964-1965, barely missing the 45-year age threshold for consideration as a potential historical resource during this study. The other buildings in the project area are all modern residential and commercial properties that sprung up over the past three decades (Table 2).

Address	Assessor's Parcel No.	Construction date
12183 Heacock Street	292-182-014	1959
12151 Heacock Street	292-182-015	1956
12199 Heacock Street	292-182-016; 292-182-017; 292-182-018	Post-1980 (estimated)
12235 Heacock Street	292-182-019	Post-1980 (estimated)
12123 Heacock Street	292-193-024	1980
12107-12109 Heacock Street	292-193-025	1964-1965
12095-12097 Heacock Street	292-193-026	1965
12085 Heacock Street	292-193-027	1977
12075 Heacock Street	292-193-028	1977
12065 Heacock Street	292-193-029	1978
23975 Ironwood Avenue	292-193-034	Post-1980 (estimated)

12151 Heacock Street

This one-story wood-frame residence of vernacular design, square in plan, rests on a concrete foundation and is painted tan with off-white trim (Fig. 9). Its medium-pitched hip roof is sheathed with brown composition shingles and features wide, open eaves with exposed rafters. The primary façade, facing east, features a glazed wood door flanked by sidelights, and two aluminum-framed sliding windows. Among the front windows and door are three rectangular stucco patches of various sizes, presumably where other windows were once located.

The south side of the house has a patio sheltered beneath a shed roof supported by decorative metal posts. The north side of the house, facing the driveway, features a side entrance with a short concrete stoop and hand-rails, sheltered beneath an eave extension



Figure 9. Historic-period buildings in the project area. *Left:* residence at 12151 Heacock Street; *right:* residence at 12183 Heacock Street. (Photos taken on April 28, 2008)

supported by wood posts. Fenestration on this side also consists of aluminum-framed sliding windows. To the north of the residence is a detached two-car garage covered by a hip roof clad with composition shingles. The exterior walls on both the house and the garage are coated with stucco. The front yard is enclosed by a tall wood fence and a wrought-iron gate with concrete block abutments.

Archival property records indicate that George and Elsie Soper became property owners of the northern 270 feet of Lot 38, which included this parcel, in 1952, and built this home about four years later (County of Riverside 1949-1953; 1954-1957). They added a pool and a patio cover to the house in 1975 (County of Riverside 1975).

12183 Heacock Street

This one-story, Ranch-style wood-frame residence, irregular in plan, rests on a concrete foundation and is painted white with green trim (Fig. 9). Its medium-pitched cross-gabled roof is sheathed with gray composition shingles and features wide, open eaves with exposed rafters. The asymmetrical primary façade, facing east, features a corner entryway sheltered beneath a wide roof overhang supported by square wood posts with corner braces. Next to the door is a large wood-framed picture window with diamond lattice grilles and faux shutters. Windows on the rest of the building are wood-framed double-hungs. The exterior walls are clad with a variety of materials, including brick veneer, vertical boards, and stucco. The front yard is enclosed by a tall chain-link fence with a gate. A paved driveway leads to the rear of the building where a detached garage of similar construction is located.

According to archival records, George and Elsie Soper deeded this parcel, the southern quarter-acre of their one-acre property, to Anton A. and Madelyn G. Juarez around 1959, the same year records indicate this house was constructed (County of Riverside 1959-1963; n.d.). By 1966, W. and Connie Boyden had acquired the property, and in that year securing a permit for a metal patio cover (County of Riverside 1966). They installed a pool two years later (County of Riverside 1968).

DISCUSSION

Based on the research results discussed above, the following sections present CRM TECH's conclusion on whether the historic-period buildings at 12151 and 12183 Heacock Street meet the official definition of "historical resources," as provided in the California Public Resources Code, in particular CEQA.

DEFINITION

According to PRC §5020.1(j), "'historical resource' includes, but is not limited to, any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California." More specifically, CEQA guidelines state that the term "historical resources" applies to any such resources listed in or determined to be eligible for listing in the California Register of Historical Resources, included in a local register of historical resources, or determined to be historically significant by the Lead Agency (Title 14 CCR §15064.5(a)(1)-(3)).

Regarding the proper criteria of historical significance, CEQA guidelines mandate that "a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" (Title 14 CCR §15064.5(a)(3)). A resource may be listed in the California Register if it meets any of the following criteria:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1(c))

A local register of historical resources, as defined by PRC §5020.1(k), "means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." For properties within the City of Moreno Valley, the City's Cultural Preservation Ordinance provides two types of historical significance designation for individual buildings: landmark and structure of merit, as detailed in Title 7 of the Moreno Valley Municipal Code (§7.05.010; §7.05.130).

EVALUATION

The residences located at 12151 and 12183 Heacock Street were evidently constructed in the late 1950s, during the post-WWII development boom that swept across the nation. Throughout the course of the present study, no persons or events of recognized significance in national, state, or local history were identified in association with either of these buildings, nor is there any evidence that either of them represents the work of a prominent architect, designer, or builder. Neither of them qualify as an "important example" of its type, period, region, or method of construction, or expresses any ideals or

design concepts more fully than the many other surviving buildings of similar nature and vintage in the Moreno Valley area.

Based on these considerations, the present study concludes that the two historic-period buildings recorded in the project area at 12151 and 12183 Heacock Street do not appear eligible for listing in the California Register of Historical Resources. Since these two buildings are not currently included in the City of Moreno Valley's local register of historical resources (Diaz 2008), they do not meet CEQA's definition of "historical resources," as outlined above.

CONCLUSION AND RECOMMENDATIONS

CEQA establishes that "a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment" (PRC §21084.1). "Substantial adverse change," according to PRC §5020.1(q), "means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired."

As stated above, two post-WWII-era single-family residences were recorded within the project area as a result of this study, but neither of them qualifies as a "historical resource," as defined by CEQA. No other potential "historical resources" were identified during the course of this study. Based on the results of the present study, CRM TECH presents the following recommendations to the City of Moreno Valley Public Works Department regarding the proposed project:

- No historical resources exist within or adjacent to the project area, and thus the project as currently proposed will not cause a substantial adverse change to any known historical resources.
- No further cultural resources investigation is necessary for the proposed project unless construction plans undergo such changes as to include areas not covered by the present study.
- If buried cultural materials are discovered during any earth-moving operations associated with the project, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.

REFERENCES

- Bean, Lowell John
1978 Cahuilla. In *Handbook of North American Indians*, Vol. 8: California, edited by Robert F. Heizer; pp. 575-587. Smithsonian Institution, Washington, D.C.
- BLM (Bureau of Land Management, U.S. Department of the Interior)
n.d. Online database of U.S. land patents. [Http://www.glorerecords.blm.gov](http://www.glorerecords.blm.gov).
- California Highways
n.d. California Highways Routes 57 through 64. [Http://www.cahighways.org](http://www.cahighways.org).
- Chartkoff, Joseph L., and Kerry Kona Chartkoff
1984 *The Archaeology of California*. Stanford University Press, Stanford, California.
- County of Riverside
1946-1963 Real property tax assessment records, Book 11, Map 19. Microfiches on file, Riverside County Assessor's Office, Riverside.
1963-1975 Building permit records, 12107-12183 Heacock Street. On file, Riverside County Building and Safety Department, Riverside.
n.d. Property information database tax. [Http://pic.asrclkrec.com/](http://pic.asrclkrec.com/).
- County Surveyor, Riverside
1912 Plat map of the Sunnymead Orchard Tract; Map Book 9, Page 17. Microfiche on file, Riverside County Surveyor's Office, Riverside.
- Diaz, Gabriel (Associate Planner, City of Moreno Valley)
2008 Personal communication via telephone on June 2.
- GLO (General Land Office, U.S. Department of the Interior)
1855 Plat Map: Township No. III South Range No. IV West, San Bernardino Meridian; surveyed in 1853-1855.
1876 Plat Map: Township No. 2 South Range No. 3 West, San Bernardino Meridian; surveyed in 1853-1876.
1877 Plat Map: Township No. 2 South Range No. 4 West, San Bernardino Meridian; surveyed in 1853-1877.
1883 Plat Map: Township No. III South Range No. III West, San Bernardino Meridian; surveyed in 1855-1882.
- Gunther, Jane Davies
1984 *Riverside County, California, Place Names: Their Origins and Their Stories*. J. D. Gunther, Riverside.
- Kroeber, Alfred L.
1925 *Handbook of the Indians of California*. Bureau of American Ethnology Bulletin 78. Government Printing Office, Washington, D.C.
- Moratto, Michael J. (ed.)
1984 *California Archaeology*. Academic Press, Orlando, Florida.

Reid, Hugo

- 1968 The Indians of Los Angeles County: Hugo Reid's Letters of 1852; edited by Robert F. Heizer. Southwest Museum Papers 21.

Strong, William Duncan

- 1929 *Aboriginal Society in Southern California*. University of California Publications in American Archaeology and Ethnology 26. Reprinted by Malki Museum Press, Banning, California, 1972.

USGS (United States Geological Survey, U.S. Department of the Interior)

- 1901 Map: Elsinore, Calif. (30', 1:125,000); surveyed in 1897-1898.
1942 Map: Riverside, Calif. (15', 1:62,500); aerial photographs taken in 1939.
1943 Map: Perris, Calif. (15', 1:62,500); aerial photographs taken in 1939.
1953a Map: Riverside East, Calif. (7.5', 1:24,000); aerial photographs taken 1951, field-checked in 1953.
1953b Map: Sunnymead, Calif. (7.5', 1:24,000); aerial photographs taken in 1951, field-checked in 1953.
1969 Map: San Bernardino, Calif. (1:250,000); 1958 edition revised.
1979 Map: Santa Ana, Calif. (1:250,000); 1959 edition revised.
1980a Map: Riverside East, Calif. (7.5', 1:24,000); 1967 edition photorevised in 1978.
1980b Map: Sunnymead, Calif. (7.5', 1:24,000); 1967 edition photoinspected in 1973; photorevised in 1980

Wallace, William J.

- 1955 A Suggested Chronology for Southern California Coastal Archaeology. *Southwestern Journal of Archaeology* 11(3):214-230.
1978 Post-Pleistocene Archeology, 9,000 to 2,000 BC. In *Handbook of North American Indians*; Vol. 8, *California*, edited by Robert F. Heizer; pp. 25-36. Smithsonian Institution, Washington, D.C.

Warren, Claude N.

- 1968 Cultural Traditions and Ecological Adaptations on the Southern California Coast. In *Archaic Prehistory in Western United States*, edited by Cynthia Irwin-Williams; pp. 1-14. Eastern New Mexico University Contributions in Anthropology 1(3). Portales, New Mexico.
1984 The Desert Region. In *California Archaeology*, edited by Michael J. Moratto; pp. 339-430. Academic Press, Orlando, Florida.

Warren, Claude N., and Robert H. Crabtree

- 1986 Prehistory of the Southwestern Area. In *Handbook of North American Indians*, Vol. 11: *Great Basin*, edited by Warren L. D'Azevedo; pp. 183-193. Smithsonian Institution, Washington, D.C.

**APPENDIX 1:
PERSONNEL QUALIFICATIONS**

**PRINCIPAL INVESTIGATOR/HISTORIAN/ARCHITECTURAL HISTORIAN
Bai "Tom" Tang, M.A.**

Education

- 1988-1993 Graduate Program in Public History / Historic Preservation, UC Riverside.
1987 M.A., American History, Yale University, New Haven, Connecticut.
1982 B.A., History, Northwestern University, Xi'an, China.
- 2000 "Introduction to Section 106 Review," presented by the Advisory Council on
Historic Preservation and the University of Nevada, Reno.
- 1994 "Assessing the Significance of Historic Archaeological Sites," presented by the
Historic Preservation Program, University of Nevada, Reno.

Professional Experience

- 2002- Principal Investigator, CRM TECH, Riverside/Colton, California.
1993-2002 Project Historian / Architectural Historian, CRM TECH, Riverside, California.
1993-1997 Project Historian, Greenwood and Associates, Pacific Palisades, California.
1991-1993 Project Historian, Archaeological Research Unit, UC Riverside.
1990 Intern Researcher, California State Office of Historic Preservation,
Sacramento.
- 1990-1992 Teaching Assistant, History of Modern World, UC Riverside.
1988-1993 Research Assistant, American Social History, UC Riverside.
1985-1988 Research Assistant, Modern Chinese History, Yale University.
1985-1986 Teaching Assistant, Modern Chinese History, Yale University.
1982-1985 Lecturer, History, Xi'an Foreign Languages Institute, Xi'an, China.

Honors and Awards

- 1988-1990 University of California Graduate Fellowship, UC Riverside.
1985-1987 Yale University Fellowship, Yale University Graduate School.
1980, 1981 President's Honor List, Northwestern University, Xi'an, China.

Cultural Resources Management Reports

Preliminary Analyses and Recommendations Regarding California's Cultural Resources Inventory System (With Special Reference to Condition 14 of NPS 1990 Program Review Report). California State Office of Historic Preservation working paper, Sacramento, September 1990.

Numerous cultural resources management reports with the Archaeological Research Unit, Greenwood and Associates, and CRM TECH, since October 1991.

Membership

California Preservation Foundation.

PRINCIPAL INVESTIGATOR/ARCHAEOLOGIST
Michael Hogan, Ph.D., RPA*

Education

- 1991 Ph.D., Anthropology, University of California, Riverside.
1981 B.S., Anthropology, University of California, Riverside; with honors.
1980-1981 Education Abroad Program, Lima, Peru.
- 2002 Section 106—National Historic Preservation Act: Federal Law at the Local Level. UCLA Extension Course #888.
2002 "Recognizing Historic Artifacts," workshop presented by Richard Norwood, Historical Archaeologist.
2002 "Wending Your Way through the Regulatory Maze," symposium presented by the Association of Environmental Professionals.
1992 "Southern California Ceramics Workshop," presented by Jerry Schaefer.
1992 "Historic Artifact Workshop," presented by Anne Duffield-Stoll.

Professional Experience

- 2002- Principal Investigator, CRM TECH, Riverside/Colton, California.
1999-2002 Project Archaeologist/Field Director, CRM TECH, Riverside.
1996-1998 Project Director and Ethnographer, Statistical Research, Inc., Redlands.
1992-1998 Assistant Research Anthropologist, University of California, Riverside
1992-1995 Project Director, Archaeological Research Unit, U. C. Riverside.
1993-1994 Adjunct Professor, Riverside Community College, Mt. San Jacinto College, U.C. Riverside, Chapman University, and San Bernardino Valley College.
1991-1992 Crew Chief, Archaeological Research Unit, U. C. Riverside.
1984-1998 Archaeological Technician, Field Director, and Project Director for various southern California cultural resources management firms.

Research Interests

Cultural Resource Management, Southern Californian Archaeology, Settlement and Exchange Patterns, Specialization and Stratification, Culture Change, Native American Culture, Cultural Diversity.

Cultural Resources Management Reports

Author and co-author of, contributor to, and principal investigator for numerous cultural resources management study reports since 1986.

Memberships

- * Register of Professional Archaeologists.
- Society for American Archaeology.
- Society for California Archaeology.
- Pacific Coast Archaeological Society.
- Coachella Valley Archaeological Society.

HISTORICAL ARCHAEOLOGIST/REPORT WRITER
Josh Smallwood, B.A.

Education

- 2007 Graduate Program in Historic Preservation, Savannah College of Art and Design, Savannah, Georgia (M.A. expected in Summer, 2008).
- 1998 B.A., Anthropology, Humboldt State University, Arcata, California.
- 1997 Archaeological Field School, Fort Ross State Historic Park, Fort Ross, California.
Archaeological Field School, Coastal Test and Mitigation Projects, Arcata, California.
- 1996 Archaeological Field School, Mad River Watershed Surveys, Blue Lake, California.
- 1994 A.A., Anthropology, Palomar College, San Marcos, California.
- 1993 Archaeological Field School, San Pasqual Battlefield, San Pasqual, California.
- 1992 Archaeological Field School, Las Flores Asistència, Camp Pendleton, CA.
Archaeological Field School, Palomar College Campus Late Prehistoric Sites, San Marcos, California.
- 2002 "Historical Archaeology Workshop," presented by Richard Norwood, Base Archaeologist, Edwards Air Force Base.
- 2001 "OSHA Safety Training for Construction Monitors," presented by OSHA and City of San Diego.
- 2000 "HABS/HAER Recording Methods for Historic Structures," presented by Robert Case, Historic Archaeologist, Mooney & Associates, San Diego.
- 1998 "Unexploded Ordinance Training," presented by EOD officers, Fort Irwin National Training Center, Barstow.
- 1997 "Obsidian Sourcing through Characterization," presented by Thomas Origer, Sonoma State University.
- 1994- Extensive study of lithic resource procurement strategies, reduction technology, tool manufacture, and reproduction.

Professional Experience

- 2002- Project Archaeologist/Report Writer, CRM TECH, Riverside/Colton, California.
- Writer/co-author of cultural resource reports for Section 106 and CEQA compliance.
 - Field director in archaeological fieldwork, historic-period building surveys and recordation, historic-period artifact and lithic analysis.
 - Historical research using published literature, historic maps, oral interviews, archival records of public agencies, internet sources, and consultation with local historical societies.
- 1997-2002 Archaeologist for several cultural resource management/environmental consultants, Department of Defense subcontractors, and Humboldt State University.

Cultural Resources Management Reports

Co-author of and contributor to numerous cultural resources studies since 1997.

PROJECT HISTORIAN
Terri Jacquemain, M.A.

Education

- 2004 M.A., Public History and Historic Resource Management, University of California, Riverside.
2002 B.S., Anthropology, University of California, Riverside.

Professional Experience

- 2003- Historian/Report Writer, CRM TECH, Riverside/Colton, California.
• Writer/co-author of cultural resources reports for CEQA and NHPA Section 106 compliance;
• Historic context development, historical/archival research, oral historical interviews, consultation with local historical societies;
• Historic building surveys and recordation, research in architectural history.
- 2002-2003 Teaching Assistant, Religious Studies Department, University of California, Riverside.
- 1997-1999 Reporter, *Inland Valley Daily Bulletin*, Ontario, California.
- 1991-1997 Reporter, *The Press-Enterprise*, Riverside, California.

Memberships

- California Council for the Promotion of History.
Friends of Public History, University of California, Riverside.

PROJECT ARCHAEOLOGIST/NATIVE AMERICAN LIAISON
Laura Hensley Shaker, B.S.

Education

- 1998 B.S., Anthropology (with emphasis in Archaeology), University of California, Riverside.
- 1997 Archaeological Field School, University of California, Riverside.
- 2002 "Historic Archaeology Workshop," presented by Richard Norwood, Base Archaeologist, Edwards Air Force Base; presented at CRM TECH, Riverside, California.
- 1999 "Unexploded Ordinance Training," presented by EOD officers; Fort Irwin Army Training Facility, Barstow, California.

Professional Experience

- 1999- Project Archaeologist, Native American Liaison, CRM TECH, Riverside/Colton, California.
- 1999 Archaeological survey and excavation at Vandenburg Airforce Base; Applied Earthworks, Lompoc, California.
- 1999 Archaeological survey at Fort Irwin Army Training Facility, Barstow; A.S.M. Affiliates, Encinitas, California.
- 1998-1999 Paleontological fieldwork and laboratory procedures, Eastside Reservoir Project; San Bernardino County Museum, Redlands, California.
- 1998 Archaeological survey at the Anza-Borrego State Park; Archaeological Research Unit, University of California, Riverside.
- 1997-1998 Archaeological survey and excavation at the Twentynine Palms Marine Corps Air and Ground Combat Center; Archaeological Research Unit, University of California, Riverside.

PROJECT ARCHAEOLOGIST
Nina Gallardo, B.A.

Education

- 2004 B.A., Anthropology/Law and Society, University of California, Riverside.

Professional Experience

- 2004- Project Archaeologist, CRM TECH, Riverside/Colton, California.
• Surveys, excavations, mapping, and records searches.

Honors and Awards

- 2000-2002 Dean's Honors List, University of California, Riverside.

APPENDIX 2

CORRESPONDENCE WITH
NATIVE AMERICAN REPRESENTATIVES*

* A total of 14 local Native American representatives were contacted. A sample letter is included in this report.



CRM TECH
FAX COVER
SHEET

1016 E. Cooley Drive
 Suite B
 Colton, CA 92324
 909-824-6400 · Tel
 909-824-6405 · Fax

To: Native American
Heritage Commission

Fax: (916) 657-5390

From: Nina Gallardo

Date: March 27, 2008

Number of pages (including this cover sheet):
2

HARDCOPY:

will follow by mail
 will not follow unless requested

RE: Sacred Land records search

This is to request a Sacred Lands records search

Name of project:
 Heacock Street Widening from Ironwood to Hemlock
 CRM TECH #2228

Project size:
 .25 mile linear + several buildings

Location:
 In the City of Moreno Valley
 Riverside County

USGS 7.5' quad sheet data:
 Riverside East & Sunnymead, Calif.
 Sections: 1 & 6, T3S R3W/4W, SBBM

Please call if you need more information or have any questions. Results may be faxed to the number above. I appreciate your assistance in this matter.

Map included

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: da_nahc@pscbell.net



April 2, 2008

Nina Gallardo
CRM TECH
1016 E. Cooley Drive, Suite B
Colton, CA 92324

Fax #: 909-824-6405
Number of Pages: 3

Re: Proposed Heacock Street Widening Project, Riverside County.

Dear Ms. Gallardo:

The Native American Heritage Commission was able to perform a record search of its Sacred Lands File (SLF) for the affected project area. The SLF failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any 'area of potential effect (APE).'

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the nearest tribes that may have knowledge of cultural resources in the project area. A List of Native American contacts are attached to assist you. The Commission makes no recommendation of a single individual or group over another. It is advisable to contact the person listed; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area (APE).

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

A handwritten signature in black ink that reads "Dave Singleton".

Dave Singleton
Program Analyst

Attachment: Native American Contact List

**Native American Contacts
Riverside County
March 28, 2008**

Cahuilla Band of Indians
Anthony Madrigal, Jr., Chairperson
P.O. Box 391760 Cahuilla
Anza , CA 92539
tribalcouncil@cahuilla.net
(951) 763-2631

(951) 763-2632 Fax

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resource Center
P.O. Box 1477 Luiseno
Temecula , CA 92593
(951) 308-9295 Ext 8106
(951) 676-2768
(951) 506-9491 Fax

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, vice chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

San Manuel Band of Mission Indians
James Ramos, Chairperson
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Alvino Siva
2034 W. Westward Cahuilla
Banning , CA 92220
(951) 849-3450

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 609 Cahuilla
Hemet , CA 92546
srtribaloffice@aol.com
(951) 658-5311
(951) 658-6733 Fax

Morongo Band of Mission Indians
Michael Contreras, Cultural Resources-Project
49750 Seminole Drive Cahuilla
Cabazon , CA 92230 Serrano
(951) 755-5206
(951) 922-8146 Fax

San Manuel Band of Mission Indians
Ann Brierty, Environmental Department
101 Pure Water Lane Serrano
Highland , CA 92346
abrierty@sanmanuel-nsn.gov
(909) 863-5899 EXT-4321
(909) 862-5152 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed, Heacock Street Widening Project; located in the City of Moreno Valley; Riverside County, California for which a Sacred Lands File search and Native American Contacts list were requested.

**Native American Contacts
Riverside County
March 28, 2008**

Serrano Nation of Indians

Goldie Walker

6588 Valaria Drive

Highland, CA 92346

(909) 862-9883

Serrano

Soboba Band of Luiseno Indians

Harold Arres, Cultural Resources Manager

P.O. Box 487

San Jacinto, CA 92581

harres@soboba-nsn.gov

(951) 654-2765

FAX: (951) 654-4198

Luiseno

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed, Heacock Street Widening Project; located in the City of Moreno Valley; Riverside County, California for which a Sacred Lands File search and Native American Contacts list were requested.

April 3, 2008

Darren Hill, Cultural Resources Manager
Soboba Band of Luiseño Indians
P. O. Box 487
San Jacinto, CA 92381

RE: Heacock Street Widening from Ironwood to Hemlock
Assessor's Parcel Nos. 292-182-014 to 292-182-019, 292-193-024 to 292-193-029, and 292-193-034, in the City of Moreno Valley, Riverside County
CRM TECH Contract #2228

Dear Mr. Hill:

As part of a cultural resources study for the project referenced above, I am writing to request your input on potential Native American cultural resources in or near the project area. Please respond at your earliest convenience if you have any specific knowledge of sacred/religious sites or other sites of Native American traditional cultural value within or near the project area. The lead agency for this project is the City of Moreno Valley for CEQA-compliance purposes.

The proposed project involves road widening along the west side of Heacock Street from Ironwood Avenue to Hemlock Avenue, in the City of Moreno Valley, Riverside County. The accompanying map, based on the USGS Sunnymead, Calif., 7.5' quadrangle, depicts the location of the project area in the northeast quarter of Section 1, T3S R4W, SBBM.

Any information, concerns or recommendations regarding cultural resources in the vicinity of the project area may be forwarded to CRM TECH by telephone, e-mail, facsimile or standard mail. Thank you for the time and effort in addressing this important matter.

Respectfully,

Laura Hensley Shaker
CRM TECH

Encl.: Project location map



Mission:

Educate and communicate the rich heritage of Soboba peoples; Lead and assist individuals, organizations and communities in understanding the needs and concerns of Native American monitoring of traditional sites; Advocate Native American participation in state agencies and boards; Advocate legislation and enforcement of laws affecting Native American peoples and protecting historical and archaeological resources.

April 14, 2008

Attn: Laura Hensley Shaker
CRM TECH
1016 E. Cooley Dr., Suite A/B
Colton, Ca 92324

Re: Contract # 2228

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that the project area falls within the bounds of our Tribal Traditional Use Area.


Soboba Band of Luiseño Indians is requesting the following:

1. Further consultation with Native American Tribes.
2. Copies of archeological and/or cultural resource documentation.

If you have any questions or concerns please do not hesitate to contact me at the following number 951-487-8268.

[SPECIAL NOTE (for projects other than cell towers): If this project is associated with a city or county specific plan or general plan action it is subject to the provisions of SB18-Traditional Tribal Cultural Places (law became effective January 1, 2005) and will require the city or county to participate in formal, government-to-government consultation with the Tribe. If the city or county are your client, you may wish to make them aware of this requirement. By law, they are required to contact the Tribe.]

Sincerely,


Darren Hill
Soboba Cultural Resource Department
Phone 951-487-8268
Cell 951-663-5279
dhill@soboba-nsn.gov

RECEIVED APR 22 2008



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

Chairperson:
Germaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Evie Gerber
Darlene Miranda
Bridgett Barcello Maxwell

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

Monitor Supervisor:
Aurelia Marruffo

April 22, 2008

VIA E-Mail and USPS

RE: Request for Information for the Heacock Street Widening Project, City of Moreno Valley CRM Tech #2228(CRM Tech)

Dear Ms. Shaker;

The Tribe appreciates your request for information regarding the above referenced project. After reviewing the provided maps and internal documents, we have determined that the project area is not within reservation lands although it is within our ancestral territory. At this time, we are not interested in commenting on this project.

However, the Tribe requests the following:

- 1) Copies of all applicable archaeological reports and site records; and
- 2) In the event that subsurface cultural resources are identified, the Tribe requests consultation with the project proponent and Lead Agency regarding the treatment and disposition of all artifacts.

As a sovereign governmental entity, the Tribe is entitled to appropriate and adequate government-to-government consultation regarding the proposed project. We would like you and your client to know that the Tribe does not consider initial inquiry letters from project consultants to constitute appropriate government-to-government consultation, but rather tools to obtain further information about the project area. Therefore, the Tribe reserves its rights to participate in the formal environmental review process, including government-to-government consultation with the Lead Agency, and requests to be included in all correspondence regarding this project.

Please note that we are interested in participating in surveys within Luiseño ancestral territory. Prior to conducting any surveys, please contact the Cultural Department to schedule specifics. If you have any additional questions or comments, please contact me at ahoover@pechanga-nasn.gov or 951-308-9295.

Sincerely,

Anna M. Hoover
Cultural Analyst

Sacra Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

RECEIVED MAY 13 2008

APPENDIX 3

**CALIFORNIA HISTORICAL RESOURCES
INFORMATION SYSTEM RECORD FORMS**

PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code 6Z
Other Listings _____

Review Code _____ Reviewer _____ Date _____
*Resource Name or # (Assigned by recorder) CRM TECH 2228-1

P1. Other Identifier: 12151 Heacock Street
*P2. Location: Not for Publication Unrestricted a. County Riverside

and (P2b and P2c or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad Sunnymead, Calif. Date 1967, photorevised 1980

T3S; R4W; NE 1/4 of NE 1/4 of Sec 1 ; S.B.B.M.
Elevation: Approximately 1,650 feet above mean sea level

c. Address 12151 Heacock Street City Moreno Valley Zip 92557

d. UTM: (Give more than one for large and/or linear resources) Zone 11; 477,530 mE/ 3,755,820 mN
UTM Derivation: USGS Quad _____ GPS _____

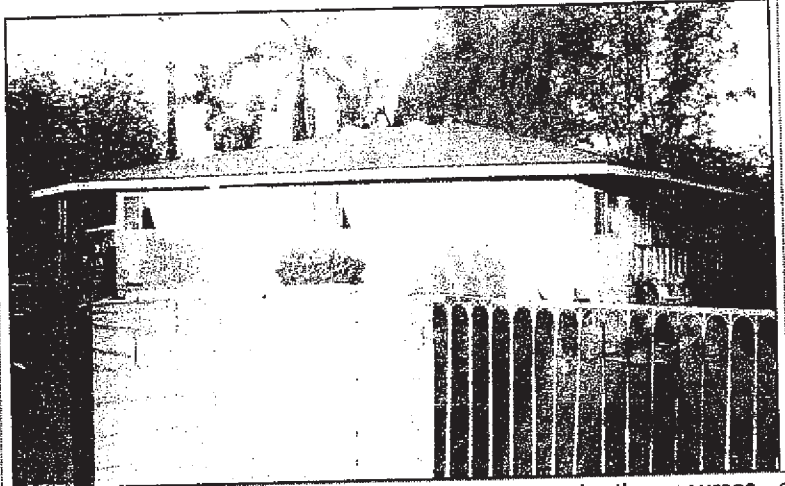
e. Other Locational Data: (e.g., parcel #, directions to resource, etc., as appropriate) The building is located within Assessor's Parcel No. 292-182-015, near the northwest corner of Hemlock Avenue and Heacock Street.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries) This one-story wood-frame residence of vernacular design, square in plan, rests on a concrete foundation and is painted tan with off-white trim. Its medium-pitched hip roof is sheathed with brown composition shingles and features wide, open eaves with exposed rafters. The primary
(Continued on page 3)

*P3b. Resource Attributes: (List attributes and codes) HP2—single family property

*P4. Resources Present: Building _____ Structure _____ Object _____ Site _____ District _____ Element of District _____
Other (isolates, etc.) _____

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



P5b. Description of Photo: (view, date, accession #) Photo taken on April 28, 2008; view to the southwest

*P6. Date Constructed/Age of Sources:
 Historic _____ Prehistoric _____ Both _____
Ca. 1956 (see Items B6 and B12 for details)

*P7. Owner and Address:
Unknown

*P8. Recorded by: (Name, affiliation, and address)
Josh Smallwood
CRM TECH
1016 E. Cooley Drive, Suite A/B
Colton, CA 92324

*P9. Date Recorded: April 28, 2008

*P10. Survey Type: Intensive-level survey for CEQA compliance

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Josh Smallwood, Terri Jacquemain, and Laura Hensley Shaker (2008): Historical/Archaeological Resources Survey Report: Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California. On file, Eastern Information Center, University of California, Riverside.

*Attachments: None Location Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Resource Record Milling Station Record
 Rock Art Record Artifact Record Photograph Record Other (List): _____

*Required information

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 3

*NRHP Status Code 6Z

*Resource Name or # (Assigned by recorder) CRM TECH 2228-1

B1. Historic Name: None B2. Common Name: None
B3. Original Use: Residential B4. Present Use: Residential

*B5. Architectural Style: Vernacular

*B6. Construction History: (Construction date, alterations, and date of alterations) Archival property records indicate that George and Elsie Soper became property owners of the northern 270 feet of Lot 38, which included this parcel, in 1952, and built this home about four years later. They added a pool and a patio cover to the house in 1975.

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____

*B8. Related Features: A detached garage is situated to the north of the residence.

B9a. Architect: Unknown b. Builder: Unknown

*B10. Significance: Theme Post-WWII residential development Period of Significance 1945-1960

Area Moreno Valley Property Type Single-family residence Applicable Criteria N/A

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.) There is no evidence that the building at this address is associated with any persons or events of recognized historic significance; represents the work of a prominent architect, designer, or builder; or qualifies as "an important example" of its type, period, region, or method of construction. Therefore, it does not appear eligible for listing in the National Register of Historic Places or the California Register of Historical Resources.

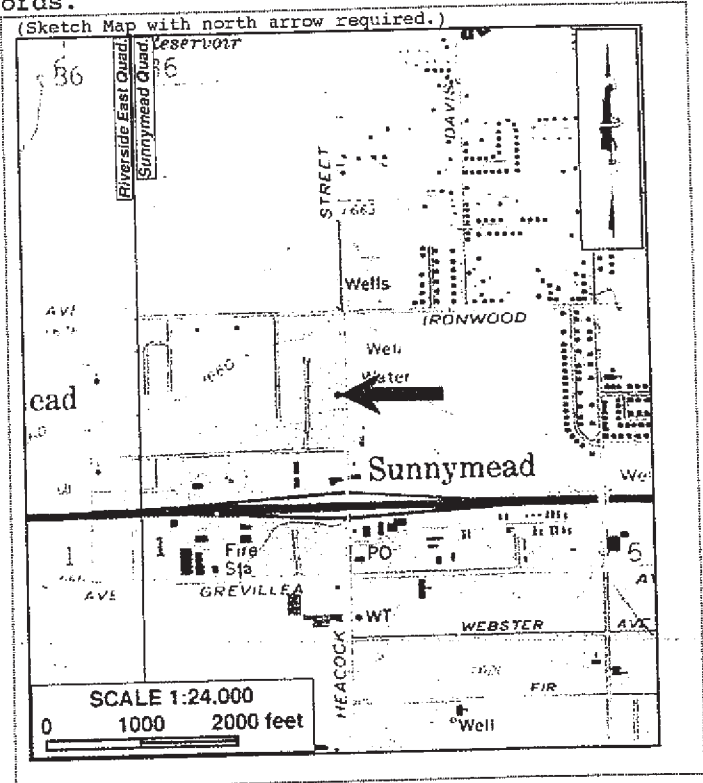
B11. Additional Resource Attributes: (List attributes and codes) HP4. Ancillary building

*B12. References: Riverside County Assessor's real property tax assessment records; Riverside County building safety records.

B13. Remarks: The proposed road-widening project has no potential to adversely affect this building

*B14. Evaluator: Bai "Tom" Tang and Josh Smallwood

*Date of Evaluation: May 2008



(This space reserved for official comments.)

*Required Information

*P3a. Description (continued): façade, facing east, features a glazed wood door flanked by sidelights, and two aluminum-framed sliding windows. Among the front windows and door are three rectangular patches of various sizes, presumably where other windows were once located. The south side of the house has a patio sheltered beneath a shed roof supported by decorative metal posts. The north side of the house, facing the driveway, features a side entrance with a short concrete stoop and wood hand-rails, sheltered beneath an eave extension supported by wood posts. Fenestration on this side also consists of aluminum-framed sliding windows. To the north of the residence is a detached two-car garage covered by a hip roof clad with composition shingles. The exterior walls on both the house and the garage are coated with stucco. The front yard is enclosed by a tall wood fence and a wrought-iron gate with concrete block abutments.

State of California--The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
 HRI # _____
 Trinomial _____
 NRHP Status Code 6Z
 Other Listings _____

Review Code _____ Reviewer _____ Date _____
 *Resource Name or # (Assigned by recorder) CRM TECH 2228-2

Page 1 of 3

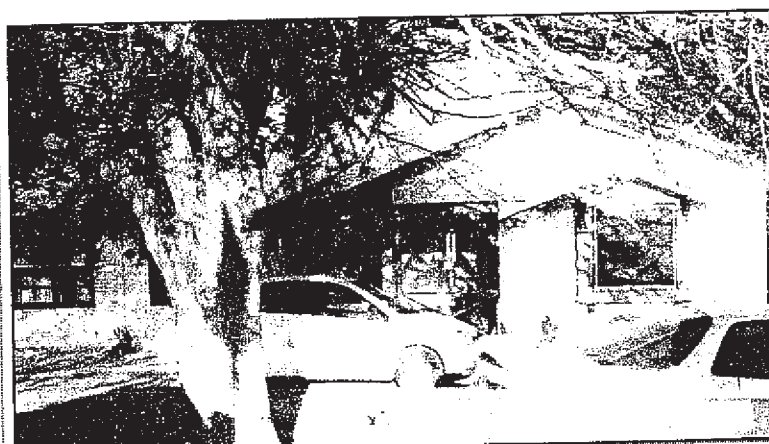
P1. Other Identifier: 12183 Heacock Street
 *P2. Location: Not for Publication Unrestricted *a. County Riverside
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)
 *b. USGS 7.5' Quad Sunnymead, Calif. Date 1967, photorevised 1980

T3S; R4W; NE 1/4 of NE 1/4 of Sec 1; S.B.B.M.
 Elevation: Approximately 1,650 feet above mean sea level
 c. Address 12183 Heacock Street City Moreno Valley Zip 92557
 d. UTM: (Give more than one for large and/or linear resources) Zone 11; 477,530 mE/ 3,755,780 mN
 UTM Derivation: USGS Quad _____ GPS _____
 e. Other Locational Data: (e.g., parcel #, directions to resource, etc., as appropriate) The building is located within Assessor's Parcel No. 292-182-014, near the northwest corner of Hemlock Avenue and Heacock Street.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries) This one-story, Ranch-style wood-frame residence, irregular in plan, rests on a concrete foundation and is painted white with green trim. Its medium-pitched cross-gabled roof is sheathed with gray composition shingles and features wide, open eaves with exposed rafters. The asymmetrical primary façade, facing east, features a corner entryway
(Continued on page 3)

*P3b. Resource Attributes: (List attributes and codes) HP2—single family property
 *P4. Resources Present: Building _____ Structure _____ Object _____ Site _____ District _____ Element of District _____
 Other (isolates, etc.) _____

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



P5b. Description of Photo: (view, date, accession #) Photo taken on April 28, 2008; view to the west

*P6. Date Constructed/Age of Sources: Historic _____ Prehistoric _____ Both _____
Ca. 1959 (see Items B6 and B12 for details)
 *P7. Owner and Address: Unknown
 *P8. Recorded by: (Name, affiliation, and address) Josh Smallwood
CRM TECH
1016 E. Cooley Drive, Suite A/B
Colton, CA 92324
 *P9. Date Recorded: April 28, 2008
 *P10. Survey Type: Intensive-level survey for CEQA compliance

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Josh Smallwood, Terri Jacquemain, and Laura Hensley Shaker (2008): Historical/Archaeological Resources Survey Report: Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California. On file, Eastern Information Center, University of California, Riverside.

*Attachments: None Location Map Continuation Sheet Building, Structure, and Object Record
 _____ Archaeological Record _____ District Record _____ Linear Resource Record _____ Milling Station Record
 _____ Rock Art Record _____ Artifact Record _____ Photograph Record _____ Other (List): _____

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 3

*NRHP Status Code 6Z
*Resource Name or # (Assigned by recorder) CRM TECH 2228-2

B1. Historic Name: None B2. Common Name: None
B3. Original Use: Residential B4. Present Use: Residential

*B5. Architectural Style: Ranch
*B6. Construction History: (Construction date, alterations, and date of alterations) According to archival property records, George and Elsie Soper deeded this parcel, the southern quarter-acre of their one-acre property, to Anton A. and Madelyn G. Juares

(Continued on page 3)

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____
*B8. Related Features: A detached garage is situated to the west of the residence.

B9a. Architect: Unknown b. Builder: Unknown

*B10. Significance: Theme Post-WWII residential development Period of Significance 1945-1960
Area Moreno Valley Applicable Criteria N/A

Property Type Single-family residence
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.) There is no evidence that the building at this address is associated with any persons or events of recognized historic significance; represents the work of a prominent architect, designer, or builder; or qualifies as "an important example" of its type, period, region, or method of construction. Therefore, it does not appear eligible for listing in the National Register of Historic Places or the California Register of Historical Resources.

B11. Additional Resource Attributes: (List attributes and codes) HP4. Ancillary building

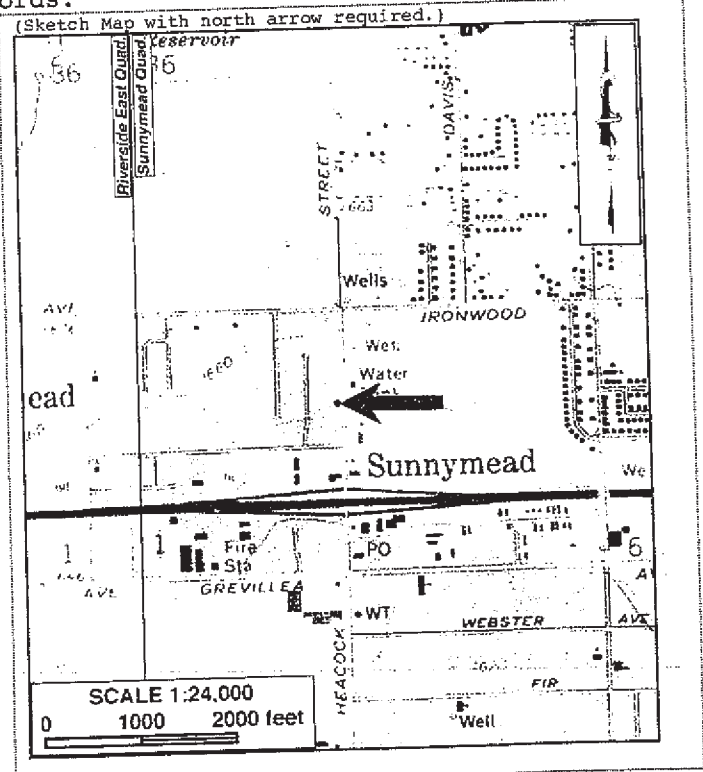
*B12. References: Riverside County Assessor's real property tax assessment records; Riverside County building safety records.

B13. Remarks: The proposed road-widening project has no potential to adversely affect this building

*B14. Evaluator: Bai "Tom" Tang and Josh Smallwood

*Date of Evaluation: May 2008

(This space reserved for official comments.)



*Required information

CONTINUATION SHEET

- *P3a. **Description (continued):** sheltered beneath a wide roof overhang supported by square wood posts with corner braces. Next to the door is a large wood-framed picture window with diamond lattice grilles and faux shutters. Windows on the rest of the building are wood-frame double-hungs. The exterior walls are clad with a variety of materials, including brick veneer, vertical boards, and stucco. The front yard is enclosed by a tall chain-link fence with a gate. A paved driveway leads to the rear of the building where a detached garage of similar construction is located.
- *B6. **Construction History (continued):** around 1959, the same year property records indicate this house was constructed. By 1966 W. and Connie Boyden had acquired the property, and in that year securing a permit for a metal patio cover. They installed a pool two years later.

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APPENDIX 3

NOISE IMPACT ANALYSIS
HEACOCK STREET IMPROVEMENTS
MORENO VALLEY, CALIFORNIA

Prepared for:

Tom Dodson & Associates
Attn: Tom Dodson
2150 N. Arrowhead Avenue
San Bernardino, California 92405

Date:

June 6, 2008

Project No.: P08-031

NOISE SETTING

BACKGROUND

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. Noise is generally defined as unwanted sound. Sound is characterized by various parameters that describe the physical properties of sound waves. These properties include the rate of oscillation (frequency), the distance between successive troughs or crests, the speed of propagation, and the pressure level or energy content of a given sound wave. In particular, the sound pressure level has become the most common descriptor used to characterize the loudness of an ambient sound level.

The unit of sound pressure ratioed to the faintest sound detectable to a person with normal hearing is called a decibel (dB). Sound or noise can vary in intensity by over one million times within the range of human hearing. A logarithmic loudness scale similar to the Richter Scale for earthquake magnitude is therefore used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all sound frequencies within the entire spectrum. Noise levels at maximum human sensitivity from around 500 to 2,000 cycles per second are factored more heavily into sound descriptions in a process called "A-weighting," written as "dBA."

Leq is a time-averaged sound level; a single-number value that expresses the time-varying sound level for the specified period as though it were a constant sound level with the same total sound energy as the time-varying level. Its unit is the decibel (dB). The most common averaging period for Leq is hourly.

Because community receptors are more sensitive to unwanted noise intrusion during more sensitive evening and nighttime hours, state law requires that, for planning purposes, an artificial dBA increment be added to quiet time noise levels. The 24-hour noise descriptor with a specified evening and nocturnal penalty is called the Community Noise Equivalent Level (CNEL). CNEL's are a weighted average of hourly Leq's.

Municipalities typically provide noise guidelines for both exterior recreational space (yards, patios, etc.) and interior space. The City of Moreno Valley General Plan Implementation Policy 6.3.1.a, requires consideration of noise mitigation for usable outdoor space at sensitive uses where the projected exterior noise level would exceed 65 dB CNEL.

An interior CNEL of 45 dBA is mandated by the State of California Noise Insulation Standards (CCR, Title 24, Part 6, Section T25-28) for multiple family dwellings, hotel and motel rooms. In 1988, the State Building Standards Commission expanded that standard to include all habitable rooms in residential use, including single-family dwelling units.

Noise reduction in older residences is 15-20 dB with closed single paned windows. Typical noise attenuation with closed, double-paned windows in modern frame and stucco construction is about 25-30 dB. Noise attenuation with partially open windows is 10-15 dB CNEL. An exterior noise level exceeding 65 dBA CNEL normally requires the ability to close dual-paned windows

in order to meet the 45 dB CNEL interior standard. For single family residential units, it is typically the backyard space for which the exterior noise standard applies.

Noise from temporary construction activities is exempt from noise ordinances as long as the construction activities occur within regulated hours. Grading may take place between 7 a.m. and 8 p.m. Minor construction may take place between 6 a.m. and 8 p.m. during the week and 7 a.m. and 8 p.m. on weekends and holidays.

BASELINE NOISE LEVELS

Noise measurements were made in order to document existing baseline levels in the area. These help to serve as a basis for projecting future noise exposure from the project upon the surrounding community. Noise measurements were conducted on Tuesday to Wednesday, May 13th, 2008 and May 14, 2008 for 24-hours at three locations. The results are shown in Table 1 and locations are shown in Figure 1. Because existing residential uses on the west side of Heacock Street are close to the centerline, the measurements were made within the more open and accessible east side.

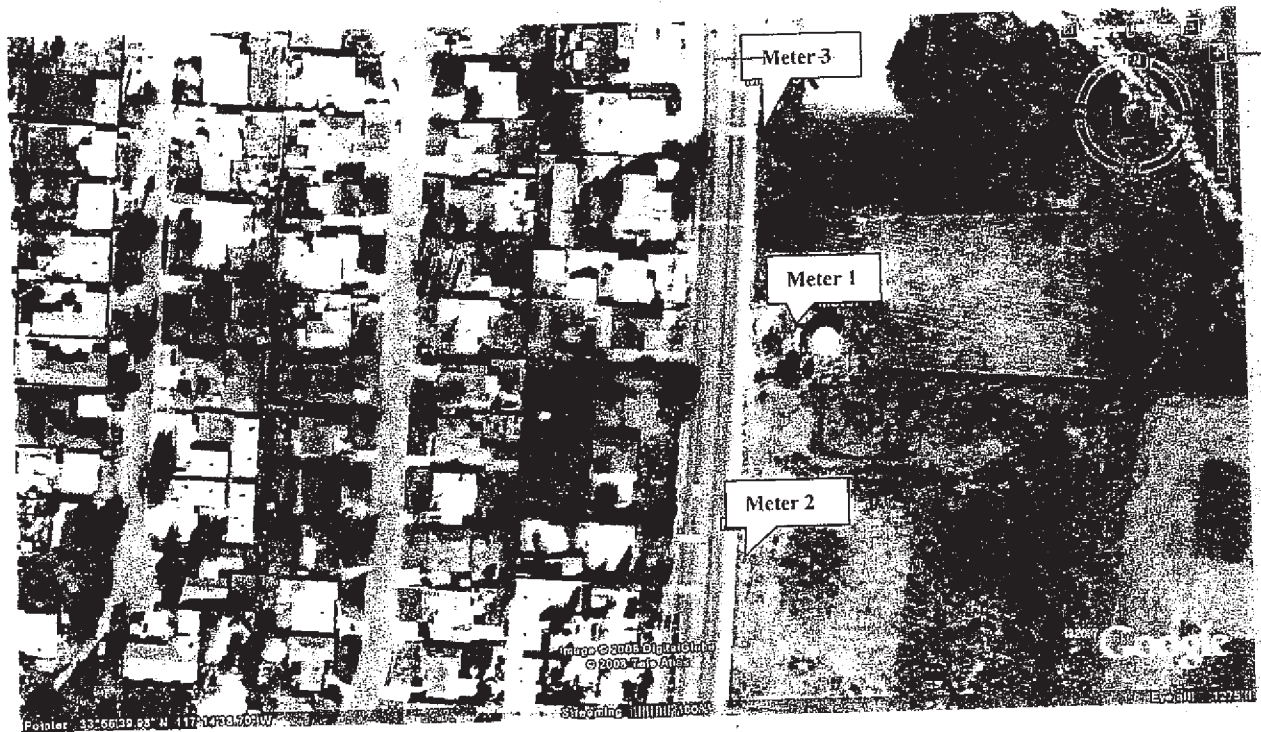
All noise measurement locations are along Heacock Street within the proposed improvement segment. Measurements were made for 24 hours along edge of the roadway with the sound meters placed in trees and on fences. Meter 1 was located at 180 feet from the Heacock Street centerline. Meters 2 and 3 were placed approximately 50 feet from the centerline. The data from Meter 1 was adjusted for a 50-foot set-back from Heacock Street assuming acoustically "soft" propagation conditions. All locations agreed with each other within 2 dB CNEL. The average of the CNELs at 50 feet from the roadway centerline is 71.4 dB. This is considered the baseline noise measurement at 50 feet from the centerline for this study.

The results of the measurements are representative of the existing front yard noise exposure for homes along Heacock Street. They are also almost equal to the building facade noise level of homes with only minimal, i.e., 1-2 dB downward adjustment due to increased setback distance. The measured existing noise levels along Heacock Street are already excessive in terms of the City of Moreno Valley residential standards of 65 dB CNEL within the front yards areas.

However, usable recreational space for each affected home is behind each structure and is noise shielded by increased distance from the roadway and by the residential structure itself. For these homes it is the interior noise level that requires evaluation.

Figure 1

Noise Meter Location



Meter Location

- Meter 1 E side of roadway, across from 12123 Heacock.
- Meter 2 E side of roadway, across from 12183 Heacock.
- Meter 3 E side of roadway across from 12085 Heacock

Table 1
Heacock Street
Existing On-Site Hourly Leq's and CNEL

Time Interval	Meter 1	Meter 2	Meter 3
15:00-16:00	63.1	66.3	69.3
16:00-17:00	63.1	67.2	70.1
17:00-18:00	63.3	67.1	70.5
18:00-19:00	62.3	66.5	69.5
19:00-20:00	62.7	66.7	69.2
20:00-21:00	61.4	66.1	68.3
21:00-22:00	60.2	65.9	68.0
22:00-23:00	59.8	65.0	67.1
23:00-24:00	57.3	62.9	64.9
0:00-1:00	55.1	60.8	62.5
1:00-2:00	53.3	59.5	60.4
2:00-3:00	54.9	61.0	61.2
3:00-4:00	54.8	59.6	61.5
4:00-5:00	58.9	62.3	64.7
5:00-6:00	61.2	65.4	67.4
6:00-7:00	62.0	66.7	69.4
7:00-8:00	62.3	66.6	69.7
8:00-9:00	62.7	66.7	69.4
9:00-10:00	61.5	65.4	68.5
10:00-11:00	61.7	65.3	68.5
11:00-12:00	60.9	65.3	68.3
12:00-13:00	60.7	66.2	68.3
13:00-14:00	61.5	65.8	68.3
14:00-15:00	60.5	66.0	68.3

Shaded entries represent night time values (10:00 p.m. to 7:00 a.m.)

Resultant CNEL at 50 feet from centerline

Measurement Parameter	Meter 1	Meter 2	Meter 3
24-Hour CNEL	70.5*	70.7	72.9

* adjusted from 180 feet to 50 feet from the Heacock Street centerline.

NOISE IMPACT ANALYSIS

GENERAL

The major source of noise for the impacted residences in the project envelope is traffic from Heacock Street. This project would widen the west side of Heacock Street and as a result some homes would be situated closer to the nearest travel lane than previously. Additionally, although not project related, the sensitive uses within the Heacock Street widening envelope would experience additional noise due to area growth, which will put greater quantities of traffic on Heacock Street in the coming years.

Figure 2 shows each home which could be adversely impacted by the roadway widening project. All residences front the street and take their access through driveways along the roadway. Setbacks for home facades from the Heacock Street centerline range from approximately 60 feet to 80 feet. Existing noise levels near front yards of homes fronting Heacock Street already exceed the Moreno Valley General Plan guidelines for noise-sensitive outdoor recreational uses. However, as previously noted, recreational space yards are in the rear of homes and are shielded by increased distance from the roadway and by the residential structure itself. For these homes it is the interior noise level that requires evaluation.

Per the City of Moreno Valley General Plan, the interior residential noise standard is 45 dB CNEL. Structural attenuation with partly open single-paned windows is around -10 dB. With tightly closed single-paned windows, noise is decreased by almost 20 dB between the outside and inside. With tightly closed dual-paned windows, noise attenuation can approach 30 dB. With the existing measured façade noise levels of 69 - 71 dB CNEL at 50 feet from roadway centerline, front living or bedrooms of homes closest to Heacock Street would require closed dual-paned window closure to achieve the City's interior noise standard.

Existing exterior noise levels for those homes affected by the project are as follows:

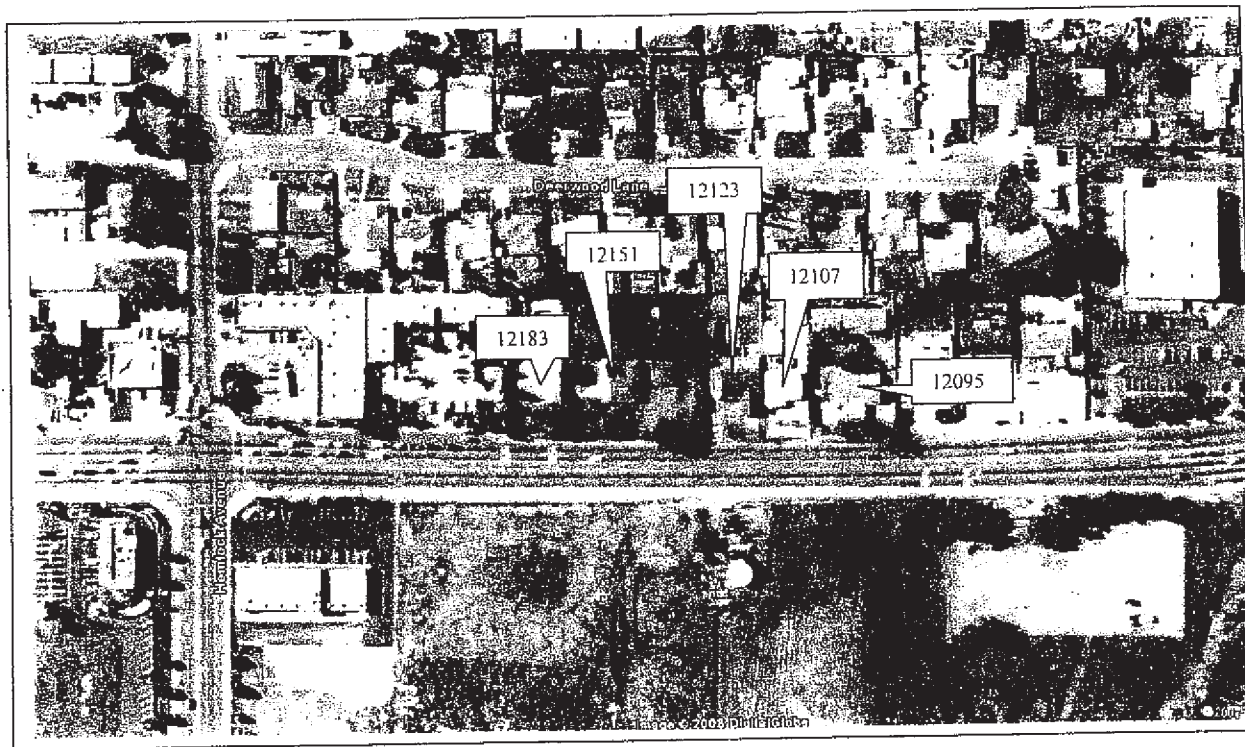
Impacted Homes Current Noise Exposure

Address	Façade Setback	Current Exterior Noise Exposure at
		Façade (dB CNEL)
12095	75 ft	69.6
12107	70 ft	69.9
12123	60 ft	70.6
12151	80 ft	69.4
12183	75 ft	69.6

Existing lane width on the west side of Heacock Street in the project vicinity ranges from 10-11 feet. As part of this project, these traffic lanes will be widened to a minimum of 12 feet. In addition sidewalks would be installed and curb and gutter improvements would be made. However, only the widened traffic lanes will cause a potential noise impact for the adjacent residences as cars will travel slightly closer to the homes than previously.

FIGURE 2

HEACOCK STREET ADJACENT RESIDENCES



IMPACT SIGNIFICANCE CRITERIA

Project noise impacts are considered significant if:

1. They create violations of noise standards, or
2. They substantially worsen an already excessive noise environment, or
3. They substantially increase an existing quiet environment even if noise standards are not violated by the proposed action.

The term "substantial increase" is not defined by any responsible agency. The limits of perceptibility by ambient grade instrumentation (sound meters) or by humans in a laboratory environment is around 1.5 dB. Under ambient conditions, people generally do not perceive that noise has clearly changed until there is a 3.0 dB difference. A threshold of 3.0 dB is typically used to define "substantial increase." Traffic noise due to the project would be significant if it would increase outdoor noise levels by 3.0 dB or more.

Upon completion, homes closer to the widened roadway will be exposed to a slightly higher level of traffic noise than previously. This project will not cause an increase in the area wide acoustical environment because no change in traffic volume is anticipated to occur solely due to the roadway widening. However, cumulative area growth will cause an incremental increase in roadway usage and therefore roadway traffic noise, as may the location of traffic lanes closer to existing homes.

Traffic noise levels already exceed City residential standards. The emphasis of this study therefore is to determine the noise area residents will experience as a result of project implementation. This is accomplished by a comparison of noise exposures with and without the project, currently and in the future.

METHODOLOGY

Current traffic volumes along Heacock Street between Ironwood and the SR-60 were obtained from the City of Moreno Valley Traffic Circulation chapter of the General Plan EIR (July 2006). The most recent traffic count on Heacock Street between Ironwood and the SR-60 was 30,800 vehicles per day. Build-out traffic volumes along this segment vary depending on the implementation alternative. Under General Plan Alternative 2 the ADT (Average Daily Traffic) is 37,932 vehicles. The ADT with Alternative 3 is 38,232 vehicles. For this study, a future build-out (year 2030) traffic projection of 38,000 was used.

Since traffic speed can affect noise levels, Giroux and Associates performed a basic calibration by comparing modeled traffic noise with on-site noise measurements. Although the posted speed limit is 35 mph, it was observed that most cars traveled at a speed closer to 40 mph. By

modeling the existing traffic volume with the standard vehicular traffic mix, the predicted noise exposure compares to measured noise exposure as follows:

**Heacock Street Traffic Noise
(at 50 feet from centerline)**

Measured Noise	Existing ADT	Existing modeled noise @ 40 mph	Future ADT	Future modeled noise @ 40 mph
70.5-72.9 dB CNEL	30,800	71.5 dB CNEL	38,000	72.4 dB CNEL

Calculated noise levels are consistent with the average of the three measured noise readings (71.4 dB CNEL). Therefore, 72.4 dB CNEL is considered representative of the future noise level at 50 feet from the centerline utilizing build-out traffic projections provided in the General Plan.

The widened roadway is expected to be approximately 100 feet wide at project completion, or 50 feet from centerline to edge of right-of-way. Since the roadway is not being realigned, the centerline will remain intact. Although the total number of travel lanes will remain the same, western travel lanes will be widened to a minimum width of 12 feet. Current lane width on the western half of the roadway is 10-11 feet. Because of the widened traffic lanes, sensitive uses adjacent to the roadway will see a nominal increase in traffic noise associated with a slight widening of the southbound travel lanes.

The mean noise generation distance will remain at the centerline. The new outer traffic lanes will be 16-20 feet in width depending on the implementation Alternative. Vehicular travel is assumed to take place within the standard 12 foot lane width. The extra lane width beyond the 12 feet required for travel (8 feet for Alternative 1 and 4 feet for Alternative 2) is assumed to be utilized for parking or bike lanes. Therefore, the vehicular travel footprint is assumed to be identical for both Alternatives.

Utilizing an equivalent lane distance methodology recommended by Caltrans based on FHWA-RD-108, the net effect of widened lanes was calculated for both current and future time frames. The reference point utilized was the distance from the roadway centerline to each impacted home facade.

To calculate the change in the noise environment due to shifts in centerline and the addition of traffic lanes, the following methodology is used:

$$\text{Equivalent Distance (ED)} = \sqrt{D_1 D_2}$$

D_1 = distance of the center of the near lanes and

D_2 = distance to center of the far lanes

$$\text{Noise Increase} = 10 * \log((\text{ED Existing Roadway Geometry}) / (\text{ED New Roadway Geometry}))$$

The following noise increases will result solely due to changes in roadway geometry:

Noise Increase from Roadway Widening and Realignment

Address	Distance to C/L	Old Equivalent Lane Distances in feet (D ₁ / D ₂)	New Equivalent Lane Distance in feet (D ₁ / D ₂)	Equivalent Change in dB
12095	75 ft.	87/65	87/63	0.07 dB
12107	70 ft.	82/60	82/58	0.07 dB
12123	60 ft.	72/50	72/48	0.09 dB
12151	80 ft.	92/70	92/68	0.06 dB
12183	75 ft.	87/65	87/63	0.07 dB

The maximum impact from land widening is less than +0.1 dB CNEL. The following summarizes the project impacts:

**Project versus No Project Comparison
At Residential Facade**

At Property Line (75 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12095 Heacock Street	69.6 dB	70.6 dB	70.7 dB	1.0 dB	1.1 dB

**Project versus No Project Comparison
At Residential Facade**

At Property Line (70 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12107 Heacock Street	69.9 dB	70.9 dB	71.0 dB	1.0 dB	1.1 dB

**Project versus No Project Comparison
At Residential Facade**

At Property Line (60 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12123 Heacock Street	70.6 dB	71.6 dB	71.7 dB	1.0 dB	1.1 dB

**Project versus No Project Comparison
At Residential Façade**

At Property Line (80 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12151 Heacock Street	69.4 dB	70.4 dB	70.5 dB	1.0 dB	1.1 dB

**Project versus No Project Comparison
At Residential Façade**

At Property Line (75 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12183 Heacock Street	69.6 dB	70.6 dB	70.7 dB	1.0 dB	1.1 dB

A composite summary is provided below:

Future Noise Impact at Each Residential Façade

Address	2030 Without Project Noise Level (dB CNEL)	2030 With Project Noise Level (dB CNEL)
12095	70.6 dB	70.7 dB
12107	70.9 dB	71.0 dB
12123	71.6 dB	71.7 dB
12151	70.4 dB	70.5 dB
12183	70.6 dB	70.7 dB

As a result of project implementation, at area build-out, property lines of homes along Heacock Street would experience 71 -72 dB CNEL of traffic noise. The "project only impact" from the relocation of travel lanes is a maximum of +0.1 dB CNEL at any residential façade.

The cumulative impact (difference between future "with project" and existing) is expected to be +1.1 dB CNEL. Again this is less than the 3.0 dB CNEL significance threshold. Cumulative, as well as "project only" impacts, will be less than significant. In the absence of any individually or cumulatively significant traffic noise impacts, no impact mitigation is required.

NOISE CONTOURS

An alternate way of evaluating noise impacts is to examine at noise contours. Figure 3 indicates the distance (in feet) from the road centerline to the 60, 65 and 70 dB CNEL noise contour. These contour distances represent the setback that would be required to achieve the indicated noise level through distance setback alone.

Contours for Build-out Traffic Noise

Distance to 60 dB CNEL	Distance to 65 dB CNEL	Distance to 70 dB CNEL
330 feet	150 feet	70 feet

CONSTRUCTION NOISE IMPACT MITIGATION

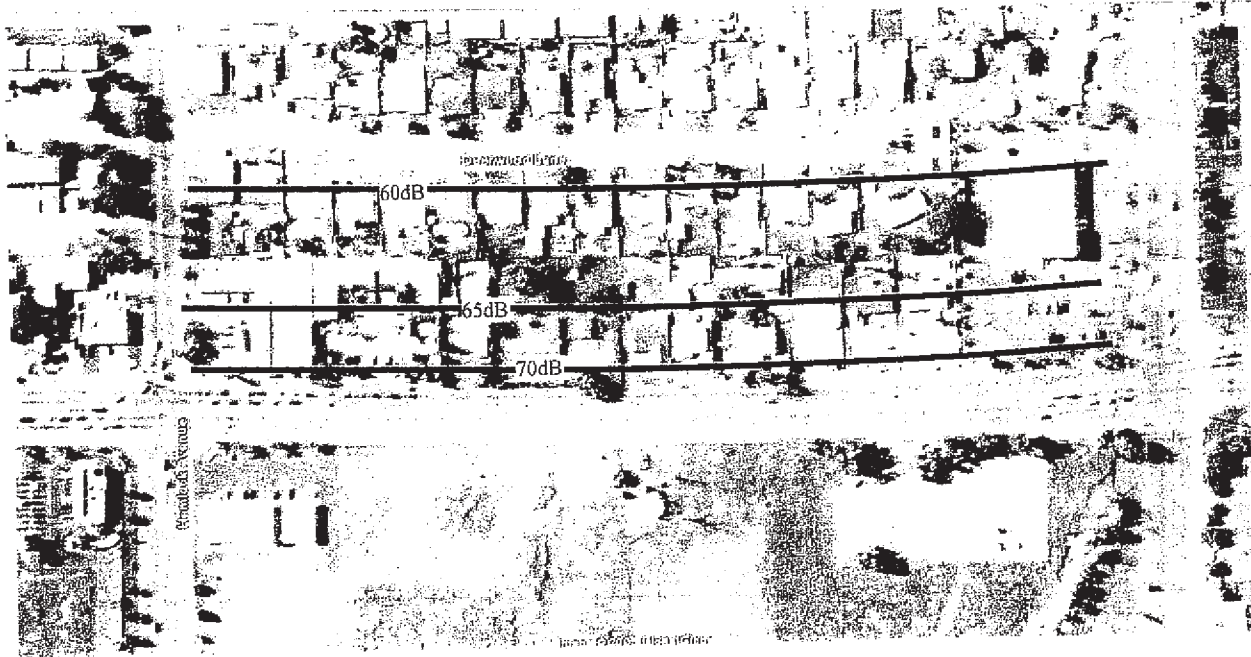
Construction activities from project development may impact surrounding residential uses. Such impacts are mitigated by required compliance with grading/construction permits. These considerations include:

- The hours of grading operations shall be limited to be between the hours of 7 a.m. and 8 p.m., Monday to Saturday. Construction may take place between the hours of 6 a.m. and 8 a.m. during the week and 7 a.m. and 8 p.m. on weekends and holidays.
- Staging areas shall be located away from existing residences.
- All construction equipment shall use properly operating mufflers.
- Impulsive noise, such as jack-hammering, should be scheduled to affect the fewest number of noise-sensitive homes.

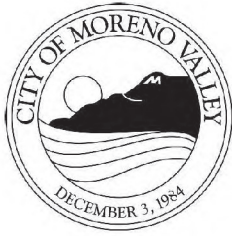
Implementation of these mitigation measures would reduce potential construction noise impacts to a level that is less than significant.

FIGURE 3

HEACOCK STREET NOISE CONTOURS (2030)



N →



APPROVALS	
BUDGET OFFICER	<i>my</i>
CITY ATTORNEY	<i>kt</i>
CITY MANAGER	<i>ph</i>

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE PROGRAM

RECOMMENDED ACTION

Staff recommends that the City Council of the City of Moreno Valley adopt Resolution 2009-93 authorizing the City's participation in Riverside County's Mortgage Credit Certificate Program.

BACKGROUND

The City of Moreno Valley is a current participant in the Mortgage Credit Certificate ("MCC Program"), which assists families with the purchase of their first home. The City of Moreno Valley has successfully participated in the MCC Program for several years, recently realizing the highest level of participation in the Program county-wide. In the most recent funding cycle, twenty-one Moreno Valley families became first-time buyers through the MCC Program. The County of Riverside ("County") is applying for new credits and has extended an invitation to the City of Moreno Valley to continue its participation in the MCC Program. As a participating city, lenders are able to make loans available to MCC eligible low-to-moderate income, first-time homebuyers purchasing a home in Moreno Valley.

The MCC Program entitles qualified homebuyers ("borrowers") to reduce the amount of their federal income tax liability by an amount equal to a fifteen percent (15%) of the interest paid during the year on a home mortgage loan. Since the taxes paid by the borrower(s) are reduced, their annual take-home pay is effectively increased. The tax credit allows the homebuyer to qualify for a larger mortgage loan by increasing the effective income of buyer.

Many types of ownership housing is eligible for the MCC Program including foreclosures, new and resale single-family, manufactured, town homes and condominiums. The only exclusion from this program is the purchase of a property which contains more than one unit. The MCC program may be partnered with the City of Moreno Valley's Homebuyer Assistance Program. However, homebuyers can qualify for the MCC Program on their own through their lender without the City's down payment assistance. Adoption of the attached resolution (See Attachment A) is necessary for the City to continue participation in the County's MCC Program.

Due to the level of demand and the success of this program in assisting first-time homebuyers, particularly in the City of Moreno Valley, the County must apply to the California Debt Limit Allocation Committee ("CDLAC ") for new Mortgage Credit Certificate bond allocation. Please see the County of Riverside's attached Notice of Intent to Issue Mortgage Credit Certificates to Eligible Home Buyers for further details (See Attachment B).

DISCUSSION

Pursuant to the Tax Reform Act of 1986 that established the Mortgage Credit Certificate Program and Division 31, Part 1, Chapter 3.5, Article 3.4 of the California Health and Safety Code Sections 50197 et seq., the Riverside County Board of Supervisors has authorized the County Economic Development Agency ("EDA") to apply to the California Debt Limit Allocation Committee for an allocation of Mortgage Credit Certificates on or about October 16, 2009.

To be included in the next funding cycle, the County must provide a resolution from the City that grants the County authority to operate the MCC Program within Moreno Valley. The adoption of the attached resolution (See Attachment A) will allow mortgage lenders to continue to offer the MCC Program to Moreno Valley homebuyers.

ALTERNATIVES

1. Adopt Resolution 2009-93 providing for the City of Moreno Valley to remain a participant in the Riverside County Mortgage Credit Certificate Program. This will allow income-qualified first-time homebuyers to have an additional resource when purchasing a home in the City.
2. Decline the adoption of Resolution 2009-93 approving the City of Moreno Valley as a participant in the Riverside County Mortgage Credit Certificate Program. If Resolution 2009-92 is not adopted, mortgage lenders will be prohibited from utilizing the MCC Program for homes located in Moreno Valley.

FISCAL IMPACT

There is no impact to the City's General Fund or the Community Redevelopment Agency budgets. Potential homebuyers qualify through a lender to receive the MCC directly from the County.

<u>Fund</u>	<u>Business Unit No/Name</u>	<u>Estimated Amount</u>
---	---	\$0

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 additional affordable homeownership opportunities.

NOTIFICATION

The public has been notified through the publication of the agenda. Staff has notified the Riverside County EDA via e-mail communication.

ATTACHMENTS/EXHIBITS

- Attachment A - Resolution No. 2009-93
- Attachment B - Notice of Intent to Issue Mortgage Credit Certificates

Prepared By
Diana D. Vasquez
Housing Program Specialist

Department Head Approval
Barry Foster
Economic Development Director

Concurred By
Michele Patterson
Acting Redevelopment Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2009-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM.

WHEREAS, the Tax Reform Act of 1986 established the Mortgage Credit Certificate Program ("MCC Program") as a means of assisting qualified individuals with the acquisition of new and existing single family housing; and

WHEREAS, pursuant to Division 31, Part 1, Chapter 3.5, Article 3.4 of the California Health and Safety Code Sections 50197 et seq., local issuers are authorized to issue Mortgage Credit Certificates ("Certificates") and administer MCC Program; and

WHEREAS, the Riverside County Board of Supervisors adopted Resolution No 87-564 on December 22, 1987 establishing a Mortgage Credit Certificate Program; and

WHEREAS, the Riverside County Board of Supervisors has authorized the Riverside County Economic Development Agency ("EDA") to administer the MCC Program pursuant to the applicable federal, state and local policies and procedures, and to enter into those agreements necessary for administration of the MCC Program; and

WHEREAS, the County of Riverside ("County") will be applying to the California Debt Limit Allocation Committee ("CDLAC") for a mortgage credit certificate allocation on October 16, 2009 or thereabouts; and

WHEREAS, the City of Moreno Valley ("City") wishes to participate in the MCC Program administered by the EDA in connection with mortgage loans that will be made available for the acquisition of new and existing single-family housing in Riverside County; and

WHEREAS, the adoption of this resolution is necessary to include the City of Moreno Valley as a participating unit of general government under County's MCC program; and

WHEREAS, the City agrees to cooperate with the County to undertake the MCC program within City jurisdiction to assist persons or households of limited income to purchase new and existing single family residences located in the city; and

WHEREAS, the City by adopting this Resolution, hereby gives notice of its election to participate in the Riverside County MCC Program.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Moreno Valley as follows:

The City of Moreno Valley agrees

1. to participate in the MCC Program administered by the EDA in connection with mortgage loans it will make available for the acquisition of new and existing single-family housing in Riverside County;
2. to assist the County of Riverside to market the MCC Program within the City's jurisdictional boundary by publishing a general public notice in the local newspaper at least twice a year.

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

APPROVED AND ADOPTED this 22nd day of September, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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**NOTICE OF INTENT TO ISSUE
MORTGAGE CREDIT CERTIFICATES
TO ELIGIBLE HOME BUYERS**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Riverside adopted a Mortgage Credit Certificate Program (the "MCC Program") on December 22, 1987. Under the MCC Program, the County has applied to the California Debt Limit Allocation Committee for a new allocation of Mortgage Credit Certificates. Upon receipt of the new allocation, the County intends to issue, in conjunction with the mortgage lenders in the County, mortgage credit certificates to certain eligible home buyers. The mortgage credit certificates will entitle eligible homebuyers to claim a tax credit equal to fifteen percent (15%) of the interest paid on a home mortgage annually.

To be eligible for a mortgage credit certificate, the following requirements must be met:

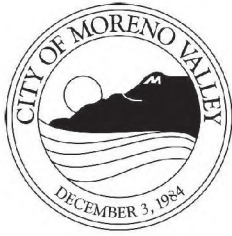
- 1) The home being purchased must be the principal residence of the applicant for the mortgage credit certificate.
- 2) Except with respect to homes located in certain targeted areas, the applicant may not have had any present ownership interest in a principal residence at any time during the three-year period prior to the date on which the mortgage for the new home being purchased is executed.
- 3) The purchase price of the applicant's home, other than a targeted area home, may not exceed 90% of the applicable average area purchase price determined by the County. Currently, the maximum permitted purchase price of a new home and existing home may not exceed \$339,146.
- 4) The income of the applicants' household, other than with respect to targeted areas, may not exceed 115% of the applicable median household income for the area. Currently, the maximum permitted household income is \$80,960 for households with more than three people and \$70,400 for households with less than three people. Forty percent (40%) of the non-target area allocation will be reserved for households whose incomes do not exceed 80% of the median income.
- 5) The mortgage obtained by the applicant to acquire the home must be new mortgage and not an existing mortgage.
- 6) No portion of the applicant's home may be financed with a mortgage received through a qualified mortgage bond program.

The County has applied for an allocation to issue mortgage credit certificates in the approximate amount of \$13,721,101. Twenty percent (20%) of the total amount will be reserved for one year for applicants acquiring homes in certain targeted areas within the County. With respect to homes acquired in a targeted area, currently the household income of the applicant with a household of three or more people may not exceed \$98,560. If the household has less than three people, the income may not exceed \$84,480. The purchase price of a home may not exceed \$414,512.

All lenders interested in participating in the MCC Program are hereby invited to send a letter indicating their interest to the County. Persons interested in receiving mortgage credit certificates should contact their lender regarding their potential eligibility. The lender and the applicant will be required to provide the County with necessary documentation to establish an applicant's eligibility. Once the County has determined that an applicant is eligible, it will issue a mortgage credit certificate to the applicant in the form required by law. Mortgage Credit Certificates will not be transferable.

Further information regarding the MCC Program may be obtained by writing or calling Lorena Oseguera, Development Specialist, at the Riverside County Economic Development Agency, 1325 Spruce Street, Suite 400, Riverside, CA 92507. In accordance with applicable state and federal laws, the County intends to commence issuing mortgage credit certificates 90 days after the publication of this notice.

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APPROVALS	
BUDGET OFFICER	<i>mg</i>
CITY ATTORNEY	<i>ft</i>
CITY MANAGER	<i>RA</i>

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: CERTIFICATES OF ACCEPTANCE AND NEIGHBORHOOD STABILIZATION PROGRAM (NSP) DEVELOPMENT PARTNER AFFORDABLE HOUSING AGREEMENTS

RECOMMENDED ACTIONS

Staff recommends that the City Council:

1. Adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the Neighborhood Stabilization Program (Attachment A).
2. Authorize the City Clerk to record the Certificates of Acceptance and other related NSP Documents.
3. Authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to form by Special Counsel), and execute other NSP related documents.
4. Authorize Financial & Administrative Services Director to fund payment for properties acquired through the NSP Program.

BACKGROUND

On November 25, 2008, the City Council approved a Substantial Amendment to the City's 2008-2009 CDBG Action Plan ("Action Plan") as a result of being awarded \$11,390,116 from the U.S. Housing and Urban Development Department's (HUD) Neighborhood Stabilization Program (NSP) to address the housing foreclosure crisis.

The City's NSP establishes three programs to address the foreclosure crisis including:

- The Acquisition, Rehabilitation and Resale (ARR-SFR) Program for single family homes;
- The Acquisition, Rehabilitation and Rental (ARR-MFR) Program for multi-unit rental housing; and,
- The Down Payment Loan Assistance Program for owner-occupied first-time homebuyer housing.

On July 14, 2009, the City Council selected five Development Partners for SFR-ARR including Mayans Development, Mercy Housing, ANR Industries, VCD Corporation, and Sheffield Homes and two for MFR-ARR including Mary Erickson Community Housing-MECH and Riverside Housing Community Development- RHDC) to assist with the administration, implementation and ongoing operation of the program.

DISCUSSION

As part of the NSP Program, the City will acquire foreclosed and vacant single and multi-family properties directly from financial institutions with a standing inventory of foreclosed properties, as well as through the National Community Stabilization Trust (NCST).

Whenever possible, the City will endeavor to have properties acquired directly by the NSP Development Partners, subject to the terms of each relevant NSP Development Partner Agreement. In these instances, NSP grant moneys will be utilized to fund the property acquisitions but the City will never accept title to the properties. In other NSP property acquisitions, including those involving the NCST, the City must briefly accept title to the property before transferring title the Development Partner- through a double escrow process.

The NCST is an unprecedented collaboration of the nation's five leading housing and community development non-profit organizations – the Enterprise Community Partners, Housing Partnership Network, Local Initiatives Support Corporation (LISC), Neighbor Works America, and the National Urban League. Presently the NCST has eight of the largest lenders and mortgage companies in the United States participating in its program including Fannie Mae, Freddie Mac, Wells Fargo, JP Morgan-Chase, Citigroup, Bank of America, Saxon Mortgage and GMAC- Residential Capital.

The purpose of the NCST is to serve as a single point of contact between the leading lenders in the country, which own foreclosed properties and local government agencies that have received NSP funds and are striving to acquire vacant foreclosed properties. The NCST has a standardized process for acquiring properties from lenders.

Once the City acquires a property from a lender, the City concurrently transfers ownership of the property to one of its approved Development Partners for the acquisition, rehabilitation and resale of the single-family property to an eligible homebuyer. Multi-family Development Partners will retain long-term ownership of the

properties they acquire through the NSP program to provide affordable housing options to families earning incomes up to 50% of the area median income .

As part of the NCST's standardized acquisition process, the City and the Development Partners will have a concurrent or double escrow for acquisition closings. The City will take title of the property from the Trust, but upon close of escrow the City will immediately transfer title to the cooperative Development Partner. As a requirement of the NCST program, the City must execute and record a Certificate of Acceptance (Exhibit A to Attachment A) certifying its interest in the real property before a transfer of title from NCST to the City can occur.

Pursuant to Resolution 94-5, adopted January 24, 1994, the City Engineer had been granted the authority to execute Certificates of Acceptance. However, the City Engineer's authority is limited to street, highway, or public service easement acquisitions. In the effort to streamline, along with maintaining the efficiency and integrity of the NSP escrow process, it is deemed necessary to grant the authority to execute Certificates of Acceptance for NSP property acquisitions to the City Manager. Thus, staff recommends the adoption of Resolution 2009-93.

Additionally, NSP Development Partners are required to enter into a Development Partner Agreement with the City for property acquisitions. On July 14, 2009, the City Manager was granted the authority to prepare and execute the Development Partner Agreements. However, given the nature and complexity of multi-family property acquisitions, the affordability covenants recorded against the properties, and the long-term ownership of the properties by the Development Partners, it has been determined that an NSP Development Partner Affordable Housing Agreement will be required for the acquisition of each multi-family property. The NSP Development Partner Affordable Housing Agreement will be similar in form to the Affordable Housing Agreements used by the City's RDA for multi-family affordable housing projects. Since the Development Partners will be frequently acquiring properties and escrows will be expected to close rapidly, it will be necessary for the NSP Development Partner Affordable Housing Agreements to be approved by the City Manager as time will not permit each agreement to be brought forward for approval by the City Council.

In order to expedite the quick timeframes needed to acquire the foreclosed properties and meet the timeframes of the National Community Stabilization Trust, and to close escrows in a timely manner, the City Council will need to grant authority to the City Manager to approve the NSP Development Partner Affordable Housing Agreements.

ALTERNATIVES

1. Adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the NSP Program, and authorize the City Clerk to record the Certificates of Acceptance and other NSP related documents; authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to

form by Special Counsel), and execute other related NSP documents; and, authorize the Financial & Administrative Services Director to fund payments for properties. *Staff recommends these actions because they will facilitate the acquisition process through the Neighborhood Community Stabilization Trust and streamline the NSP acquisition process.*

2. Decline to adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the NSP Program, and decline to authorize the City Clerk to record the Certificates of Acceptance and other NSP related documents; decline to authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to form by Special Counsel), and execute other NSP related documents; and, decline to authorize the Financial & Administrative Services Director to fund payments for properties. *Staff does not recommend these actions because they prevent the City's utilization of the Neighborhood Community Stabilization Trust's assistance and will delay the acquisition process and jeopardize the success of the NSP Program.*

FISCAL IMPACT

The ARR-SFR and ARR-MFR programs will be funded entirely from the Neighborhood Stabilization Program federal grant.

<u>Fund</u>	<u>Business Unit No/Name</u>	<u>Estimated Amount</u>
00197	19710	\$11,390,116

There is no impact to the City's General Fund.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness

The Neighborhood Stabilization Program will promote community pride and foster an excellent image for Moreno Valley.

NOTIFICATION

Publication of agenda.

ATTACHMENTS/EXHIBITS

ATTACHMENT A City Resolution 2009-94

Prepared By:
Shanikqua Freeman
Acting Management Analyst

Department Head Approval:
Barry Foster
Economic Development Director

Concurred by:
Michele Patterson
Acting Redevelopment Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2009-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ACCEPT AND CONSENT TO DEEDS OR GRANTS FOR RESIDENTIAL PROPERTIES ACQUIRED THROUGH THE NEIGHBORHOOD STABILIZATION PROGRAM.

WHEREAS, Section 27281 of the Government Code provides that deeds or grants conveying an interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed upon the deed or grant; and

WHEREAS, Section 27281 of the Government Code also provides that a political corporation or governmental agency may, by general resolution, authorize an officer or agent of the grantee to accept and consent to such deeds or grants; and

WHEREAS, the City desires and believes that it is in the best interests of convenience and efficiency for the City to designate the City Manager of the City of Moreno Valley as the officer authorized to accept on behalf of the City deeds and grants for residential properties acquired through the Neighborhood Stabilization Program.

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

Section 1. The City Manager of the City of Moreno Valley is authorized to accept and consent to deeds and grants conveying residential properties acquired through the Neighborhood Stabilization Program to the City of Moreno Valley.

Section 2. Whenever the City Manager consents to a deed or grant conveying a residential property acquired through the Neighborhood Stabilization Program to the City of Moreno Valley, the City Manager shall execute a certificate of acceptance and consent in substantially the following form:

This is to certify that the interest in real property conveyed by the deed or grant dated _____ from _____ to the City of Moreno Valley, a political corporation, in the form attached as Exhibit A hereto, is hereby accepted by the undersigned City Manager on behalf of the City of Moreno Valley pursuant to authority conferred by Resolution No. ____ of the City Council of the City of Moreno Valley adopted on _____, 2009, and the grantee consents to recordation thereof by the City Clerk.

ATTACHMENT A

1

APPROVED AND ADOPTED this _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ATTACHMENT A
2

RESOLUTION JURAT

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

I, JANE HALSTEAD, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that City Resolution No. 2009-___ was duly and regularly adopted by vote of the City Council of the City of Moreno Valley at a regular meeting held on the ___ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SECRETARY

(SEAL)

“Exhibit A”

CERTIFICATE OF ACCEPTANCE

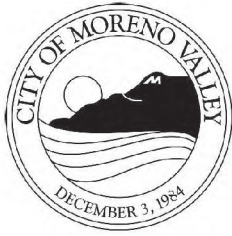
This is to certify that the interest in real property conveyed by the deed or grant dated _____ from _____ to the City of Moreno Valley, a political corporation, in the form attached hereto, is hereby accepted by the undersigned City Manager on behalf of the City of Moreno Valley pursuant to authority conferred by Resolution 2009 - ____ approval of the City Council of the City of Moreno Valley on _____, 2009, and the grantee consents to recordation thereof by the City Clerk.

Robert G. Gutierrez
City Manager

Date: _____

ATTACHMENT A

4



APPROVALS	
BUDGET OFFICER	<i>[Signature]</i>
CITY ATTORNEY	<i>[Signature]</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: RESOLUTION AMENDING RESOLUTION NO. 2007-43 BY TEMPORARILY REDUCING RESIDENTIAL SINGLE-FAMILY AND RESIDENTIAL AFFORDABLE SINGLE-FAMILY DEVELOPMENT IMPACT FEES

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution 2009-95, amending Resolution No. 2007-43, by temporarily reducing residential single-family and residential affordable single-family development impact fees by fifty percent, with the opportunity to consider a possible one year renewal.

BACKGROUND

According to most economic experts, the ongoing economic recession, which began in late 2007, is likely not ready for a recovery in the near future. Most predictions call for a recovery of the Inland Region economy to happen in late 2010 at the earliest, but more likely not until 2011 or maybe until early 2012.

Over the years, the regional economy in Riverside and San Bernardino counties has been heavily dependent upon construction activity, especially the new residential development industry. In FY 2004/05, at the peak of the housing boom, more than 52,000 single-family residential permits were issued in Riverside and San Bernardino counties. The latest reports estimate that less than 5,000 single-family residential permits will be issued in 2009, along with only slightly more than 5,500 next year in 2010.

A report written in May 2009 by Dr. John E. Husing, Ph.D. that helped quantify the economic impact of residential construction decline in the Inland Region identified the single-family residential permit valuation decline for Riverside County from 2005 to 2008

at \$5.02 billion, which equates to an 80.4% decrease. The loss of those dollars entering the secondary economy (through goods and services) is on a one to one ratio, thus the net loss for Riverside County because of the downturn in the new residential development industry for that time-period is estimated at more than \$10 billion. These losses in the local economy also translate to increased unemployment and higher home foreclosure rates in the Inland Region.

Moreno Valley has not escaped the new housing construction decline. Building permit issuance for single-family construction for the City of Moreno Valley has dropped 91% during the 2005-2008 time-period. Multi-family permit activity has been similarly reduced at a decline of 90%. There also has been a 20% decline in the commercial and industrial sectors during that same period. However, the rate of decline in commercial and industrial development has occurred significantly this year, as there is a 96.6% decrease in permit valuation (January-May 2009) when comparing activity this year to the same period in 2005.

The decline of the new housing development market has had a major impact on unemployment rates in both Inland Region counties. It is estimated that over 25,000 construction jobs have been lost in the past two years in the Inland Region. The State Employment Development Department recently calculated Moreno Valley's unemployment rate at 16.1% in June 2009 and Riverside County as a whole had an unemployment rate estimated at 13.7% in June 2009. The growing unemployment problem, fueled by the significant decline in construction jobs has also likely triggered more foreclosures in Riverside and San Bernardino counties.

Presently, Moreno Valley has approximately 4,000 foreclosed residential properties, along with many others in default and potentially facing foreclosure. More troubling is that many Payment Option-Adjustable Rate Mortgages (ARM's) that were popular at the height housing boom have or will soon reset in the new few years. Nationwide, an estimated one million ARM's are expected to reset to higher interest rates in the next four years. Even more alarming is that ¾'s or an estimated 750,000 ARM's nationwide will reset in either 2010 or 2011. Unfortunately, many will be in the Inland Region because about half of the new homes built in California between 2002 and 2007 were constructed in the Riverside or San Bernardino County area. Payment-Option ARM's were commonly used for many new Inland Region home buyers, as well as people who refinanced their homes in the period between 2004 and 2007. ARM resets with unaffordable mortgage payments will significantly impact the amount of foreclosures in the Inland Region, including Moreno Valley.

Housing values have decreased significantly across the Inland Region. The housing market in Moreno Valley currently reflects decreased home values with the average resale prices in June at \$141,423, which is down from \$206,979 just a year before in June 2008. The number of real estate listings in Moreno Valley has dropped from a high of 1,384 in April 2009 to 898 in May 2009, hopefully illustrating an improving re-sale housing market. However, please note that many major banks are holding back large numbers of repossessed houses from the real estate market in the Inland Region so as to not flood the market and further depress home values. Key in the resale market will

be interest rates for mortgages and the numbers of foreclosures and bank-owned properties on the market.

The identification of the key issues affecting the decline of local economy and what measures can be taken to stimulate the economy have been pursued by several organizations including Western Riverside Council of Governments (WRCOG) Red Team and the Building Industry Association. Out of these many discussions has come the consideration of the idea to temporarily reduce the Transportation Uniform Mitigation Fee (TUMF) and Development Impact Fees (DIF), along with other possible actions including what was the major focus for the Red Team- a concerted effort to stem further waves of foreclosures in the region.

A Development Impact Fee (DIF) is a fee charged by a local government to a development project for the purpose of charging for all or a portion of the cost of public facilities or infrastructure related to the impacts brought on by the development project. TUMF is very similar to DIF, but it is collected by WRCOG to fund future regional transportation improvements. Both DIF and TUMF use Nexus studies to establish appropriate fee structures.

DISCUSSION

Several Riverside County local governments have recently adopted policies aimed at stimulating the local economy by encouraging growth of the residential building industry and creating jobs by pursuing the temporary reduction of DIF. Temporary DIF reductions will clearly result in a decrease in fees collected. However, the loss in fees is anticipated to be offset by increased development activity, the creation of construction jobs and hopefully a recovery in the local economy. To date the following agencies have adopted a temporary reduction in DIF.

Jurisdiction	Original Single-Family Residential DIF (per house)	Revised DIF (per house)	Percent Reduced	Savings Per Unit	Terms of Reduction
City of Beaumont	\$16,341.80	\$11,112.43	30%	\$5,229.37	Full reduction is in place for 16 months. Fees revert to 2009 levels over a three- year phase in period ending in 2012.
City of Corona	\$19,474	\$11,684.40	40%	\$7,789.60	Full reduction is in place for two years with an optional third year.
City of Menifee	\$5,185	\$2,599.30	50%	\$2,585.70	Reduction ends on June 30, 2010 OR after 500 permits are issued.
City of Perris	\$12,668	\$6,334.00	50%	\$6,334.00	Reduction is in place for 1 year. Thereafter, there will only be a 25% reduction for 6 additional months.
County of Riverside (unincorporated areas)	\$4,057	\$2,028.50	50%	\$2,028.50	One-year reduction.
City of Moreno Valley	\$13,744				

Source: BIA - Riverside Chapter and City websites

- **City of Beaumont**

On February 17, 2009, the City of Beaumont adopted Resolution 2009-09, also known as the Beaumont Economic Stimulus Package. The Economic Stimulus Program included the adoption of a temporary reduction of DIF. The temporary DIF reduction initially reduces fees by 30%. The DIF reduction schedule is graduated and fees will increase incrementally between FY09/10, FY10/11, FY11/12 and FY12/13. The fees will increase to 14.3%, 12.5% and 11.1%, respectively, and are scheduled to reset to the original rate at the beginning of FY12/13 (July 1, 2012). The Beaumont DIF program also grants a developer the option to defer DIF payment building inspection stage of the development.

In addition to the temporary reduction of DIF, the City of Beaumont through the stimulus package has implemented a 50% fee reduction in building permit fees, grading permit, plan check and inspection fees for onsite improvements (i.e. patio covers, pools, etc.)

- **City of Corona**

On May 6, 2009, the City of Corona adopted an ordinance to temporarily reduce DIF by 40% for a period of two years, expiring on June 30, 2011. The ordinance also extends a previously adopted DIF deferral policy whereby payment of certain fees is deferred until a Certificate of Occupancy is issued. This extension will expire concurrent to the DIF reduction.

- **City of Menifee**

On May 20, 2009, the newly incorporated City of Menifee approved the Menifee Development Stimulus Plan. As part of a multi-faceted plan, the City of Menifee will temporarily reduce DIF by 50% for one-year, ending June 30, 2010 or upon the issuance of 500 permits- whichever comes first. One other fee related reduction approved by the City of Menifee is the temporary reduction in hourly rates by 20% for City development services related to new residential. Please note that as a new municipality that Menifee had merely adopted the County's DIF rate structure and nexus study and that the City has no established debt obligations for public improvements.

- **City of Perris**

On June 30, 2009, the City of Perris approved the adoption of a resolution to reduce the City's DIF for residential development by 50% for FY 09/10, and 25% for the first six months of FY 10/11.

- **County of Riverside**

On July 14, 2009, the County of Riverside adopted a resolution to temporarily reduce DIF by 50% for a one-year period ending June 30, 2010. Additionally, Riverside County adopted a resolution to urge WRCOG to temporarily reduce TUMF to assist in residential development.

Moreno Valley DIF

In 2000, the City of Moreno Valley adopted a Development Impact Fee (DIF) program to equitably distribute the costs of future infrastructure and public facilities needed in the

community because of new residential and commercial development in Moreno Valley. In other words, the DIF program has new development pay for its fair share of the costs for new streets, parkland and public facilities. This is a fiscally prudent concept that is used by many other Inland Region cities including Corona, Fontana, Perris, Ontario, Rancho Cucamonga, Redlands, and Temecula. Under the DIF, different types of uses (single-family residential, multi-family residential, industrial, commercial, retail, and office) pay varying DIF rates based on the impacts associated with the various types of development.

Revenue from DIF in Moreno Valley has decreased significantly since FY 2006/07 because of the housing development slowdown and recessed economy. In FY 2005/06, Moreno Valley received its most total DIF revenue at nearly \$21 million and of that amount \$8.48 million came from Residential DIF projects. In FY 2008/09, DIF revenue is projected to be only \$1.23 million, with \$ 159,409 coming from Residential DIF projects. During the residential housing boom from FY 2002/03 through FY 2006/07, Moreno Valley collected a total of \$73,979,923 in DIF and \$35,582,198 or 48% came from single-family residential projects.

In the past, DIF revenue has been a major source of revenue for new capital projects in Moreno Valley. In November 2005, the City issued a \$48 million bond issue to fund a variety of infrastructure projects. DIF, the Moreno Valley Electric Utility and RDA fund debt service for these lease revenue bonds.

The recent decrease in DIF revenue has impacted debt service coverage resulting in using DIF reserves to maintain debt service. Reducing DIF for single-family residential would have an effect on debt service obligations depending on the duration and magnitude of a DIF reduction.

Current stimulation programs underway in the City of Moreno Valley

There are several efforts currently underway in the City of Moreno Valley to stimulate the economy including the following:

Deferral of DIF and TUMF Payment

The City of Moreno Valley has adopted a resolution deferring the collection of DIF and TUMF for residential development projects until the Certificate of Occupancy.

Moreno Valley Employment Resource Center

The Moreno Valley Employment Resource Center (ERC) opened in mid-August to serve the City's population that is either unemployed or underemployed.

NSP

The City of Moreno Valley has received an \$11,390,116 allocation to implement an 18-month Neighborhood Stabilization Program (NSP) aimed at assisting low to moderate income households, while targeting the City's areas most affected by foreclosures. Under the adopted plan, the City has approved Development Partners that will purchase bank-owned properties in Moreno Valley, rehabilitate those properties and put them on the market for first-time homebuyers.

NSP 2

A cooperative application with the City of Hemet for additional NSP funds (NSP 2) has been submitted to HUD to continue efforts to mitigate home foreclosures and encourage home ownership initiated by NSP. The joint application requested a fund allocation of \$10 million.

Foreclosure Prevention Education

In response to the continuing home foreclosure problem, Moreno Valley will continue foreclosure prevention workshops and offer residents valuable information and the opportunity to meet one-on-one with representatives from mortgage lenders, credit counseling agencies and social service providers. The first round of workshops in spring 2009 assisted approximately 600 residents.

Proposal of a Temporary DIF Reduction

Presently, the DIF rate for residential single-family is \$13,744 per unit. The consideration of a DIF reduction for residential single-family would have many impacts including short term revenue loss for the City, but also possesses the possibility of helping jump start the new housing construction industry. It is extremely difficult to quantify the revenue loss, as well as the effectiveness that a DIF reduction will put forth towards actually stimulating more new residential development in Moreno Valley. The continued numbers of foreclosures and bank-owned properties hitting the residential market in the coming years will still likely cause a competitive disadvantage for new homes in the real estate market. Another problem for home builders in the near future will be financing for projects in this current credit environment. Overall, the effectiveness of reducing DIF to stimulate significant recovery of the new housing development industry is uncertain. However, any growth in new residential development would be positive for the local economy.

ALTERNATIVES

1. Adopt Resolution 2009-95 approving the reduction of Residential Single-Family and Residential Affordable Single-Family Development Impact Fees for the period of one year. **Staff recommends this alternative.**
2. Reject Resolution 2009-95, thereby not reducing Residential Single-Family and Residential Affordable Single-Family Development Impact Fees. **Staff does not recommend this alternative.**

FISCAL IMPACT

Calculating the fiscal impact of a reduction of fees directly correlates with the percentage of that reduction, but also depends on the activity and number of projects happening. It is not possible to accurately project the revenue loss for the temporary DIF reduction. However, a reduction of collected DIF is expected to be offset by increased development activity and, hopefully sales tax and property tax revenue increases.

SUMMARY

The current economic crisis is spurring local agencies to identify ways of mitigating the impacts of the slowdown in development particularly as it relates to revenue, the unemployment rate and the home foreclosure rate. Currently five other jurisdictions in Riverside County have adopted temporary DIF reductions to make new residential development projects more cost-effective. The City of Moreno Valley is already underway with several programs aimed at helping to mitigate the impacts of the current economic crisis, but does not currently have a temporary DIF reduction program. Moving forward with a temporary DIF reduction for single-family residential in Moreno Valley is envisioned as a way to help stimulate the local economy.

ATTACHMENT

- Attachment 1 – Development Impact Fee Schedule
- Attachment 2 – Resolution No. 2009-95

Prepared By:
 Barry Foster
 Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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City of Moreno Valley Development Impact Fees

	Residential				Commercial				Office	
	Single Family	Affordable Single Family	Multi Family	Affordable Multi Family	General	Regional	Industrial General	Class A	Non-Class A	
Unit	Current Fee	Proposed Fee	Current	Proposed Fee	Current	Current	Current	Current	Current	
Transportation Uniform Mitigation Fees (TUMF)	\$ 10,046	\$ 10,046	-	-	\$ 9,990	\$ 9,990	\$ 1,840	\$ 2,190	\$ 5,710	
Aerial Streets	\$ 4,531	\$ 2,265	\$ 1,275	\$ 633	\$ 3,171	\$ 892	\$ 4,482	\$ 2,231	\$ 1,921	
Traffic Signals	\$ 567	\$ 283	\$ 421	\$ 211	\$ 397	\$ 294	\$ 678	\$ 443	\$ 290	
Interchange Improvements	\$ 524	\$ 262	-	-	\$ 367	\$ -	\$ 684	\$ -	\$ 293	
Fire Facilities	\$ 650	\$ 325	\$ 252	\$ 126	\$ 261	\$ 101	\$ 80	\$ 36	\$ 67	
Police Facilities	\$ 464	\$ 232	\$ 126	\$ 63	\$ 368	\$ 101	\$ 232	\$ 64	\$ 51	
Park Improvements	\$ 3,109	\$ 1,554	\$ 1,598	\$ 799	\$ 2,723	\$ 1,193	\$ -	\$ -	\$ -	
Recreation Centers	\$ 193	\$ 97	\$ 1,198	\$ 599	\$ 169	\$ 1,049	\$ -	\$ -	\$ -	
Libraries and Materials	\$ 813	\$ 406	\$ 668	\$ 334	\$ 712	\$ 499	\$ -	\$ -	\$ -	
Park Land (Quinby In-Lien Fees)	\$ 1,865	\$ 933	\$ 573	\$ 287	\$ 1,634	\$ 428	\$ -	\$ -	\$ -	
Animal Shelter	\$ 152	\$ 76	-	-	\$ 133	\$ -	\$ -	\$ -	\$ -	
Maintenance Equipment	\$ 50	\$ 25	-	-	\$ 20	\$ -	\$ 4	\$ -	\$ 4	
City Hall	\$ 529	\$ 265	\$ 292	\$ 146	\$ 212	\$ 118	\$ 74	\$ 42	\$ 62	
Corporate Yard	\$ 298	\$ 149	\$ 283	\$ 142	\$ 119	\$ 113	\$ 53	\$ 41	\$ 43	
Total	\$ 23,790	\$ 16,918	\$ 6,686	\$ 3,343	\$ 17,340	\$ 4,788	\$ 16,277	\$ 12,847	\$ 8,504	

NOTES:

1. Beginning in 2003, all impact fees will be adjusted annually.
2. The fees will be adjusted to reflect the annual increase using the Council approved 20-City Average Building Cost Index of the Engineering News Record.
3. TUMF fees are set by the Western Riverside County Organization of Governments (WRCOG).
4. Fees for Single and Multi-Family Residential have been increased in Jan 2007 by the 20-City Average Building Cost Index which was 3.8% (Does not include Affordable Housing segments)
5. Fees for General Commercial and Non-Class A Office have been increased to the mid-point between the existing fee and 50% of the nexus.

UNITS LEGEND

DU = Dwelling Unit for residential development types
 KSF = 1,000 gross square feet of building area for commercial, industrial and office development types

IMPLEMENTATION NOTES:

With respect to each second dwelling unit on a single family residential lot qualifying as a "granny flat" housing unit, the fees shall equal one-half of the fees applicable to each multi-family dwelling unit.

With respect to commercial and industrial and non-class A office development impact fees, there will be a continuation of existing fees with the intent of charging one-half of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, through a two-year phase-in beginning on January 16, 2007.

With respect to Class A office development impact fees, these shall be frozen at the pre-January 12, 2006 fees, or \$1,705 per 1,000 square feet.

With respect to Residential Single Family and Residential Multi-Family development impact fees, the fees shall be charged at 100% of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, and shall take effect on January 12, 2006.

With respect to Residential Affordable Single-Family and Residential Affordable Multi-Family, these fees shall be frozen at the pre-January 12, 2006 fees until such time that the City Council deems it appropriate to amend the Impact Fee Resolution.

Hence:

Impact Fee Type	Residential				Commercial			Office	
	Single Family Dwelling Unit	Affordable-Single Family Dwelling Unit	Multi Family Dwelling Unit	Affordable Multi Family Dwelling Unit	General 1,000 sq ft	Regional 1,000 sq ft	Industrial General 1,000 sq ft	Class A 1,000 sq ft	Non-Class A 1,000 sq ft
Fee Basis	Dwelling Unit	Dwelling Unit	Dwelling Unit	Dwelling Unit	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft
Current Fee (2)	\$6,686.00	\$6,686.00	\$4,788.00	\$4,788.00	\$3,823.00	\$2,857.00	\$1,148.00	\$1,705.00	\$1,705.00
Calculated Fee per Nexus Study (1)	\$13,241.00	\$13,625.00	\$9,909.00	\$10,178.00	\$17,503.00	\$13,174.00	\$5,156.00	\$7,762.00	\$7,762.00
Recommended Fee	100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee	50% of Nexus Fee	50% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee
Fees at 1/12/06 (2)	\$13,241.00	\$6,686.00	\$9,909.00	\$4,788.00	\$3,823.00	\$2,857.00	\$1,148.00	\$1,705.00	\$1,705.00
Fees at 1/16/07 (2)	\$13,241 + 2 yr. CPI	\$6,686.00	\$9,909 + 1 yr. CPI	\$4,788.00	\$6,287.00	\$2,857.00	\$1,863.00	\$1,705.00	\$2,793.00
Fees at 1/16/08 (2)	\$13,241 + 2 yr. CPI	\$6,686.00	\$9,909 + 2 yr. CPI	\$4,788.00	\$8,752.00	\$2,857.00	\$2,578.00	\$1,705.00	\$3,881.00
Fees at 1/16/09 (2)	\$13,241 + 3 yr. CPI	\$6,686.00	\$9,909 + 3 yr. CPI	\$4,788.00	\$8,752.00	\$2,857.00	\$2,578.00	\$1,705.00	\$3,881.00

Note: 1) Fees are rounded to the nearest whole dollar. Fees will vary from what is shown for 1/16/07 and 1/16/08 based on annual July 1st adjustments for inflation, which are not included in the above examples.
 2) Fees shown in example do not include TUMF

RESOLUTION NO. 2009-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING RESOLUTION NO. 2007-43 REGARDING THE FEE STRUCTURES FOR RESIDENTIAL SINGLE-FAMILY AND RESIDENTIAL AFFORDABLE SINGLE-FAMILY DEVELOPMENT IMPACT FEES

WHEREAS, Chapters 3.38, 3.40, and 3.42 of the City of Moreno Valley Municipal Code authorize the establishment of residential and commercial and industrial development impact fees (the DIF program); and

WHEREAS, the City Council previously adopted Resolution No. 2007-43, setting amounts of residential development impact fees for arterial streets, traffic signals, interchange improvements, police facilities, fire facilities, park improvements, community/recreation centers, library facilities and materials, city hall facilities, corporate yard facilities, maintenance equipment, and animal shelters; and commercial and industrial development impact fees for arterial streets, traffic signals, interchange improvements, police facilities, fire facilities, city hall facilities, corporate yard facilities, and maintenance equipment; and

WHEREAS, the downturn in the economy has slowed the development of new single-family residential properties; and

WHEREAS, the downturn in the economy and the decline of new housing development has had a major impact on City revenues the unemployment rates in Moreno Valley; and

WHEREAS, several Riverside County local governments have recently adopted policies aimed at stimulating the local economy by encouraging growth of the residential building industry and creating job by pursuing the temporary reduction of DIF, thereby in the best interest of the City.

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

1. Section 1 of Resolution No. 2007-43 is hereby amended as follows:

“Section 1: A temporary reduction in Residential Single-Family and Residential Affordable Single-Family Development Impact Fees shall be made to the Residential and Commercial and Industrial Development Impact Fee Table reflecting a fifty percent reduction in Residential Single Family and Residential Affordable Single-Family Development Impact Fees for the period of one year; with the opportunity to consider a possible one year renewal.”

Section 3. of Resolution No. 2007-43 is hereby amended as follows:

“Section 3: With respect to Residential Single-Family and Residential Affordable Single-Family development impact fees (not including Residential Multi-Family and Residential Affordable Multi-Family), the fees described in Section 1 shall be charged at 50% of the fees calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on April 24, 2007 and shall take effect on September 23, 2009. The fees described in Section 1 for Residential Affordable Single-Family and Residential Affordable Multi-Family shall be reduced for the period of one year, with the opportunity to consider a possible one year renewal.

BE IT FURTHER RESOLVED that this Resolution shall take effect on September 23, 2009.

APPROVED AND ADOPTED this 22nd day of September, 2009.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

2
Attachment 2 Resolution No. 2009-____
Date adopted: September 22, 2009

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
September 8, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Presentation of Certificates by Moreno Valley Friends of the Library to Super Readers of the 2009 Summer Reading Program

**MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:30 PM
September 8, 2009**

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Pro Tem Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Batey

INVOCATION - Pastor Paul M. Cunningham, Calvary Baptist Church

ROLL CALL

Council:

William H. Batey II	Council Member
Bonnie Flickinger	Mayor Pro Tem
Jesse L. Molina	Council Member
Robin N. Hastings	Council Member

Absent:

Richard A. Stewart	Mayor
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Staff:

Jane Halstead	City Clerk
Julienne Clay	Administrative Assistant
Steve Elam	Financial and Administrative Services Director
Robert Hansen	Interim City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Steve Curley	Fire Chief
Joel Ontiveros	Lieutenant
Chris Vogt	Public Works Director/City Engineer

Kyle Kollar
Barry Foster
Chris Paxton
Becky Guillan
Steve Kupsak

Community Development Director
Economic Development Director
Human Resources Director
Library Services Division Manager
Parks Maintenance Division Manager

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Pro Tem Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A3 and A5)

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

A.3 AUTHORIZATION TO ESTABLISH A PURCHASE AGREEMENT WITH DATA TICKET INCORPORATED FOR FY 2009/2010 (Report of: Community Development Department)

Recommendation:

1. Award the annual purchase agreement to Data Ticket Incorporated in the amount not to exceed \$190,500 and authorize the Mayor to execute the agreement; and
2. Authorize the Code and Neighborhood Services Division Manager to issue a purchase order to Data Ticket Incorporated in the amount of \$190,500 to cover the estimated costs for ticket processing, administrative citation processing and ticket printing costs for FY 2009/2010.

A.4 THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Third Amendment to Agreement for Professional

Consultant Services” with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide Professional Consultant Services;

2. Authorize the City Manager to execute said “Third Amendment to Agreement for Professional Consultant Services” with VAS; and
3. Authorize an increase in the purchase order to VAS in the amount of \$250,000 when “Third Amendment to Agreement for Professional Consultant Services” has been signed by all parties.

A.5 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR INDIAN DETENTION BASIN, DRAINAGE IMPROVEMENTS, AND IRONWOOD STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (Report of: Public Works Department)

Recommendation:

1. Approve the “Fourth Amendment to Agreement for Professional Consultant Services” with Lim and Nascimento Engineering Corporation, 618 North Diamond Bar Boulevard, Diamond Bar, California 91765;
2. Authorize the City Manager to execute said “Fourth Amendment to Agreement for Professional Consultant Services” with Lim and Nascimento Engineering Corporation;
3. Authorize a Change Order to increase the Purchase Order with Lim and Nascimento Engineering Corporation for \$61,560.40 (\$55,964.00 proposal amount plus 10% contingency amount of \$5,596.40) for additional design, right-of-way and environmental services when the Fourth Amendment to Agreement for Professional Consultant Services has been signed by all parties (Account No. 897.91726); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with Lim and Nascimento Engineering Corporation, up to but not exceeding, the 10% contingency amount of \$5,596.40, subject to the approval of the City Attorney.

A.6 FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT BETWEEN MV RANCHO DORADO II LIMITED PARTNERSHIP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE RANCHO DORADO APARTMENTS (THIS ITEM IS ALSO LISTED AS ITEM C3) (Report of: Economic Development Department)

Recommendation:

Approve the First Amendment to the Affordable Housing Agreement between Palm Desert Development Company and the Community Redevelopment Agency of the City of Moreno Valley for the Rancho Dorado Apartments

- A.7 ORDINANCE NO. 793, APPROVING P08-060 (SPECIFIC PLAN AMENDMENT) TO REALIGN KRAMERIA AVENUE BETWEEN IRIS AVENUE AND HEACOCK STREET AND DOWNGRADE KRAMERIA AVENUE FROM A MINOR ARTERIAL TO AN INDUSTRIAL COLLECTOR IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208) AS DESCRIBED IN THE RESOLUTION, AND THE REVISED SPECIFIC PLAN MAPS ATTACHED TO THE RESOLUTION AS EXHIBITS A, B, C AND D (RECEIVED FIRST READING AND INTRODUCTION AUGUST 25, 2009 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

ADOPT Ordinance No. 793 approving a Specific Plan Amendment (P08-060) for the realignment of Krameria Street and amending the Circulation Element in the Moreno Valley Industrial Specific Plan (SP 208) based on the findings in the Ordinance.

Ordinance No. 793

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P08-060 (Specific Plan Amendment) to realign Krameria Avenue between Iris Avenue and Heacock Street and downgrade Krameria Avenue from a Minor Arterial to a Industrial Collector in the Moreno Valley Industrial Specific Plan (SP 208) as described in the Resolution, and the revised Specific Plan Maps attached to the Resolution as Exhibits A, B, C and D

- A.8 ORDINANCE NO. 794, AMENDING SECTION 12.36.010 OF CHAPTER 12.36 OF TITLE 12 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, REVISING THE DESIGNATION OF TRUCK ROUTES (RECEIVED FIRST READING AND INTRODUCTION AUGUST 25, 2009 ON A 5-0 VOTE) (Report of: Public Works Department)

Recommendation:

Adopt Ordinance No. 794, amending Section 12.36.010 of Chapter 12.36 of Title 12 of the Municipal Code to remove Ironwood Avenue from Moreno Beach Drive to Theodore Street, as well as, Moreno Beach Drive from Ironwood Avenue to the SR-60 westbound on/off ramp as designated "Truck Routes." (Roll call required)

Ordinance No. 794

Ordinance No. 794, of the City Council of the City of Moreno Valley, California, Amending Section 12.36.010 of Chapter 12.36 of Title 12 of the City of Moreno Valley Municipal Code, Revising the Designation of Truck Routes

A.9 AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN'S 488-090-031 AND 488-090-051 FOR THE SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve and execute the "Agreement for Conveyance of Property" for the partial acquisition of APN's 488-090-031 and 488-090-051 and authorize the City Manager to execute said Agreement;
2. Authorize a purchase order in the total amount of \$374,600 (\$359,600 for the purchase price and \$15,000 for escrow fees) when the Agreement has been signed by all parties (Account No. 125.89720); and
3. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of \$374,600 (\$359,600 for the purchase price and \$15,000 for escrow fees) for the partial acquisition of APN's 488-090-031 and 488-090-051.

A.10 AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE ACQUISITION OF A PORTION OF APN 488-100-002 FOR THE SR-60/MORENO BEACH DRIVE INTERCHANGE IMPROVEMENT PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and execute the "Agreement for Conveyance of Property" for the acquisition of a portion of APN 488-100-002 and authorize the City Manager to execute said Agreement;
2. Authorize a Purchase Order in the amount of \$874,550 (\$849,550 for the purchase price plus \$25,000 for escrow fees) when the Agreement has been signed by all parties (Account No. 415.70024); and
3. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of \$874,550 (\$849,550 for the purchase price plus \$25,000 for escrow fees) for a portion of APN 488-100-002.

A.11 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of:

6

MINUTES

September 8, 2009

City Clerk's Department)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of August 19 – September 1.

- A.12 PM 33152-1 – EXECUTE A GRANT DEED TO ANDLAND PROPERTIES, LLC FOR THAT PORTION OF PARCELS 1, 2 AND THE REMAINDER PARCEL OF PARCEL MAP NO. 33152-1 ASSOCIATED WITH THE OLD 215 FRONTAGE ROAD RIGHT-OF-WAY REDUCTION, AT THE SOUTHEAST CORNER OF OLD 215 FRONTAGE ROAD AND ALESSANDRO BOULEVARD - DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (MATERIAL NOT AVAILABLE AT TIME OF PRINTING - TO BE PROVIDED UNDER SEPARATE COVER) (THIS ITEM IS ALSO LISTED AS ITEM B3) (Report of: Public Works Department)

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 AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

- B.3 PM 33152-1 – EXECUTE A GRANT DEED TO ANDLAND PROPERTIES, LLC FOR THAT PORTION OF PARCELS 1, 2 AND THE REMAINDER PARCEL OF PARCEL MAP NO. 33152-1 ASSOCIATED WITH THE OLD 215 FRONTAGE ROAD RIGHT-OF-WAY REDUCTION, AT THE SOUTHEAST CORNER OF OLD 215 FRONTAGE ROAD AND ALESSANDRO BOULEVARD - DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (MATERIAL NOT AVAILABLE AT TIME OF PRINTING - TO BE PROVIDED UNDER SEPARATE COVER) (THIS ITEM IS ALSO LISTED AS ITEM A12) (Report of: Public Works Department)

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

- C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

- C.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

- C.3 FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT BETWEEN MV RANCHO DORADO II LIMITED PARTNERSHIP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE RANCHO DORADO APARTMENTS (THIS ITEM IS ALSO LISTED AS ITEM A6) (Report of: Economic Development Department)

Recommendation:
Approve the First Amendment to the Affordable Housing Agreement between Palm Desert Development Company and the Community Redevelopment Agency of the City of Moreno Valley for Rancho Dorado Apartments

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 AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Mayor Pro Tem Flickinger announced that Consent Calendar Item A3, recommendation #2 was changed to read as follows:

Authorize the Purchasing and Facilities Division Manager to issue a purchase order to Data Ticket Incorporated in the amount of \$190,500 to cover the estimated costs for ticket processing, administrative citation processing and ticket printing costs for FY 2009/2010.

Joint Consent Calendar Items A1- D2 approved. Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings, approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

E. PUBLIC HEARINGS

- E.1 A PUBLIC HEARING ON A ZONE CHANGE (PA05-0069) FROM THE RESIDENTIAL 1 (SINGLE FAMILY - UP TO 1 UNIT PER ACRE) LAND USE DISTRICT TO THE RESIDENTIAL 2 (SINGLE FAMILY - UP TO 2 UNITS PER ACRE) DISTRICT, WHICH IS CONSISTENT WITH THE

EXISTING RESIDENTIAL 2 GENERAL PLAN LAND USE DESIGNATION; AND A TENTATIVE TRACT MAP NO. 32388 (PA05-0071) TO SUBDIVIDE APPROXIMATELY 9.5 ACRES LOCATED ON THE SOUTH SIDE OF MOUNTAIN RANCH ROAD AT NORTHSORE DRIVE INTO 14 SINGLE FAMILY LOTS (Report of: Community Development Department)

Mayor Pro Tem Flickinger opened the agenda item for the Public Hearing for public comments, which were received from Vicki Patterson (oppose), Deanna Reeder (oppose) and Pete Bleckert (support).

Recommendation: That the City Council:

1. CONDUCT a public hearing for review of a proposed Zone Change from R1 to R2 and Tentative Tract Map No. 32388 to subdivide approximately 9.5 acres into 14 single family residential lots;
2. APPROVE Resolution No. 2009-84 ADOPTING a Mitigated Negative Declaration for the Zone Change and Tentative Tract Map No. 32388, in that, as designed and conditioned, this project will not result in significant environmental impacts;

Resolution No. 2009-84

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for a Zone Change (PA05-0069), and Tentative Tract Map No. 32388 (PA05-0071) to change the land use for 9.5 net acres located within Assessor's Parcel Number 474-250-003 from Residential 1 to Residential 2 in order to develop a 14 lot single family residential subdivision

**Motion to Approve by m/Council Member Jesse L. Molina, s/Mayor Pro Tem Bonnie Flickinger
Failed by a vote of 2-2-1, Council Member William H. Batey II and Council Member Robin N. Hastings opposed, Mayor Richard A. Stewart absent.**

**Motion to Continue item to November 10, 2009, approve by m/Council Member William H. Batey II, s/Council Member Jesse L. Molina
Failed by a vote of 2-2-1, Mayor Pro Tem Bonnie Flickinger and Council Member Robin N. Hastings opposed, Mayor Richard A. Stewart absent.**

3. INTRODUCE Ordinance No. 795 thereby APPROVING a Zone Change from Residential 1 (R1) to Residential 2 (R2) for the 9.5 acres of Assessor's Parcel Number 474-250-003 located south of Mountain

Ranch Road at Northshore Drive (PA05-0069), based on the findings in the City Council Ordinance (Attachment No. 3); and

Ordinance No. 795

An Ordinance of the City Council of the City of Moreno Valley, California, Approving application PA05-0069 for an Amendment to the official Zoning Atlas from Residential 1 to Residential 2 for the approximately 9.5 net acres of Assessor's Parcel Number 474-250-003 in order to develop a 14 lot single family subdivision

Not Introduced

4. APPROVE Resolution No. 2009-85 thereby APPROVING Tentative Tract Map No. 32388 (PA05-0071) to subdivide the 9.5 acres of Assessor's Parcel Number 474-250-003 located south of Mountain Ranch Road at Northshore Drive into 14 single family residential lots.

Resolution No. 2009-85

A Resolution of the City Council of the City of Moreno Valley, California, Approving Tentative Tract Map No. 32388 (PA05-0071) to develop a 14 lot single family residential subdivision on 9.5 net acres located on the south side of Mountain Ranch Road at Northshore Drive, within Assessor's Parcel Number 474-250-003

Not Adopted

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

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

- a) Mayor Pro Tem Bonnie Flickinger reported Southern California Association of Governments (SCAG) serves member cities and listens to them. Some of the benefits provided are: SCAG waived 10 percent of dues this year, recognized cities' challenges and also provides free professional planning staff for use. SCAG also implemented a pilot scholarship plans for local students. Application information is available at SCAG. SCAG is tasked with designing methodology for implementation of SB 375 green house gases. Mayor Pro Tem Flickinger also reported that she had been appointed to SCAG Regional Goods Movement Task Force and its

Regional Data GIS Task Force. In addition, SCAG provided the City Profile to Mayor Pro Tem Flickinger and encouraged comments from Council and staff.

b) Report by Council Member Council Member Robin N. Hastings on Western Riverside Council of Governments (WRCOG)

Council Member Hastings reported WRCOG will be meeting with the Energy Committee in Washington, D.C. She met with Congressman Calvert, and he was supportive. Council Member Hastings further reported that she would be flying to Washington, D.C. September 28, and would be meeting with Congress people and the Energy Committee to get the funds necessary to bring back to western Riverside County. WRCOG will be making a presentation to Council in October.

G.2 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

Assistant City Manager, Betsy Adams informed the City Council that a letter of support to Western Riverside Council of Governments Energy Efficiency and Water Conservation program would be expedited if it was Council's direction.

Council's direction was to forward the letter of support.

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

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

Catherine Huggins

1. Code violations in her neighborhood

Daryl Terrell

1. Keeping local revenue local

Deanna Reeder

1. Development impact fees
2. Ironwood truck route

Pete Bleckhert

1. Safety issue on Alessandro and Lasselle
2. State of the City Address

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

Jesse Molina

1. Item E1. Public Hearing property zone change; large lots will be a thing of the past
2. Traffic lights on Alessandro and Lasselle concerns asked for direction from constituent
3. Chamber of Commerce - with more businesses the Chamber will have more money, issues with statement in the city
4. Work together as a City and move forward

Robin N. Hastings

1. Congratulations to the Moreno Valley Super Readers, reading is the key to education
2. Enjoyed participating in the Employee Appreciation Luncheon, received lots of positive feedback and very positive interactions
3. Thanked residents she met with regarding Ironwood Avenue and appreciated their input; residents conveyed to Council Member Hastings that they were very appreciative to have input in the process

William H. Batey II

1. Congratulations to the Super Readers and commended Library Director for putting together a super program

Bonnie Flickinger

1. Four students at four Moreno Valley schools may enter the Air Aware contest by September 21, sponsored by RTA, first prize of \$250 gift certificate for the Moreno Valley Mall, detailed information can be found at www.riversidetransit.com
2. Parks and Recreation Commission has an opening for a teen member,

applications on www.moval.org

3. City is focused on providing citizens assistance and providing more foreclosure workshops, Sept 12, 2009 at 10:00 a.m., in Council District 5, Calvary Chapel Church, very helpful for the residents, four more workshops in other Council districts

4. Employee Resource Center is open at Towngate Center, many resources available

5. Parks is cutting back on the number of hours the water feature at Bethune Park is open due to the water shortage, determined to find a way to restore the hours

6. Mayor Stewart delivered the State of the City message last week. The video will be on the website starting next week

7. Agendize for next Study Session to discuss the Agenda for the rest of the year.

CLOSED SESSION – Cancelled

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

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

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:05 p.m. by unanimous informal consent.

Submitted by:

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

Mayor, Richard A. Stewart
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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**MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
AND THE BOARD OF LIBRARY TRUSTEES**

**SPECIAL MEETING – 6:00 P.M.
SEPTEMBER 1, 2009**

CALL TO ORDER - A Special Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley, and the Board of Library Trustee was called to order at 6:01 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

ROLL CALL

Council:

Richard A. Stewart	Mayor
Bonnie Flickinger	Mayor Pro Tem
William H. Batey II	Council Member
Robin N. Hastings	Council Member
Jesse L. Molina	Council Member

Staff:

Jane Halstead	City Clerk
Steve Elam	Financial & Administrative Services Director
Robert Hansen	Interim City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Chris Vogt	Public Works Director/City Engineer
Barry Foster	Economic Development Director
Chris Paxton	Human Resources Director

PUBLIC COMMENTS ON MATTERS ON THE SPECIAL MEETING AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder, Marcia Amino and Pete Bleckert.

G. REPORTS

- G.1 MEMORANDUM OF UNDERSTANDING BETWEEN ABSOLUTE STORAGE LLC, RRM PROPERTIES LTD AND THE CITY OF MORENO VALLEY, CA.
(Report of: Economic Development Department)

Recommendation: that the City Council & RDA Board

1. Approve a Memorandum of Understanding between Absolute Storage LLC, RRM Properties LTD and the City of Moreno Valley; and

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Bonnie Flickinger
Approved by a vote of 5-0.

2. Appropriate \$225,000 from available RDA tax increment fund balance to Account 892.80129.7200 for the funding of the Gas Line Relocation Project.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Bonnie Flickinger
Approved by a vote of 5-0.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned to Closed Session at 6:21 p.m. by unanimous informal consent.

Submitted by:

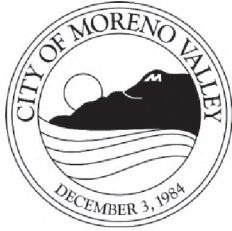
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

Richard A. Stewart
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: September 22, 2009

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of September 2-15, 2009.

<i>Reports on Reimbursable Activities</i> September 2-15, 2009		
Council Member	Date	Meeting
William H. Batey II		None
Bonnie Flickinger	9/11/09	Moreno Valley Chamber of Commerce – Legislative Action Committee
Robin N. Hastings		None
Jesse L. Molina		None
Richard A. Stewart		None

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

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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**MINUTES - REGULAR MEETING OF SEPTEMBER
8, 2009 (Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.15

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**MINUTES - SPECIAL MEETING OF SEPTEMBER
1, 2009 (Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.16

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**MINUTES - REGULAR MEETING OF SEPTEMBER
8, 2009 (Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.15

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**MINUTES - SPECIAL MEETING OF SEPTEMBER
1, 2009 (Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.16

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**MINUTES - REGULAR MEETING OF SEPTEMBER
8, 2009 (Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.15

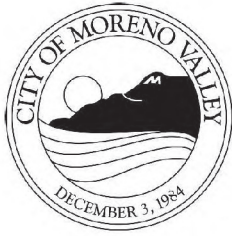
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**MINUTES - SPECIAL MEETING OF SEPTEMBER
1, 2009 (Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.16

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APPROVALS	
BUDGET OFFICER	<i>ky</i>
CITY ATTORNEY	<i>Ret</i>
CITY MANAGER	<i>PA</i>

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: September 22, 2009

TITLE: A PUBLIC HEARING REGARDING PA09-0018 (GENERAL PLAN AMENDMENT) AND PA08-0099 (MUNICIPAL CODE AMENDMENT), A PROPOSAL TO ADD A NEW ZONING DESIGNATION TO THE GENERAL PLAN CREATING THE RESIDENTIAL 30 (R30) ZONING DISTRICT AND AMEND A RANGE OF ZONING REGULATIONS CONTAINED IN TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MULTIPLE FAMILY DEVELOPMENT STANDARDS

RECOMMENDED ACTION

The Planning Commission recommends that the City Council conduct a public hearing regarding PA09-0018 and PA08-0099, and

1. **Find** that PA09-0018 (General Plan Amendment) and PA08-0099 (Municipal Code Amendment) are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines; and
2. **APPROVE** Resolution No. 2009-96 approving PA09-0018, for creating the Residential 30 (R30) zoning district and amending Chapter 9 of the General Plan based on the findings in the Resolution and attached to the Resolution as Exhibit A;
3. **Introduce** Ordinance No. 797 thereby approving PA08-0099, for creating the Residential 30 (R30) zoning district and amending various sections of Title 9 of the City of Moreno Valley Municipal Code. (Attachment 2)

ADVISORY COMMITTEE RECOMMENDATION

On August 13, 2009, by a vote of 6-0-1, the Planning Commission adopted Resolution No. 2009-24, recommending that the City Council determine that the proposed amendment is exempt from the California Environmental Quality Act and approve the proposed amendment of the Municipal Code. No public testimony was received at the hearing.

SUMMARY

PA09-0018 and PA08-0099 are a proposal to modify the City's General Plan and amend various provisions contained in Title 9 of the City of Moreno Valley Municipal Code regarding multiple family development standards, including the introduction of the Residential 30 (R30) Zoning District.

BACKGROUND

General Plan Amendment (PA09-0018)

California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)" requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley's current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at 30 units per acre. The Redevelopment Agency is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley's General Plan.

Redevelopment Agency staff completed a land inventory of the City of Moreno Valley and then developed a proposal to increase residential zoning designations, in various areas in the community, including areas with a significant number of underutilized parcels. The proposal was presented at a series of public meetings in October of 2007 and included an overview of the housing element, the Regional Housing Needs Allocation (RHNA) allocation for Moreno Valley, the challenges in providing affordable housing opportunities, and possibilities for increasing housing densities in several areas of the community. The proposal was then presented to Planning Commission and the City Council. While the meetings only identified potential locations for Residential 30 (R30), the actual choosing of locations and rezoning of areas would be completed under a separate process.

Staff is taking the opportunity to update other residential standards along with the addition of the new zoning designation, Residential 30 (R30) to the General Plan and Municipal Code.

Background – Municipal Code Amendment (PA08-0099)

Standards for the proposed Residential 30 (R30) Zoning District are based on a combination of the City's Residential 20 (R20) and examples of higher density development standards from various cities. The purpose of the standards is to provide guidelines on developing Residential 30 (R30) projects that achieve the goals and objectives of the City of Moreno Valley's General Plan.

As with the General Plan Amendment, the Municipal Code will include the definition of Residential 30 (R30). Also included in the proposed Municipal Code update is residential site development standards for the Residential 30 (R30) zoning district that define minimum lot size, lot coverage, setbacks and height maximums. The proposed changes to the municipal code also include dividing single-family from multiple-family guidelines into separate sections for simplification and greater clarity.

Brief discussions of individual issues are provided below.

The proposed additions to the General Plan and Municipal Code are shown below as bold underlined text. Strikethroughs indicate text recommended for deletion.

DISCUSSION

Issue 1. Adding Residential 30 (R30) Zoning District to the General Plan

Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley's General Plan states the City shall "provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups".

Staff recommends amending Section 9.2.2 under "Policies" (page 9-4) of the General Plan as follows:

2.2.11 The primary purpose of areas designated *Residential 30* is to provide a range of high density multi-family housing types in an urban setting. Developments within Residential 30 areas shall also provide amenities, such as common open spaces and recreational facilities. The maximum density shall be 30 dwelling units per acre.

The rest of the policies of Objective 2.2 will be renumbered as follows:

- 2.2.14~~2~~ Densities in excess of the maximum allowable density for residential projects may be permitted pursuant to California density bonus law.
- 2.2.12~~3~~ Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.
- 2.2.13~~4~~ Discourage costly "leap-frog" development patterns by encouraging in-fill development wherever feasible, thereby reducing overall housing costs. Development within an area designated as SP 212-1 (Moreno Highlands) is not considered to be leapfrog development.
- 2.2.14~~5~~ Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units
- 2.2.15~~6~~ Encourage the use of innovative and cost effective building materials, site design practices and energy and water conservation measures to conserve resources and reduce the cost of residential development.
- 2.2.16~~7~~ Affordable housing developments should be compatible in visual design with surrounding development.
- 2.2.17~~8~~ Discourage nonresidential uses on local residential streets that generate traffic, noise or other characteristics that would adversely affect nearby residents.

At the August 13th Planning Commission meeting, the definition of R30 included "*The primary purpose of areas designated Residential 30 is to provide a range of high density multi-family housing types, with particular emphasis on the needs of low and moderate income families*". During commissioner debate it was noted that including the wording "needs of low and moderate income families" " might lead to a misunderstanding that the R30 zoning district was only for affordable housing. The commissioners agreed to approval of Issue 1 with revised wording.

MUNICIPAL CODE ANALYSIS

Issue 2. Residential Districts within the City of Moreno Valley

Section 9.01.090 of the Municipal Code lists the residential districts in the City of Moreno Valley in order to provide a uniform basis for regulating the use of land, buildings and structures, and to establish minimum site development regulations and performance standards applicable to sites within the city.

Staff recommends amending Section 9.01.090(A) under “Residential Districts” as follows:

Adding: **k. Residential 30 (R30) district;**

Re-lettering: k.to l. Residential single-family 10 (RS10) district.

Issue 3. Definition of Residential 30 (R30)

Section 9.03.020 of the Municipal Code describes the general product type and density provisions for the specified residential development districts.

Staff recommends amending Section 9.03.020 under “Residential Districts” as follows:

L. Residential 30 District (R30). The primary purpose of the R30 district is to provide a broadened range of housing types in a more urban setting than is typically found within other areas of the city. This district is intended as an area for development of multifamily residential dwelling units at a maximum allowable density of thirty (30) DU’s per net acre in accordance with the provisions outlined herein.

As noted under “Issue 1”, the definition of R30 was revised during commissioner debate deleting the wording “needs of low and moderate income families” as it might lead to a misunderstanding that the R30 zoning district was only for affordable housing. Staff also noted that the wording “needs of low and moderate income families” was currently in the definition of Residential 20 District (R20) in the Municipal Code. Further commissioner debate suggested that the R20 definition should be revised as well.

Section 9.03.020 under “Residential Districts” will be amended as follows:

K. Residential 20 District (R20). The primary purpose of the R20 district is to provide a broadened range of housing types in a more urban setting than is typically found within other areas of the city, ~~with particular emphasis on the needs of low and moderate income families.~~ This district is intended as an area for development of multifamily residential dwelling units, as well as mobilehome parks, at a maximum allowable density of twenty (20) DU’s per net acre in accordance with the provisions outlined herein.

The commissioners 6-0-1 agreed to approval of Issue 3 with revised wording.

Issue 4. Multiple-Family Residential Design Guidelines

Design guidelines for multiple-family development are found in Section 9.16.140 (Design Guidelines - Applications for Site Design and Architecture) of the Municipal Code. The Residential Site Development Standards are found separately in Section

9.03.040 of the Municipal Code. For simplification and greater clarity, staff recommends amending of the Municipal Code by deleting Section 9.16.40 and integrating the information into Section 9.03.040 of the Municipal Code.

Issue 5. Residential Site Development Standards

The Residential Site Development Standards, Section 9.03.040 of the Municipal Code, addresses standards that shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. With the creation of the Residential 30 (R30) District and integrating the Multiple-Family Residential Design Guidelines from Section 9.16.140, this section of the Municipal Code requires various edits.

The first edits to Section 9.03.040 recommended by staff are to add Residential 30 (R30) to Table 9.03.040-6 and divide Table 9.03.040-6 into two separate tables, one each for single-family residential and multiple-family residential.

Section 9.03.040 (E) will be edited into two separate sections for single-family (Section 9.03.040 (E)) and multiple-family residential (Section 9.03.040 (F)). Section 9.03.040 (F) will also be edited to add "Residential 30 (R30)". The two sections will be placed after their related Table (single-family after Table 9.03.040-6 and multiple-family after Table 9.03.040-7) and read as followed:

Section 9.03.040 (E):

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

~~9~~ **3.** In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

~~10~~ **4.** Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

- a. Front porches;
- b. Automatic garage door openers;

- c. Electronic security systems;
- d. Fire sprinklers.

~~11~~ **5.** Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

~~12~~ **6.** For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

Section 9.03.040 (F):

F. Special **Multiple-Family** Residential Development Standards.

1. In the R10, R15, R20 **and R30** districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 **or R30** district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

4. In the RS10, R10, R15, R20 **and R30** districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 **and R30** districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials, except for necessary walks and fences.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such

uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 district, Landscape Trees: 1 tree per 20-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 20-linear feet of perimeter planter areas.

An addition to Section 9.03.040 (F) will allow for greater flexibility in designing Residential 30 (R30) developments when project sites are three acres or greater. Staff recommends the following:

9. In the R30 district, for a development of three acres or greater, up to 60 percent of the units may be in buildings with three or four stories, 50 feet maximum height subject to Planning Commission approval.

Section 9.03.040 (F) will be edited to move Table 9.16.140A from Section 9.16.40, add the R30 Designation and standards for Minimum Density as followed:

Table 9.03.040-8

Designation	<u>Minimum Density*</u>	Maximum Density	Threshold Density
R10	<u>8 units/acre</u>	10 units/acre	8 units/acre
R15	<u>12 units/acre</u>	15 units/acre	12 units/acre
R20	<u>16 units/acre</u>	20 units/acre	16 units/acre
<u>R30</u>	<u>24 units/acre</u>	<u>30 units/acre</u>	

The Minimum Density standards for all multiple-family zones will ensure that the City of Moreno Valley’s land use codes implement its housing targets and allow the City to meet affordable housing goals without needing to change substantial additional areas to multiple-family. Minimum Density replaces “Threshold Density”, a concept deleted from the General Plan. Staff recommends noting directly under Table 9.03.040-8 the following:

- *** 80% of allowable density must be achieved by all multiple-family residential developments.**

Staff recommends amending Section 9.03.040(F) Multiple-Family Residential Design Guidelines by integrating the general multiple-family guidelines from Section 9.16.40 (Applications for Site Design and Architecture) with some revisions and renumbering into a new subsection 9.03.040 (G) as followed:

G. General Multiple-Family Guidelines.

1. ~~Tuck-under parking and/or~~ Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors. [reason for change: deletion of repetitive wording to better clarify guideline]
2. Parking areas should be staggered and landscaped to add visual interest, ~~individuality, rhythm~~ and opportunities for accent treatments. [reason for change: deletion of repetitive wording to better clarify guideline]
3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve. [no change]
4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. [no change]
5. Open parking areas should be clustered and treated as landscaped plazas and courts. [no change]
6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian-oriented site. [no change]
7. No more than four units for a two-story structure should be served by one entry. [no change]
8. ~~Ground-floor dwellings should have a front and back entry, one of which is the main entry for the use of guests and is oriented to their arrival points.~~ [reason for deletion: potential safety concerns]
- 8.** Each multiple-family unit ~~should~~ **shall** have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep. [reason for change: clarifying that it is a requirement to provide private space]
- 9.** Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required. [renumbered]

10. Individual units should have a porch or porch-like space at the front door. [renumbered]

~~11. Areas for the storage of R.V.'s, boats, and campers shall be contained within multifamily projects and shall be heavily landscaped to protect views from other developments in the community. [reason for detention: storage of these types of vehicles onsite is not mandatory]~~

~~12. One covered parking space shall be provided for every bedroom with no more than two covered parking spaces required per unit. The guest parking spaces do not need to be covered. [reason for deletion: covered in Section 9.11.040 (Off-street parking requirements) of the Municipal Code]~~

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve. [renumbered]

12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors **and** enhanced landscaping ~~or enhanced paving~~. [reason for deletion: enhanced pavement not required for a trash enclosure]

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles. [renumbered]

14. There ~~should~~ **shall** be at least one **double-bin** trash enclosure for every ~~twenty-four (24)~~ **forty-eight (48)** residential units. [new recycling requirements]

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines. [renumbered]

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative. [renumbered]

17. Freestanding structures, like gazebos or pergolas, should be located to define activity nodes **areas** at pathway intersections or in secluded landscape areas. [reason for change: grammar]

18. Drive aisles ~~with no adjacent parking~~ shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic. [reason for change: deletion of repetitive wording to better clarify guideline]

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas. [Renumbered]

20. ~~Senior housing needs~~ Multiple-family projects warrant special design considerations, including:

- a. Intimate, shaded outdoor seating areas;
- b. A network of pathways, providing interesting walking experiences;
- c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;
- d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;
- e. Security;
- f. Direct ambulance access **(senior housing projects)**;
- g. Parking close to units;
- h. Elevators **(senior housing projects)**

[Reason for change: special design considerations for all types of multiple family developments, not only senior housing. The two exceptions are f and h, which remain design considerations for senior housing only.]

~~23. Individual dwelling units should be distinguishable from one another and have separate entrances. [reason for deletion: repetitive guideline]~~

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [reason for addition: new design guideline]

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape. [Renumbered]

~~25. Stacked flat condominium arrangements shall be discouraged, while townhouse styles shall be encouraged. [reason for deletion: unnecessary guideline]~~

23. ~~When appropriate, Multi-family projects shall be designed for the needs of families with small children, the disabled and the elderly~~ **the intended residents.** For example, children's needs would require open space, tot lots, handrails, and

enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators. [Renumbered and requested revisions by the Planning Commission]

24. Architectural features should be used to increase privacy from nearby units and common or public spaces. [Renumbered]

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable ~~shall be discouraged~~ are not permitted. [Renumbered and requested revisions by the Planning Commission]

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each **visitor** entrance of a multiple-family development. [reason for change: clarifying requirement]

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [Renumbered]

During commissioner debate at the August 13th Planning Commission meeting, two additional revisions to the “General Multiple-Family Guidelines” section were suggested and are as followed:

- Number 23 was revised to delete the “*When appropriate*” and “*families with small children, the disabled and the elderly*”. The guideline will now read “**Multi-family projects shall be designed for the needs of the intended residents**”.
- Number 25 was revised to change “shall be discouraged” to “**The long, straight roofline of a single gable are not permitted**”.

The commissioners agreed to approval of Issue 5 with revised wording for the two General Multiple-Family Guidelines noted above.

ALTERNATIVES

1. Approve the proposal as submitted.
2. Approve the proposal with modifications to address City Council concerns.
3. Refer the proposal back to the Planning Commission with direction.
4. Deny the proposal.

RECOMMENDATION

1. **Find** that PA09-0018 (General Plan Amendment) and PA08-0099 (Municipal Code Amendment) are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines; and
2. **APPROVE** Resolution No. 2009-96 approving PA09-0018, for creating the Residential 30 (R30) zoning district and amending Chapter 9 of the General Plan based on the findings in the Resolution;
3. **Introduce** Ordinance No. 797 thereby approving PA08-0099, for creating the Residential 30 (R30) zoning district and amending various sections of Title 9 of the City of Moreno Valley Municipal Code.

NOTIFICATION

A public hearing notice for the proposal was published in the *Press Enterprise* newspaper.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. Resolution for Approving Amendment to General Plan
3. Ordinance to Amend Title 9 of the Municipal Code
4. Planning Commission Staff Report (excluding exhibits)
5. Place Holder for Draft Planning Commission minutes, dated July 26, 2007.

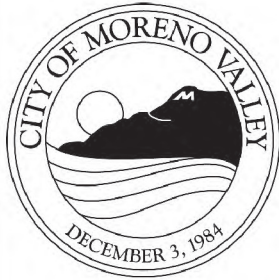
Prepared By:
 Claudia Manrique
 Associate Planner

Department Head Approval:
 Kyle Kollar
 Community Development Director

Concurred By:
 John C. Terell, AICP
 Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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NOTICE OF CITY COUNCIL PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE GENERAL PLAN AMENDMENT (PA09-0018) AND MUNICIPAL CODE AMENDMENT (PA08-0099) FOR THE ADDITION OF THE NEW ZONING DISTRICT RESIDENTIAL 30 (R30) TO THE GENERAL PLAN AND MUNICIPAL CODE, AS WELL AS MULTIPLE-FAMILY DEVELOPMENT STANDARDS TO THE MUNICIPAL CODE.

The proposed General Plan Amendment (PA09-0018) would add the new zoning district of Residential 30 (R30) to the Moreno Valley General Plan as well as the City's Municipal Code. Additional changes to the Moreno Valley Municipal Code (PA08-0099) include multiple-family development standards for the Residential 30 (R30) zoning district, separating single-family development standards from multiple-family development, defining Minimum Density standards and deletion of repetitive development guidelines.

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

The City Council may consider any appropriate modifications or alternatives to the amendment or the environmental determination. Any person concerned about the proposal may submit written comments to the Planning Division prior to the hearing date listed below. Any person may appear and be heard in support or opposition to the project or the environmental determination at the time of the hearing. Any person interested in the proposed project may contact Claudia Manrique, Associate Planner at (951) 413-3206 or at the Community Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council on or before the following meeting date:

**Tuesday, September 22, 2009
6:30 P.M. or thereafter
City Council Chambers
14177 Frederick Street
Moreno Valley, CA 92552-0805**

ATTACHMENT 1

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RESOLUTION NO. 2009-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE GENERAL PLAN FOR THE ADDITION OF THE RESIDENTIAL 30 (R30) ZONING DISTRICT (PA09-0018).

SECTION 1. FINDINGS:

WHEREAS, the City of Moreno Valley, has filed an application for approval of PA09-0018, requesting an amendment to the General Plan. The requested amendment is to add the Residential 30 (R30) Zoning District to the General Plan.

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, this project would be exempt from the requirements of the California Environmental Quality Act (CEQA) as provided for in Section 15061 as defined by Section 15378 of the CEQA Guidelines.

WHEREAS, on August 13, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider a General Plan Amendment (PA09-0018). At said meeting, the Planning Commission recommended approval of General Plan Amendment PA09-0018 to the City Council, and;

WHEREAS, on September 22, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the subject General Plan Amendment;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, all of the facts set forth in this Resolution are true and correct.

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY FINDS AS FOLLOWS WITH RESPECT TO PA09-0018:

ATTACHMENT 2

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. Conformance with General Plan Policies – The proposed general plan amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: All of the proposed changes are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan. The amendment to the General Plan will introduce the Residential 30 (R30) Zoning District.

California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)” requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley’s current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at the 30 unit per acre. The Redevelopment Agency is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley’s General Plan.

Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley’s General Plan states the City shall “provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups”. The addition of the Residential 30 (R30) Zoning District to the General Plan will expand on the range of housing opportunities in the City of Moreno Valley.

2. Health, Safety and Welfare – The proposed general plan amendment will not be detrimental to the public health, safety or welfare.

FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment will comply with all the health and safety provisions of the General Plan and Municipal Code and will expand the number of safe, affordable housing opportunities for low income families within the City of Moreno Valley.

3. Redevelopment Plan – The proposed general plan amendment conforms to applicable provisions of the City’s redevelopment plan.

FACT: This General Plan Amendment is effective on a city-wide basis, including Redevelopment Project Areas. The addition of Residential 30 (R30) to the General Plan conforms to applicable provisions of the city’s redevelopment plan.

The Redevelopment Agency is working on expanding the number of low and moderate income housing opportunities with the City of Moreno Valley. This change to the Section 9.2.2 (Community Development Element Objectives and Policies) of the General Plan will enhance those efforts.

SECTION 2. GENERAL PLAN AMENDED:

Section 9.2.2 under “Policies” (page 9-4) of the General Plan shall be amended as follows:

- 2.2.11 The primary purpose of areas designated *Residential 30* is to provide a range of high density multi-family housing types in an urban setting. Developments within Residential 30 areas shall also provide amenities, such as common open spaces and recreational facilities. The maximum density shall be 30 dwelling units per acre.
- 2.2.12 Densities in excess of the maximum allowable density for residential projects may be permitted pursuant to California density bonus law.
- 2.2.13 Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD’s shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.
- 2.2.14 Discourage costly "leap-frog" development patterns by encouraging in-fill development wherever feasible, thereby reducing overall housing costs. Development within an area designated as SP 212-1 (Moreno Highlands) is not considered to be leapfrog development.
- 2.2.15 Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units

2.2.16 Encourage the use of innovative and cost effective building materials, site design practices and energy and water conservation measures to conserve resources and reduce the cost of residential development.

2.2.17 Affordable housing developments should be compatible in visual design with surrounding development.

2.2.18 Discourage nonresidential uses on local residential streets that generate traffic, noise or other characteristics that would adversely affect nearby residents.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA09-0018, thereby amending the General Plan as described in the Resolution.

APPROVED AND ADOPTED this 22nd day of September 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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ORDINANCE NO. 797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING THE ADDITION OF THE NEW ZONING DISTRICT RESIDENTIAL 30 (R30), SEPARATING SINGLE-FAMILY DEVELOPMENT STANDARDS FROM MULTIPLE-FAMILY DEVELOPMENT STANDARDS, DEFINING MINIMUM DENSITY STANDARDS AND DELETION OF REPETITIVE DEVELOPMENT GUIDELINES.

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

SECTION 1. FINDINGS:

Based on substantial evidence presented to this City Council during its public hearing on September 22, 2009, including written and oral staff reports and the record from the public hearing, this City Council hereby finds as follows:

- A. Conformance with General Plan – The proposed amendment is consistent with the General Plan and its goals, objectives, policies and programs.

FACT:The project consists of amendments to several sections of the City of Moreno Valley Municipal Code. The proposed Municipal Code Amendments are to be approved after the General Plan Amendment introducing the Residential 30 (R30) Zoning District is approved. With approval of the General Plan Amendment (PA09-0018), all of the proposed changes will be consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan.

California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)” requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley’s current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at the 30 unit per acre. The Redevelopment Agency is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley’s General Plan.

ATTACHMENT 3

Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley’s General Plan states the City shall “provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups”. The addition of the Residential 30 (R30) Zoning District to the General Plan will expand on the range of housing opportunities in the City of Moreno Valley.

- B. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT:The proposed amendment to the General Plan does not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment will comply with all the health and safety provisions of the General Plan and Municipal Code and will expand the number of safe, affordable housing opportunities for low income families within the City of Moreno Valley.

- C. Conformance with Intent of Zoning Regulations – The proposed amendments is consistent with the purposes and intent of Title 9 of the Municipal Code.

FACT:The amendments to the Municipal Code provides for an internally consistent set of regulations that are compatible with the purpose and intent of Title 9. The proposed changes eliminate conflicts or clarify the meaning of some sections of Title 9. As such, it furthers the specific purpose and intent of Title 9 to “implement the goals, objectives, policies and programs of the Moreno Valley General Plan and manage future growth and change in accordance with that plan.”

SECTION 2 MUNICIPAL CODE AMENDED:

2.1 Section 9.01.090(A) of Chapter 9.01 (under “Residential Districts”) of the City of Moreno Valley Municipal Code is hereby amended to include as follows:

- “ k. Residential 30 (R30) district;
- l. Residential single-family 10 (RS10) district. “

2.2 Section 9.03.020 under “Residential Districts” of Chapter 9.03 of the City of Moreno Valley Municipal Code by revising Residential 20 (R20) and adding Residential 30 (R30) is hereby amended to read as follows:

“K. Residential 20 District (R20). The primary purpose of the R20 district is to provide a broadened range of housing types in a more urban setting than is typically found within other areas of the city. This district is intended as an area for development of multifamily residential dwelling units, as well as mobilehome parks, at a maximum allowable density of twenty (20) DU’s per net acre in accordance with the provisions outlined herein.

L. Residential 30 District (R30). The primary purpose of the R30 district is to provide a broadened range of housing types in an urban setting than is typically found within other areas of the city. This district is intended as an area for development of multifamily residential dwelling units at a maximum allowable density of thirty (30) DU’s per net acre in accordance with the provisions outlined herein.”

2.3 Section 9.16.40 of Chapter 9.16 shall be removed from the City of Moreno Valley Municipal Code.

2.4 Section 9.03.040 of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended by adding Residential 30 (R30) to Table 9.03.040-6 and divide Table 9.03.040-6 into two separate tables, one each for single-family residential (Table 9.03.040-6, attached as Exhibit A) and multiple-family residential (Table 9.03.040-7, attached as Exhibit B).

2.4.2 Section 9.03.040 (E) of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended into two separate sections for single-family (Section 9.03.040 (E)) and multiple-family residential (Section 9.03.040 (F)). Section 9.03.040 (F) will also be edited to add “Residential 30 (R30)”. The two sections will be placed after their related Table (single-family after Table 9.03.040-6 and multiple-family after Table 9.03.040-7) and read as followed:

“Section 9.03.040 (E):

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

- a. Front porches;
- b. Automatic garage door openers;
- c. Electronic security systems;
- d. Fire sprinklers.

5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

Section 9.03.040 (F):

F. Special Multiple-Family Residential Development Standards.

1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials, except for necessary walks and fences.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 district, Landscape Trees: 1 tree per 20-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 20-linear feet of perimeter planter areas.

9. In the R30 district, for a development of three acres or greater, up to 60 percent of the units may be in buildings with three or four stories, 50 feet maximum height subject to Planning Commission approval. "

2.4.3 Section 9.03.040 (F) of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended by adding Table 9.03.040-8 as followed:

"Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* 80% of allowable density must be achieved by all multiple-family residential developments. "

2.4.4 Section 9.03.040 of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended by adding the new subsection 9.03.040 (G) as followed:

"G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors

2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.
3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.
4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.
5. Open parking areas should be clustered and treated as landscaped plazas and courts.
6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian-oriented site.
7. No more than four units for a two-story structure should be served by one entry.
8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.
9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.
10. Individual units should have a porch or porch-like space at the front door.
11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.
12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.
13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.
14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.
15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or bottle dots are not an acceptable alternative.

17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.

18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.

20. Multiple-family projects warrant special design considerations, including:

- a. Intimate, shaded outdoor seating areas;
- b. A network of pathways, providing interesting walking experiences;
- c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;
- d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;
- e. Security;
- f. Direct ambulance access (senior housing projects);
- g. Parking close to units;
- h. Elevators (senior housing projects)

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.

23. Multi-family projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.

24. Architectural features should be used to increase privacy from nearby units and common or public spaces.

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

SECTION 3 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 4 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 5 EFFECTIVE DATE:

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

APPROVED AND ADOPTED this _____ day of _____, 2009.

SIGNATURE PAGE FOLLOWS

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Table 9.03.040-6

Residential Site Development Standards

Single-Family Standards

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DU's* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet Cul-de-sac/Knuckle lot frontage	150 35	100 35	100 35	90 35	70 35	45 35
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet*** a. Interior side yard	See Note 3	See Note 3	See Note 3	See Note 3	See Note 4	See Note 6
b. Street side yard	20	20	20	20	20	10
7. Minimum rear yard setback, in feet***	20	35	30	40	40	50
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DU's and accessory structures)	20	15	15	10	10	10
12. Floor area ratio a. One-story home b. Multi-story home	.25 .50	.30 .60	.30 .60	.40 .70	.40 .70	.50 .75

* The term "DU's" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions

EXHIBIT A

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Table 9.03.040-7

Residential Site Development Standards

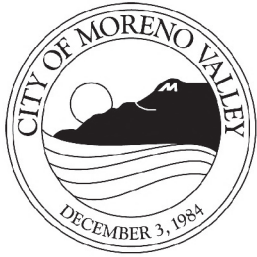
Multiple-Family Standards

Requirement	R10	R15	R20	R30
1. Maximum density (DU's*/net acre)	10	15	20	<u>30</u>
2. Minimum lot size (sq. ft. net area)	1 acre	1 acre	1 acre	<u>1 acre</u>
3. Minimum lot width, in feet	200	200	200	<u>200</u>
4. Minimum lot depth, in feet	175	175	175	<u>175</u>
5. Minimum front yard setback, in feet	20	25	30	<u>30</u>
6. Minimum side yard setback, in feet				
Interior side yard	10	10	10	<u>10 feet plus 2 feet for every 5 feet in height over 30 feet</u>
Street side yard	20	20	20	<u>20</u>
7. Minimum rear yard setback, in ft.	15	20	25	<u>10 feet plus 2 for every 5 feet in height over 30 feet</u>
8. Maximum lot coverage	40%	45%	50%	<u>50%</u>
9. Maximum building and structure height, in feet	50 feet	50 feet	50 feet	<u>50 feet</u>
10. Minimum dwelling size (sq. ft.)	See Note 5			
11. Minimum distance between buildings, in feet (including main DU's and accessory structures)	20	20	20	20
15. Floor area ratio	.75	.75	.75	1.0

* The term "DU's" means dwelling units.

EXHIBIT B

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**PLANNING COMMISSION
STAFF REPORT**

Case(s): PA08-0099 (Municipal Code Amendment)
PA09-0018 (General Plan Amendment)

Date: August 13, 2009

Applicant: City of Moreno Valley

Representative: Planning Division

Location: City-wide

Proposal: To amend the City's General Plan and municipal code regulations regarding multiple family development standards.

Redevelopment Area: Yes

Recommendation: Approval

SUMMARY

This is a proposal to add a new zoning designation to the General Plan creating the Residential 30 (R30) zoning district and amend a range of zoning regulations contained in Title 9 of the City of Moreno Valley Municipal Code regarding multiple family development standards.

ATTACHMENT 4

PROJECT DESCRIPTION

The proposed amendments would modify the City's General Plan and various provisions of the Municipal Code regarding multiple family development standards, including the introduction of the Residential 30 (R30) Zoning District. If adopted, it would create or change the regulations concerning multiple family development standards. Proposed deletions are shown as stricken text and additions are bold underlined.

Background – General Plan Amendment (PA09-0018)

California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)" requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley's current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at the 30 unit per acre. The Redevelopment Department is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley's General Plan.

Redevelopment Department staff completed a land inventory of the City of Moreno Valley and then developed a proposal to increase residential zoning designations, in various areas in the community, including areas with a significant number of underutilized parcels. The proposal was presented at a series of public meetings in October of 2007 and included an overview of the housing element, the Regional Housing Needs Allocation (RHNA) allocation for Moreno Valley, the challenges in providing affordable housing opportunities, and possibilities for increasing housing densities in several areas of the community. The proposal was then presented to Planning Commission and the City Council. While the meetings only identified potential locations for Residential 30 (R30), the actual choosing of locations and rezoning of areas would be completed under a separate process.

Staff is taking the opportunity to update other residential standards along with the addition of the new zoning designation, Residential 30 (R30) to the General Plan and Municipal Code.

Background – Municipal Code Amendment (PA08-0099)

Standards for the proposed Residential 30 (R30) Zoning District are based on a combination of the City's Residential 20 (R20) and examples of higher density development standards from various cities. The purpose of the standards is to provide guidelines on developing Residential 30 (R30) projects that achieve the goals and objectives of the City of Moreno Valley's General Plan.

As with the General Plan Amendment, the Municipal Code will include the definition of Residential 30 (R30). Also included in the proposed municipal code update is residential site development standards for the Residential 30 (R30) zoning district that define minimum lot size, lot coverage, setbacks and height maximums. The proposed changes to the municipal code also include dividing single-family from multiple-family guidelines into separate sections for simplification and greater clarity.

GENERAL PLAN ANALYSIS

Issue 1. Adding Residential 30 (R30) Zoning District to the General Plan

Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley's General Plan states the City shall "provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups".

Staff recommends amending Section 9.2.2 under "Policies" (page 9-4) of the General Plan as follows:

2.2.11 The primary purpose of areas designated *Residential 30* is to provide a range of high density multi-family housing types, with particular emphasis on the needs of low and moderate income families. Developments within Residential 30 areas shall also provide amenities, such as common open spaces and recreational facilities. The maximum density shall be 30 dwelling units per acre.

The rest of the policies of Objective 2.2 will be renumbered as follows:

~~2.2.142~~ Densities in excess of the maximum allowable density for residential projects may be permitted pursuant to California density bonus law.

~~2.2.123~~ Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.

~~2.2.134~~ Discourage costly "leap-frog" development patterns by encouraging in-fill development wherever feasible, thereby reducing overall housing costs. Development within an area designated as SP 212-1 (Moreno Highlands) is not considered to be leapfrog development.

~~2.2.145~~ Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units

~~2.2.156~~ Encourage the use of innovative and cost effective building materials, site design practices and energy and water conservation measures to conserve resources and reduce the cost of residential development.

~~2.2.167~~ Affordable housing developments should be compatible in visual design with surrounding development.

~~2.2.178~~ Discourage nonresidential uses on local residential streets that generate traffic, noise or other characteristics that would adversely affect nearby residents.

MUNICIPAL CODE ANALYSIS

Issue 2. Residential Districts within the City of Moreno Valley

Section 9.01.090 of the Municipal Code lists the residential districts in the City of Moreno Valley in order to provide a uniform basis for regulating the use of land, buildings and structures, and to establish minimum site development regulations and performance standards applicable to sites within the city.

Staff recommends amending Section 9.01.090(A) under "Residential Districts" as follows:

Adding: **k. Residential 30 (R30) district;**

Re-lettering: k.to l. Residential single-family 10 (RS10) district.

Issue 3. Definition of Residential 30 (R30)

Section 9.03.020 of the Municipal Code describes the general product type and density provisions for the specified residential development districts.

Staff recommends amending Section 9.03.020 under "Residential Districts" as follows:

L. Residential 30 District (R30). The primary purpose of the R30 district is to provide a broadened range of housing types in an urban setting than is typically found within other areas of the city, with particular emphasis on the needs of low and moderate income families. This district is intended as an area for development of multifamily residential dwelling units at a maximum allowable density of thirty (30) DU's per net acre in accordance with the provisions outlined herein.

Issue 4. Multiple-Family Residential Design Guidelines

Design guidelines for multiple-family development are found in Section 9.16.140 (Design Guidelines - Applications for Site Design and Architecture) of the Municipal Code. The Residential Site Development Standards are found separately in Section 9.03.040 of the Municipal Code. For simplification and greater clarity, staff recommends amending of the Municipal Code by deleting Section 9.16.40 and integrating the information into Section 9.03.040 of the Municipal Code.

Issue 5. Residential Site Development Standards

The Residential Site Development Standards, Section 9.03.040 of the Municipal Code, addresses standards that shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. With the creation of the Residential 30 (R30) District and integrating the Multiple-Family Residential Design Guidelines from Section 9.16.140, this section of the Municipal Code requires various edits.

The first edits to Section 9.03.040 recommended by staff are to add Residential 30 (R30) to Table 9.03.040-6 and divide Table 9.03.040-6 into two separate tables, one each for single-family residential and multiple-family residential (Attachment A and B).

Section 9.03.040 (E) will be edited into two separate sections for single-family (Section 9.03.040 (E)) and multiple-family residential (Section 9.03.040 (F)). Section 9.03.040 (F) will also be edited to add "Residential 30 (R30)". The two sections will be placed after their related Table (single-family after Table 9.03.040-6 and multiple-family after Table 9.03.040-7) and read as followed:

Section 9.03.040 (E):

E. Special **Single-Family** Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

9 3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

~~4~~ **4.** Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

- a. Front porches;
- b. Automatic garage door openers;
- c. Electronic security systems;
- d. Fire sprinklers.

~~4~~ **5.** Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

~~4~~ **6.** For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

Section 9.03.040 (F):

F. Special **Multiple-Family** Residential Development Standards.

1. In the R10, R15, R20 **and R30** districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 **or R30** district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

4. In the RS10, R10, R15, R20 **and R30** districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 **and R30** districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials, except for necessary walks and fences.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 district, Landscape Trees: 1 tree per 20-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 20-linear feet of perimeter planter areas.

An addition to Section 9.03.040 (F) will allow for greater flexibility in designing Residential 30 (R30) developments when project sites are three acres or greater. Staff recommends the following:

9. In the R30 district, for a development of three acres or greater, up to 60 percent of the units may be in buildings with three or four stories, 50 feet maximum height subject to Planning Commission approval.

Section 9.03.040 (F) will be edited to move Table 9.16.140A from Section 9.16.40, add the R30 Designation and standards for Minimum Density as followed:

Table 9.03.040-8

Designation	<u>Minimum Density*</u>	Maximum Density	Threshold Density
R10	<u>8 units/acre</u>	10 units/acre	8 units/acre
R15	<u>12 units/acre</u>	15 units/acre	12 units/acre
R20	<u>16 units/acre</u>	20 units/acre	16 units/acre
<u>R30</u>	<u>24 units/acre</u>	<u>30 units/acre</u>	

The Minimum Density standards for all multiple-family zones will ensure that the City of Moreno Valley’s land use codes implement its housing targets and allow the City to meet affordable housing goals without needing to change substantial additional areas to multiple-family. Minimum Density replaces “Threshold Density”, a concept deleted from the General Plan. Staff recommends noting directly under Table 9.03.040-8 the following:

- *** 80% of allowable density must be achieved by all multiple-family residential developments.**

Staff recommends amending Section 9.03.040(F) Multiple-Family Residential Design Guidelines by integrating the general multiple-family guidelines from Section 9.16.40 (Applications for Site Design and Architecture) with some revisions and renumbering into a new subsection 9.03.040 (G) as followed:

G. General Multiple-Family Guidelines.

1. ~~Tuck-under parking and/or~~ Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors. [reason for change: deletion of repetitive wording to better clarify guideline]
2. Parking areas should be staggered and landscaped to add visual interest, ~~individuality,~~ ~~rhythm~~ and opportunities for accent treatments. [reason for change: deletion of repetitive wording to better clarify guideline]
3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve. [no change]
4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. [no change]
5. Open parking areas should be clustered and treated as landscaped plazas and courts. [no change]
6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian-oriented site. [no change]
7. No more than four units for a two-story structure should be served by one entry. [no change]

~~8. Ground-floor dwellings should have a front and back entry, one of which is the main entry for the use of guests and is oriented to their arrival points. [reason for deletion: potential safety concerns]~~

8. Each multiple-family unit ~~should~~ **shall** have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep. [reason for change: clarifying that it is a requirement to provide private space]

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required. [renumbered]

10. Individual units should have a porch or porch-like space at the front door. [renumbered]

~~11. Areas for the storage of R.V.'s, boats, and campers shall be contained within multifamily projects and shall be heavily landscaped to protect views from other developments in the community. [reason for deletion: storage of these types of vehicles onsite is not mandatory]~~

~~12. One covered parking space shall be provided for every bedroom with no more than two covered parking spaces required per unit. The guest parking spaces do not need to be covered. [reason for deletion: covered in Section 9.11.040 (Off-street parking requirements) of the Municipal Code]~~

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve. [renumbered]

12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors **and** enhanced landscaping ~~or enhanced paving~~. [reason for deletion: enhanced pavement not required for a trash enclosure]

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles. [renumbered]

14. There ~~should~~ **shall** be at least one **double-bin** trash enclosure for every ~~twenty-four (24)~~ **forty-eight (48)** residential units. [new recycling requirements]

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines. [renumbered]

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative. [renumbered]

17. Freestanding structures, like gazebos or pergolas, should be located to define activity nodes **areas** at pathway intersections or in secluded landscape areas. [reason for change: grammar]

~~18. Drive aisles with no adjacent parking shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic. [reason for change: deletion of repetitive wording to better clarify guideline]~~

~~19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas. [Renumbered]~~

~~20. Senior housing needs~~ Multiple-family projects warrant special design considerations, including:

- a. Intimate, shaded outdoor seating areas;
- b. A network of pathways, providing interesting walking experiences;
- c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;
- d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;
- e. Security;
- f. Direct ambulance access **(senior housing projects)**;
- g. Parking close to units;
- h. Elevators **(senior housing projects)**

[Reason for change: special design considerations for all types of multiple family developments, not only senior housing. The two exceptions are f and h, which remain design considerations for senior housing only.]

~~23. Individual dwelling units should be distinguishable from one another and have separate entrances. [reason for deletion: repetitive guideline]~~

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [reason for addition: new design guideline]

~~22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape. [Renumbered]~~

~~25. Stacked flat condominium arrangements shall be discouraged, while townhouse styles shall be encouraged. [reason for deletion: unnecessary guideline]~~

~~23. When appropriate, multifamily projects shall be designed for the needs of families with small children, the disabled and the elderly. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators. [Renumbered]~~

~~24. Architectural features should be used to increase privacy from nearby units and common or public spaces. [Renumbered]~~

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable shall be discouraged. [Renumbered]

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each **visitor** entrance of a multiple-family development. [reason for change: clarifying requirement]

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [Renumbered]

ENVIRONMENTAL

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

NOTIFICATION

A 1/8 page public notice was published in the local newspaper.

STAFF RECOMMENDATION

1. **RECOGNIZE** that PA08-0099(Municipal Code Amendment) and PA09-0018 (General Plan Amendment) qualify as exemptions in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.
2. **APPROVE** Planning Commission Resolution No. 2009-24, recommending that the City Council approve PA08-0099 and PA09-0018.

Prepared by:

Approved by:

Claudia Manrique
Associate Planner

John C. Terrell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2009-24
3. Attachment A: Single-family Residential Development Standards Table
4. Attachment B: Multiple-family Residential Development Standards Table

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PA09-0018
PA08-0099

General Plan Amendment
Municipal Code Amendment

CHAIR MARZOEKI – May I have the Staff Report please

ASSOCIATE PLANNER MANRIQUE – The proposed amendments would modify the City’s General Plan and various provisions of the Municipal Code regarding multi-family development standards, including the introduction of Residential 30. California State Law requires that cities provide an inventory of land suitable for residential development. Jurisdictions with populations greater than 100,000 must have sites allowing at least 30 units per acre. The City of Moreno Valley’s current population is approximately 186,301, thus requiring the City to provide high density housing opportunities at the R30. Redevelopment Staff completed a land inventory of the City of Moreno Valley and then developed a proposal to increase residential zoning designations in various areas in the community including areas with a significant number of under-utilized parcels.

The proposal was presented at a series of public meetings in late 2007 and the proposal was then presented to Planning Commission and City Council in early 2008. Staff has taken the opportunity to update other residential standards along with adding the R30 to the General Plan and Municipal Code. The first step is adding R30 to the General Plan. It would go under Section 9.2.2 under “Policies” and page 9-4 of the General Plan and read as follows, “The primary purpose of areas designated Residential 30 is to provide a range of high density multi-family housing types with particular emphasis on the needs of low and moderate income families. Developments within Residential 30 areas shall also provide amenities such as common open space and recreational facilities. The maximum density shall be 30 units per acre”. The only other change to the General Plan is renumbering the rest of the policies of objective 2.2.

Next we are moving on to the Municipal Code. First is adding Residential 30 to Section 9.1.090a, under the Section entitled “Residential Districts”. Next is to add a revision to Section 9.3.020 under “Residential Districts” adding the definition of R30. The next step is to simplify and greater clarify some of the Code by deleting Section 9.16.40 and integrating the information into Section 9.03.040.

The next Section is with the creation of Residential 30 and integrating the multi-family residential design guidelines from Section 9.16.140. We’re going to have some editing’s to Section 9.03.03. The first is a recommendation to take Table 9.3.40-6 and then divide it into two separate Tables; one each for single-family residential standards and multiple-family standards. As part of the single-family we are adding for Section 9.3-40e some of the changes for the special single-

1 family residential development standards are just renumbering and the deletion
2 of any statement that's related to only multi-family.

3
4 Then in the second section under 9.3.40f, we have created the multi-family
5 special sections. Again the edits are renumbering and deletion of anything
6 related to single-family as well as adding three new standards. One is 8 in the
7 R30 District, landscaped trees; one tree per 20 linear feet of building for the
8 portions of the building visible from the parking lot or right-of-way and one tree
9 per 20 linear feet of perimeter planted areas. The second one is in number 9 in
10 the R30 District for the development of 3 acres or greater up to 60 percent of the
11 units maybe in buildings with three or four stores, 50 foot maximum height
12 subject to the Planning Commission's approval.

13
14 And lastly, is introducing Table 9.03.040-8 which introduces the minimum density
15 standards for all multi-family zones. The goal is to ensure that the City of Moreno
16 Valley's Land Use Codes implement it's housing target and allow the City to meet
17 affordable housing goals without needing to change substantial additional areas
18 to multi-family. The minimum density replaces the threshold density which is the
19 concept deleted from the General Plan. Underneath the Table we will have a
20 statement saying 80 percent of allowable density must be achieved by all multi-
21 family residential developments. After this Table, we have the multi-family
22 residential design guidelines. Most of the revisions are due to renumbering.
23 There is one new guideline, Number 21 "buildings shall provide a variety of
24 colors and architectural features to break up the massing of buildings and
25 provide visual interest.

26
27 The project is exempt under CEQA according to Section 15061 as defined by
28 Section 15378 of CEQA Guidelines. Before I go on, on the coral paper, there is
29 one change to the Staff Report and it also affects various pages of the
30 Resolution. The Government Section No. that was referred to was wrong and it
31 should be Section 65583.2c3BIVe. Staff recommends they recognize that the
32 Municipal Code and General Plan Amendment qualify as exemptions under
33 CEQA and approve Planning Resolution No. 2009-24 recommending that the
34 City Council approve PA08-0099 and PA09-0018. Thank you.

35
36 **CHAIR MARZOEKI** – Thank you. Do we have any questions of Staff?

37
38 **VICE CHAIR RIECHERS** – First of all I have a problem with the fact that when
39 we define the R30; we define it as a zone specifically for low to moderate income
40 use. I think we're setting ourselves up for people who will... challenge us is a
41 good word everytime we use this zone and I think unnecessarily. I don't think
42 that we should define it as specifically for low to moderate income. I don't think
43 there's any need to do that. We're just offering a different density. There's no
44 reason that it need be a lower quality or need be suitable for low to moderate
45 income purposes. There's no reason an R30 or even higher than that couldn't be

1 a perfectly high product, so I think we should take that portion of the definition out
2 of the standard.

3
4 **PLANNING OFFICIAL TEREILL** – Yes I think that specific language and I
5 appreciate the input was modeling the current language for the R20 Zone, so we
6 were just kind of modeling it. We didn't really change that section. I there is
7 certainly is benefit in talking about the higher density providing maybe a more
8 urban lifestyle or something like that; you know may be people of any income
9 category. I'd argue to have some reference to low and moderate income
10 because it is such a hot button issue with the State, but again I think we could
11 probably maybe craft some language that talked about it's really a more urban
12 lifestyle is really what the R30 creates, which lots of people like an urban lifestyle
13 and it can be very high end as you said or very expensive or you know certainly
14 affordable depending on who the developer is.

15
16 **VICE CHAIR RIECHERS** – Right

17
18 **CHAIR MARZOEKI** – Yes I think it's the words; "particular emphasis" is I think
19 that's where issue is right there, so if we can soften that somewhat that would
20 probably be good. Is there anything else?

21
22 **VICE CHAIR RIECHERS** – Yes the other question I have is in the table of design
23 standards; as I read it the one with minimum setbacks... the minimum side and
24 rear setbacks; as I read it, if you are less than 30 feet in height, your minimum
25 setback is going to be 10 feet.

26
27 **PLANNING OFFICIAL TEREILL** – Yes that's correct and again that was to
28 allow... again it's a more urban; it is a more urban setback to have 10 feet as
29 opposed to say R20 where it's 25 and we looked at a number of other codes
30 where they have higher density and they kind of do this to allow it to spread out a
31 little bit more at the bottom so it doesn't have to go so high. That was concept is
32 that it is a more urban setting and the lesser setback reflects that. Again if it was
33 adjacent to say single family residential, they're still the same; I believe it is a 50
34 foot setback for a two story...

35
36 **VICE CHAIR RIECHERS** – Okay so we do have something to protect the single
37 family residents elsewhere in the Code?

38
39 **PLANNING OFFICIAL TEREILL** – Right we haven't changed that concept of
40 having the 50 foot setback for multi-family two story or above multi-family
41 adjacent to a single-family district.

42
43 **VICE CHAIR RIECHERS** – Okay very good. That was my only concern. Thank
44 you.

1 **COMMISSIONER DE JONG** – I see a few references to the architectural design
2 which is good. On page 9, number 24, but it's fairly vague and I was wondering if
3 we could get something in there that speaks directly about four-sided architecture
4 even though I know that all this is going to be subject to review by the Planning
5 Commission, however this will give a developer heads up ahead of time.

6
7 **PLANNING OFFICIAL TERELL** – We could put it here... Actually we still have
8 design guidelines and the over-arching guidelines talk about things that apply to
9 everything and the four-sided architecture is something that applies to every
10 building, so we didn't replicate that here, we'll still rely on what is set in the
11 overall design guidelines.

12
13 **COMMISSIONER DE JONG** – So they both apply?

14
15 **PLANNING OFFICIAL TERELL** – Correct... This is just what's specific to multi-
16 family.

17
18 **COMMISSIONER DE JONG** – Alright, well that being said, on number 25 on
19 page 10, I would like to see the last word in that changed from discouraged to not
20 allowed, so the sentence would read; "the long straight roof line of a single gable
21 shall not be allowed", if the Commission...

22
23 **PLANNING OFFICIAL TERELL** – I guess to use it as softer are not permitted?

24
25 **COMMISSIONER DE JONG** – Okay, but I think discouraged is too soft a word
26 for that.

27
28 **PLANNING OFFICIAL TERELL** – And again that doesn't preclude... if there was
29 just a fabulous building that happened to have that roof line and as long as the
30 Planning Commission acknowledged that and why they were making an
31 exception, you still could approve...

32
33 **COMMISSIONER DE JONG** – We could always approve it...

34
35 **PLANNING OFFICIAL TERELL** – Yes, but the idea is people coming in the door
36 will know that that is not the type of ...

37
38 **COMMISSIONER DE JONG** – That's not the norm...

39
40 **PLANNING OFFICIAL TERELL** – That's not the norm, yes...

41
42 **COMMISSIONER DE JONG** – Right, thank you

43
44 **CHAIR MARZOEKI** – Is there anything else?
45

1 **COMMISSIONER DOZIER** – These are just general questions. We are including
2 a 30 multi-family unit standard here and you mentioned that we are doing it now
3 because we are of a population where have to address the issue. Were we not
4 already there at 100 hundred thousand? We are at a 186 and we've been at
5 over 100 hundred thousand for some time. What prompted this?
6

7 **PLANNING OFFICIAL TERELL** – We didn't change, the law did and it changed
8 two or three years ago. It didn't change you know, yesterday, but since the last
9 certified Housing Element, the law has changed to require larger cities and urban
10 counties to have the R30 or greater, so we are coming into compliance because
11 we desire to have a certified Housing Element.
12

13 **COMMISSIONER DOZIER** – I see. The other question that I have is Item 23 on
14 page 9; it says, "When appropriate, multi-family projects shall be designed for the
15 needs of families with small children, the disabled and the elderly". Are we being
16 very specific for these categories? If I owned a piece of property that was zoned
17 R30 and I wanted to build a Beverly Hilton, I wouldn't be discouraged from doing
18 that nor would I have to consider that it's a Beverly Hilton to pass it or to agree
19 that it should be built. Why do we put language in there that would suggest that I
20 would be approving something that is against the guidelines?
21

22 **PLANNING OFFICIAL TERELL** – Yes, again this is an existing guideline that's
23 been there for quite some time and it could probably be more artfully drafted, but
24 I think the intent of this is that if you are building a project and you say this is a
25 family project, then we are going to expect that you are going to design that
26 project with the needs of the population that you are trying to serve taken care of,
27 so if you have a family project, we're going to expect that it's going to have a
28 playground or some amenities. If you are going to have a senior housing project
29 we're going to expect that you have amenities that serve the population that you
30 are purporting to serve, so I think that was the intent of it. Again, it probably
31 could be written better, but we didn't monkey too much with the language; we
32 tried to just leave it...
33

34 **COMMISSIONER DOZIER** – How much do the developers or the owners; if they
35 are reading these guidelines ahead of time, how much does it limit their thinking
36 to what they could possibly build when the guidelines kind of lead them in a
37 particular direction.
38

39 **PLANNING OFFICIAL TERELL** – I think most developers will ask a question if
40 they have a concern about language in the Code and that just kind of brings forth
41 discussion of what really we are intending them to provide. I don't know too
42 many developers of this kind of product, which is you know a very large and
43 expensive product that they typically limit themselves to what they think can build
44 and rent or if they are building say affordable housing or senior housing, they are
45 really focused on the needs of their customer.
46

1 **COMMISSIONER DOZIER** – If I were the general public, let's say I was living in
2 a certain section of town and we've had this happen and the minute you say R20
3 or you say R15 or you say R30, they immediately will focus in on the definition of
4 low income or the terms that we use within the language and there is more push-
5 back in certain neighborhoods because they think an R30 project is just going to
6 be crime and drugs and all of that and we've seen that happen, when in fact it
7 could be a Beverly Hilton or it could be an upscale; we seen that happen in parts
8 of our City where they fought it but the projects ended up being beautiful and
9 they were by far not for low income and I don't think you could even afford to be
10 in some of them today, so does it help us to have that language as a definition
11 when we really aren't saying that they have to do that. We're suggesting that it
12 should it be within the language but we're saying that they don't really have to do
13 that and I'm sensitive too and I understand that we're trying to come into
14 compliance with State mandates to provide certain levels of housing and certain
15 income levels of housing and I understand how we're trying to get there.

16
17 One of my frustrations early on was that some of these projects were multi-family
18 and they qualified under the definition, but they really weren't affordable housing
19 to meet that definition, so I guess I was trying to figure out at what point are we
20 trying to force something that we need by putting certain language in there but
21 are we hurting ourselves on the other side by doing so. I kind of agree with
22 Commissioner Riechers when he questioned why we should define it this way
23 within the guidelines. I think if we approve a 30 unit multiple dwelling we should
24 take it on face value. It's a 30 unit multiple dwelling unit and make a decision
25 based on does it meet the normal standards and guidelines. Those are just
26 comments and questions that I kind of wanted to get straight in my own head
27 why we do it.

28
29 **PLANNING OFFICIAL TERELL** – Sure

30
31 **CHAIR MARZOEKI** – Is that it?

32
33 **COMMISSIONER DOZIER** – Yes, that's it

34
35 **CHAIR MARZOEKI** – Okay, because I think those two words in front of it “when
36 appropriate” you know kind of gives you a little leeway there, you know if there is
37 another way we can say that, that would help you know.

38
39 **PLANNING OFFICIAL TERELL** – On that particular one... I guess there are a
40 couple of ones that first of all was Commissioner Riechers and I've kind of just
41 been noodling something around in my mind to see if it would meet that
42 objective. Basically the primary purpose of areas designed Residential 30 is to
43 provide a range of high density multi-family housing types in an urban setting,
44 with allowance and I'm trying to think of a better word with allowance for housing
45 for low and moderate income families or something along those lines. I think...

46

1 **CHAIR MARZOEKI** – Yes instead of the word...

2
3 **PLANNING OFFICIAL TEREILL** - ...with particular emphasis... It's really not
4 particular emphasis

5
6 **CHAIR MARZOEKI** – Yes particular emphasis is the one that says you know we
7 really want you to do this

8
9 **PLANNING OFFICIAL TEREILL** – Right and I think or we might even just say in
10 an urban setting, including housing for low and moderate income families and
11 that would say obviously low and moderate housing is permitted, but the focus is
12 really to have a more urban lifestyle, so that's for you to kind of consider, but I
13 was just noodling so I thought I'd take it out of the water and see if it was done.
14 The other one I think I would agree, we could probably do something like multi-
15 family projects shall be designed for the needs of the intended residents and then
16 say for example children's needs would require and not focus on these
17 categories because obviously there is housing... if you advertise something as
18 for executives or for college students or there is all kinds of lifestyles where we
19 would really intend; if you are going to serve a certain population that the product
20 actually reflect that. It's not just a moniker; a marketing term and that would
21 certainly still meet the intent of this section.

22
23 **COMMISSIONER DE JONG** – I agree

24
25 **COMMISSIONER DOZIER** – That would be good

26
27 **CHAIR MARZOEKI** – And then item 25 too where we were going to possibly
28 change those words there for the long straight roof line shall not be permitted...

29
30 **PLANNING OFFICIAL TEREILL** – Right and there I just said... of a single gable
31 are not permitted

32
33 **CHAIR MARZOEKI** – Are not permitted... okay

34
35 **PLANNING OFFICIAL TEREILL** – Yes

36
37 **CHAIR MARZOEKI** – Okay

38
39 **COMMISSIONER SALAS** – Yes I have one question. Is this zoning; is this kind
40 of density pretty common in the surrounding communities like Riverside? Are we
41 fitting into the same kind of mode that they are?

42
43 **PLANNING OFFICIAL TEREILL** – Well I think as Riverside County becomes
44 more developed; it's more common, Riverside has districts that are in excess of
45 30 units per acre and have for quite some time. Perris; my understanding is they
46 recently made similar changes to have an R30 zone and other communities are

1 looking at it. I just harken back; I grew up in Pasadena and we lived in a product
2 that was on 45 units per acre and it was built in the 70's, so this level of zoning in
3 Pasadena when I was younger is not all that different from what Riverside is
4 today, so it's kind of a maturing of a community. You tend to have and especially
5 as we have more local employment, you tend to have people that either can't
6 afford, but most likely people that want a different lifestyle; they want a more
7 urban lifestyle because they are young and single or young and married or old
8 and crotchety or I don't know, but they want a lifestyle where things are more
9 convenient or you have the density that supports uses and intensity of use that is
10 more convenient and it just provides and is a whole different lifestyle that people
11 and I don't want to say they demand it, but there is a demand for it once you
12 have a local employment base where you have all kinds of folks in your
13 community and not just as we were maybe 20 years ago; young families looking
14 for affordable housing. I think that's the main change, but again Corona and
15 Riverside definitely have zones that have this density or higher.

16
17 **COMMISSIONER SALAS** – And to reach that going with a three and four story
18 building, I just have some concerns about three and four story buildings;
19 apartment complexes; call them low income. I mean it is what it is and most of
20 the time it's not good...

21
22 **PLANNING OFFICIAL TERELL** – And we did put a provision in there; a design
23 provision that it's not going to be all three stories or all four stories, it's going to
24 have some variation which should soften the impact of it and make it more
25 interesting, so were cognizant that this is kind of a leap forward, but there is a
26 number of three story apartment buildings that have been built in the community
27 over the last several years and so going to four stories is I guess not a huge leap
28 of faith and actually the height limit is the same, it's just fitting more stories within
29 the same height limit that we already have.

30
31 **COMMISSIONER SALAS** – Thank you

32
33 **CHAIR MARZOEKI** – Any other questions of Staff? I don't see any so I will open
34 up the Public Testimony portion and see if anybody wants to speak. Deanna do
35 you want to speak on this one since you are the only one in the audience, I
36 thought I'd ask. No, okay, so we have nobody that wants to speak, so we'll close
37 the Public Testimony portion of this and we will open up to Commissioner
38 Comments.

39
40 **COMMISSIONER DE JONG** – Well seeing how first of all this is required by law,
41 I think it's first of all a good thing that we are getting on our band wagon here and
42 I'd like to see these regulations in place. I mean it's not that the City is just
43 jumping and providing this, we are thinking this through and these are very
44 thoughtful changes and I appreciate Staff's effort on this and I like what I see. I
45 like the few changes that we made and I think that this product just stirs the pot
46 of our residential housing mix in the City and that can't be a bad thing; that's a

1 good thing. We know that we have a mix of single-family now up to 30 and I
2 think that's a good thing and I'll definitely vote for it. Thank you.

3
4 **COMMISSIONER SALAS** – Yes, my only concern is I just hope that somehow
5 we can deviate from making this R30 Zone sound like an instant project or an
6 instant low income residential area or however you want to say it, but I just have
7 some concerns with some surrounding neighbors who find out that there is going
8 to be a R30 project built in their neighborhood and all a sudden it raises a whole
9 bunch of concerns because pretty much saying that this is a low income thing, so
10 if we can soften that in any way, I agree with all of you; that we need to try to get
11 away from that; you know from the low income thing. I hope there is a way of
12 doing that.

13
14 **CHAIR MARZOEKI** – Thank you

15
16 **COMMISSIONER DE JONG** – I don't think we are necessarily saying that; that
17 it's necessarily low income just because it's R30 and I think that's what we are
18 trying to address as a Commission here; just because the density is higher there
19 is no way it necessarily means that it's low income. I mean that's up to the
20 developer when he comes in and does that, but the designs that we've seen in
21 the last few years come here are quite nice developments and they are being
22 maintained very well, so just because the density is high, I think in no way means
23 that it's low income and that goes back to Commissioner Riechers statement.
24 Commissioner Riechers realizes that as well and we need to just make sure that
25 those words are not associated with this endeavor, but just because we we're
26 doing and just because it's 30 doesn't mean it's low income.

27
28 **COMMISSIONER SALAS** – I just want to make sure of that.

29
30 **CHAIR MARZOEKI** – Thank you

31
32 **COMMISSIONER DOZIER** – I think we're on the right track and we do have to
33 balance our housing needs and I think John defined very well that an R30 could
34 be for a younger lifestyle and different kind lifestyle that's more urban and that
35 does not necessarily mean... There is some urban areas that are R30 where you
36 pay quite a bit of money to have any one of those apartments or condominiums
37 just to be in that region or area and so it could certainly mean that and also even
38 if it is considered affordable housing or low income housing; if someone comes
39 with a project like that, we don't want to automatically assume that that's what it
40 is until we see it and understand what the quality is and I kind of like to think that
41 even people who are going to qualify for affordable housing would like to live in
42 something nice as well, so I don't want to send a message out that hey if you're
43 going to live in an R30 Zone in our City you're going to be labeled on a socio-
44 economic scale just because you are in those regions and areas and I think
45 that's a mistake for us to send that signal out, so having addressed just that I

1 think we should just do whatever we need to do and just approve this and move
2 on.

3
4 **CHAIR MARZOEKI** -- Thank you

5
6 **VICE CHAIR RIECHERS** – Well want to agree with what my fellow
7 Commissioners have already said. I think with some changes in the definition of
8 the zone and along those lines since that definition was taken from the R20
9 definition, I think we should recommend to Council that they also change the R20
10 definition in a similar manner, but I think we definitely want to add this to the mix
11 of options for developers in this City and I look forward to our deciding were this
12 option is going to be offered and finding a place in the City where this zone will
13 be applied, so with that I will just say that I too will be supporting this General
14 Plan Amendment and Zone Change... Well actually not a Zone Change but the
15 General Plan Amendment.

16
17 **CHAIR MARZOEKI** – Thank you

18
19 **COMMISSIONER BAKER** – I think we've got a need in this City for this type of
20 thing and I like the idea that John had is it's an upscale type kind of development
21 and get away from this affordable and low income because I know a lot of people
22 that would go for this in a compact area and as we develop out, it's going to be a
23 great deal for a lot of different facets of people that live in this town, so I'm for it
24 100 percent.

25
26 **CHAIR MARZOEKI** – Thank you and I also am for it. Yes we've needed
27 something like this for a while and yes we are not Marina Del Ray. You know
28 they've got some R50; some really nice R50's there, but who says that Moreno
29 Valley can't have something similar; you know close to maybe the Riverside
30 Community College campus; you know where the students are or you know
31 actually Commissioner Dozier even said something; condos, which a lot of
32 people don't even think of condo's, where we are actually buildings condo's for
33 people to buy, so I think it's a good mix and you know it's something that we've
34 needed for awhile, so with that I am open for a motion.

35
36 **PLANNING OFFICIAL TEREILL** – Yes before we do that, I guess just to wrap up
37 there three...

38
39 **CHAIR MARZOEKI** – There were three...

40
41 **PLANNING OFFICIAL TEREILL** – Yes, actually four, but...

42
43 **CHAIR MARZOEKI** – Well actually four; that's right yes
44

1 **PLANNING OFFICIAL TERELL** – One is changing the purpose to say and I
2 think... to provide a range of high density multi-family types in an urban setting,
3 including housing for low and moderate income families.

4
5 **CHAIR MARZOEKI** – Is that okay George?

6
7 **PLANNING OFFICIAL TERELL** – Or do we want to soften it further?

8
9 **CHAIR MARZOEKI** – Do we want to soften it a little bit more?

10
11 **COMMISSIONER DE JONG** – Do we need to reference it?

12
13 **CHAIR MARZOEKI** – Yes do we need to reference it?

14
15 **COMMISSIONER BAKER** – Do we need to reference it to be in compliance with
16 the State requirements?

17
18 **PLANNING OFFICIAL TERELL** – I don't think it's required.

19
20 **CHAIR MARZOEKI** – So maybe then we don't

21
22 **PLANNING OFFICIAL TERELL** - I mean obviously if we just said multi-family
23 housing in an urban setting and just put a period there. The Housing Element
24 will talk a lot about it, so I'm not concerned that it says we don't allow affordable
25 housing. I think someone or people could read it and they think under the old
26 language it that all you can have is affordable housing. Other people might read
27 it and say oh you're not allowing affordable housing, so I think it could be read
28 both ways. It's up to you. I don't really have a strong feeling about it.

29
30 **COMMISSIONER DE JONG** – Like the design guidelines, both apply, so it would
31 read the housing guidelines as well as this, right?

32
33 **PLANNING OFFICIAL TERELL** – Yes the Housing Element will also apply to the
34 City.

35
36 **COMMISSIONER DE JONG** – So that's important to remember

37
38 **COMMISSIONER DOZIER** – And for the State requirements multi-family dwelling
39 units is the term they use to satisfy affordable housing.

40
41 **COMMISSIONER DE JONG** – I bet you that's all we need

42
43 **PLANNING OFFICIAL TERELL** – Yes there is a presumption in the Housing
44 Element; R30; there is a presumption that it is "affordable" under whatever kind
45 of glasses they wear up there; they see it that way, so I mean I think if you want

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VICE CHAIR RIECHERS – Given that assumption I would just put the period in and just strike the rest.

CHAIR MARZOEKI – Yes just strike the rest of the sentence

PLANNING OFFICIAL TERELL – And then we would do the same; we'd make a similar change to the R20 where it wouldn't be in an urban setting there, we'd probably say in suburban setting or something along those lines period.

CHAIR MARZOEKI – Yes

COMMISSIONER DE JONG – That is two changes

CHAIR MARZOEKI – That's two

PLANNING OFFICIAL TERELL – So those two and then... right it would be in the General Plan as well as the text of the Code Amendment, so we'll just model those the same and then the other change related to Number 23 on page 9, where my suggestion is multi-family project shall be designed for the needs of the intended residents and then just start again with the for example... And then on Number 25, the last sentence would say the long straight roof lines of a single gable are not permitted.

CHAIR MARZOEKI – Yes those are the four.

PLANNING OFFICIAL TERELL – Great

CHAIR MARZOEKI - Okay, so now I'm ready for a motion. Commissioner De Jong would you like to make a motion?

COMMISSIONER DE JONG – I'll make another one. I'll be glad to. I move that the Planning Commission:

1. **RECOGNIZE** that PA08-0099 Municipal Code Amendment and PA09-0018 General Plan Amendment qualify as exemptions in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378; and,
2. **APPROVE** Planning Commission Resolution No. 2009-24 as amended **RECOMMENDING** that the City Council **APPROVE** PA08-0099 and PA09-0018.

VICE CHAIR RIECERS – I'll second.

CHAIR MARZOEKI – We have a motion and a second. Is there any discussion? All those in favor?

Opposed – 0

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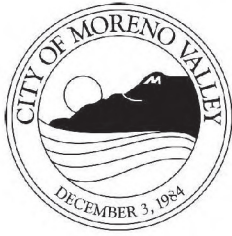
Motion carries 6 – 0, with one absent (Commissioner Geller)

CHAIR MARZOEKI – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes this action shall be forwarded to the City Council for final review and action and again it is tentatively going to be the second meeting in September.

CHAIR MARZOEKI – Thank you. Moving on to Item 800, Other Business

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APPROVALS	
BUDGET OFFICER	<i>my</i>
CITY ATTORNEY	<i>Rut</i>
CITY MANAGER	<i>PM</i>

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: September 22, 2009

TITLE: A PUBLIC HEARING REGARDING PA09-0009 (GENERAL PLAN AMENDMENT) AND PA09-0007 (CHANGE OF ZONE), A PROPOSAL TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL/OFFICE (R/O). THE CHANGE OF ZONE WILL CHANGE THE ZONING FROM BUSINESS PARK (BP) TO RESIDENTIAL 15 (R15). THE PARCEL HAS AN EXISTING SINGLE FAMILY RESIDENCE AND A MULTIPLE FAMILY DUPLEX

RECOMMENDED ACTION

Staff recommends that the City Council:

1. ADOPT a Negative Declaration for applications PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone). The projects, individually and cumulatively, will not result in a significant effect on the environment;
2. APPROVE Resolution No. 2009-97 approving PA09-0009, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;
3. INTRODUCE Ordinance No. 798 approving a Zone Change (PA09-0007) from Business Park (BP) to Residential 15 (R15), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

ADVISORY COMMITTEE ACTION

The Planning Commission, at its August 13, 2009 meeting approved Planning Commission Resolution No. 2009-23, recommending by a 6-0-1 vote that the City Council recognize that PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation); and approve PA07-0119 (Change of Zone) and PA07-0120 (General Plan Amendment).

BACKGROUND

The project is comprised of two applications, PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone), which are being processed concurrently.

There is no development application associated with the proposed land use change as the parcel located at 21652 Cottonwood Avenue (Assessor's Parcel Numbers 263-160-027) has an existing single-family residence and a multiple family duplex. The request for the General Plan Amendment and Change of Zone was made by the current owner of the parcel, who would like the zoning district to match the existing land use of their properties to facilitate financing and insurance for their properties.

Land Use Change

The existing General Plan designation for the project site is Business Park (BP). The applicant proposes a change from the Business Park (BP) designation to Residential/Office (R/O) under the General Plan.

The proposed Residential/Office (R/O) use is compatible with the established land use of the project site. The parcel has an existing single-family residence and a multiple family duplex. The proposed change from Business Park (BP) to Residential 15 (R15) will allow the legal nonconforming uses to conform to current development standards. If the General Plan Amendment and Change of Zone are approved, the large garage built without permits could be improved and permitted as an accessory structure to the existing residential uses.

Based upon the information presented above, the proposed change in land use is compatible with existing land uses and would not conflict with the goals, objectives, policies or programs of the General Plan.

Site

The project site is located on the north side of Cottonwood Avenue, east of Old I-215 Frontage Road and west of Edgemont Street. The site is currently comprised of one single-family residence and two multiple-family units. There is also a separate garage and large row of covered carports on the site.

Land uses surrounding the parcel include Business Park (BP) to the east, south and west. Directly north of the project site are two Residential 15 (R15) parcel. To the northeast is a group of Residential 10 (R10) parcels. The proposed General Plan Amendment and Change of Zone would match these parcels directly to the north and northwest of project site. At the northwest corner of Edgemont Street and Cottonwood Avenue is a Neighborhood Commercial (NC) parcel, which was recently rezoned from Business Park (BP) (PA08-0025 and PA08-0026, approved by Planning Commission on December 4, 2008 and City Council on April 14, 2009).

ALTERNATIVES

1. The City Council could deny one the projects. If denial of a project is chosen, it is recommended that the item be continued in order to complete the necessary resolution and findings for a denial.
2. The City Council could approve the project.
3. The City Council could modify the project as presented.
4. The City Council could refer the project back to the Planning Commission with direction.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

The General Plan Amendment action proposed by this project is the third amendment to the General Plan Land Use Element for calendar year 2009.

NOTIFICATION

Notice of the City Council public hearing of the public notice, appeared in the *Press Enterprise* newspaper on September 10, 2009, posted on the affected property, and mailed to all surrounding property owners of record within 300 feet of the affected property.

STAFF RECOMMENDATION

General Plan Amendment (PA09-0009) and Change of Zone (PA09-0007) and subsequent to the public hearing:

1. **RECOGNIZE** that PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation);
2. **APPROVE** Resolution No. 2009-97 approving PA09-0009, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;
3. **INTRODUCE** Ordinance No. 798 approving a Zone Change (PA09-0007) from Business Park (BP) to Residential 15 (R15), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

ATTACHMENTS

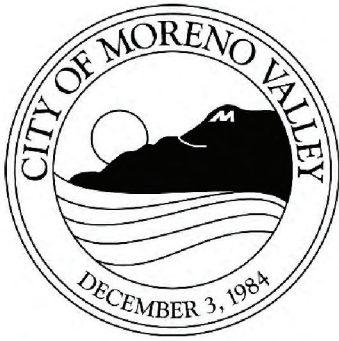
1. Public Hearing Notice
2. Proposed Resolution for General Plan Amendment
3. Proposed Ordinance for Zone Change
4. Planning Commission Staff Report dated August 13, 2009 (excluding exhibits)
5. Place Holder for Planning Commission Minutes for August 13, 2009
6. Land Use
7. Aerial Photograph

Prepared By:
 Claudia Manrique
 Associate Planner

Department Head Approval:
 Kyle Kollar
 Community Development Director

Concurred By:
 John C. Terell, AICP
 Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:



Notice of PUBLIC HEARING

This may affect your property. Please read.
Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE(S): PA09-0009 (General Plan Amendment)
PA09-0007 (Change of Zone)

APPLICANT: A.A. and Associates (Al Aguirre)

REPRESENTATIVE: A.A. and Associates (Al Aguirre)

LOCATION: 21652 Cottonwood Avenue

PROPOSAL: The proposed General Plan Amendment will change the land use from Business Park (BP) to Residential/Office (R/O) and Village Office/Residential (VOR). The Change of Zone will change the zoning from Business Park (BP) to Residential 15 (R15). The parcel has an existing single family residence and a multiple family duplex.

ENVIRONMENTAL DETERMINATION: This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

COUNCIL DISTRICT: 5

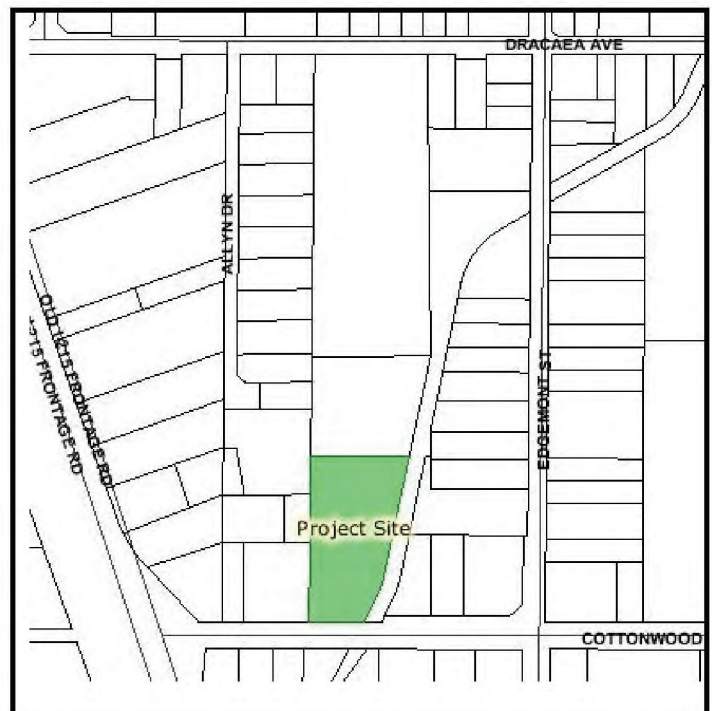
STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.



LOCATION N ↑
CITY COUNCIL HEARING

City Council Chambers, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: September 22, 2009,
at 6:30 PM

CONTACT PLANNER: Claudia Manrique
PHONE: (951) 413-3225

ATTACHMENT 1

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RESOLUTION NO. 2009-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT (PA09-0009) TO CHANGE THE LAND USE DESIGNATION FROM BUSINESS PARK (BP) TO RESIDENTIAL/OFFICE (R/O) FOR THE APPROXIMATELY 1.62 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBER 263-160-027, LOCATED AT 21652 COTTONWOOD.

WHEREAS, the applicant, Mr. John Dandurand, has filed an application for approval of PA09-0009, requesting an amendment to the General Plan Land Use. The requested amendment to the Land Use Element changes about 1.62 acres of Business Park (BP) land use to Residential/Office (R/O) land use as described in the title of this resolution and the attached Exhibit A. This General Plan Amendment is being processed concurrently with a Zone Change (PA09-0007).

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, this project would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation)

WHEREAS, on August 13, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider a General Plan Amendment (PA09-0009). At said meeting, the Planning Commission recommended approval of General Plan Amendment PA09-0009 to the City Council, and;

WHEREAS, on September 22, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, all of the facts set forth in this Resolution are true and correct.

ATTACHMENT 2

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY FINDS AS FOLLOWS WITH RESPECT TO PA09-0009:

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. Conformance with General Plan Policies – The proposed general plan amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The project includes two applications, a General Plan Amendment and Zone Change to change the existing land use for Assessor's Parcel Number 263-160-027. The project site current land use designation is Business Park (BP). This project proposes to change the General Plan from Business Park (BP) to Residential/Office (R/O). The change in zoning will be from Business Park (BP) to Residential 15 (R15). The proposed zoning supports the current use of the properties, which is a combination of single-family residential (one house) and multiple-family (two unit duplex).

The Transportation Engineering Division did not require a traffic study for the General Plan Amendment as the proposed residential designation is less intense than the current Business Park (BP) designation.

Since the proposed General Plan Amendment is less intensive than the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed general plan amendment will not be detrimental to the public health, safety or welfare.

FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

- 3. Redevelopment Plan – The proposed general plan amendment conforms to applicable provisions of the City’s redevelopment plan.

FACT: This project is located within the boundaries of the City of Moreno Valley Redevelopment Project Area and is in conformance with applicable provisions of the redevelopment plan.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA09-0009, thereby establishing General Plan Land Use as described in the Resolution, and the revised General Plan map attached to the Resolution as Exhibit A .

APPROVED AND ADOPTED this 22nd day of September 2009.

Mayor

ATTEST:

City Clerk

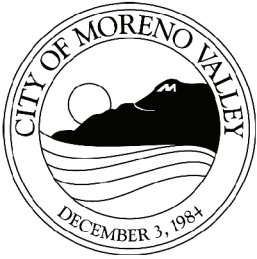
APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]



GENERAL PLAN AMENDMENT
Application No. PA09-0009
RESOLUTION NO. 2009-XX



ADOPTED _____
EFFECTIVE _____



LEGEND
R/O



EXHIBIT A

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ORDINANCE NO. 798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA09-0007 (CHANGE OF ZONE) TO CHANGE THE LAND USE DISTRICT FOR APPROXIMATELY 1.62 ACRES LOCATED AT 21652 COTTONWOOD (ASSESSOR PARCEL NUMBER 263-160-027) FROM THE BUSINESS PARK (BP) LAND USE DISTRICT TO THE RESIDENTIAL 15 (R15).

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

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 Page 81 of the City of Moreno Valley Official Zoning Atlas shall be modified to reflect the Zone Change (PA09-0007).

1.4 This project would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

SECTION 2: FINDINGS

2.1 With respect to the proposed change to page 81 of the City of Moreno Valley Official Zoning Atlas, and based upon substantial evidence presented to the City Council during the public hearing on September 22, 2009, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The project includes two applications, a General Plan Amendment and Zone Change to change the existing land use for Assessor's Parcel Number 263-160-027. The project site current land use designation is Business Park (BP). This project proposes to change the General Plan from Business Park (BP) to Residential/Office (R/O). The change in zoning will be from Business Park (BP) to Residential 15 (R15).

ATTACHMENT 3

The proposed zoning supports the current use of the properties, which is a combination of single-family residential (one house) and multiple-family (two unit duplex).

The Transportation Engineering Division did not require a traffic study for the General Plan Amendment as the proposed residential designation is less intense than the current Business Park (BP) designation.

Since the proposed General Plan Amendment is less intensive than the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Conformance with Specific Plan Policies – The proposed use is consistent with any applicable Specific Plan.

FACT: The project site is not within a specific plan area.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

4. Conformance with Title 9 – The proposed amendment to change the zoning atlas is consistent with the purposes and intent of Title 9.

FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from Business Park (BP) to Residential 15 (R15) is consistent with the purposes and intent of Title 9.

SECTION 3: ZONE CHANGE

3.1 Based on the findings contained in Section 2 of this Ordinance, the City Council hereby adopts a Zone Change to change to the zoning districts from Business Park (BP) to Residential 15 (R15) for the approximately 1.62 acres located at 21652 Cottonwood and subject to the revised zoning designations depicted in the attached Exhibit A.

SECTION 4: EFFECT OF ENACTMENT

4.1 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 5: NOTICE OF ADOPTION

5.1 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 6: EFFECTIVE DATE

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

APPROVED AND ADOPTED this 22nd day of September 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]



CHANGE OF ZONE
Application No. PA09-0009
ADOPTED BY ORDINANCE NO. XX



ADOPTED

EFFECTIVE _____



N

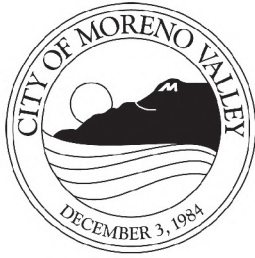
LEGEND

R15



EXHIBIT A

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**PLANNING COMMISSION
STAFF REPORT**

Case(s): PA09-0009 – General Plan Amendment
PA09-0007 – Change of Zone

Date: August 13, 2009

Applicant: John Dandurand

Representative: A.A. and Associates (Al Aguirre)

Location: 21652 Cottonwood Avenue

Proposal: General Plan Amendment changing the land use from Business Park (BP) to Residential/Office (R/O). Change of Zone will change the zoning from Business Park (BP) to Residential 15 (R15).
The parcel has an existing single family residence and a multiple family duplex.

Council District: 5

Recommendation: Approval

SUMMARY

The proposed General Plan Amendment will change the land use designation of one parcel located at 21652 Cottonwood Avenue (Assessor's Parcel Number 263-160-027) from Business Park (BP) to Residential/Office (R/O). The Change of Zone will change the zoning of the parcel from Business Park (BP) to Residential 15 (R15).

Project

The project includes two applications, a General Plan Amendment and Zone Change to change the existing land use for Assessor's Parcel Number 263-160-027. The project site current land use designation is Business Park. This project proposes to change the General Plan designation from Business Park (BP) to Residential/Office (R/O) and the Zoning designation to Residential 15 (R15).

There is no development application associated with the proposed land use change as the parcel has an existing single-family residence and a multiple family duplex. The request for the General Plan Amendment and Change of Zone was made by the current owner of the property, who would like the zoning district to match the existing land use of their property to allow for improvements to the existing structures.

Land Use Change

The existing General Plan designation for the project site is Business Park (BP). The applicant proposes a change from the Business Park (BP) designation to Residential/Office (R/O) under the General Plan.

The proposed Residential/Office (R/O) use is compatible with the established land use of the project site. The parcel has an existing single-family residence and a multiple family duplex. The proposed change from Business Park (BP) to Residential 15 (R15) will allow the legal nonconforming uses to conform to current development standards. If the General Plan Amendment and Change of Zone are approved, the large garage built without permits could be improved and permitted as an accessory structure to the existing residential uses.

Based upon the information presented above, the proposed change in land use is compatible with existing land uses and would not conflict with the goals, objectives, policies or programs of the General Plan.

Site

The project site is located on the north side of Cottonwood Avenue, east of Old I-215 Frontage Road and west of Edgemont Street. The site is currently comprised of one single-family residence and two multiple-family units. There is also a separate garage and large row of covered carports on the site.

Land uses surrounding the parcel include Business Park (BP) to the east, south and west. Directly north of the project site are two Residential 15 (R15) parcel. To the northeast is a group of Residential 10 (R10) parcels. At the northwest corner of Edgemont Street and Cottonwood Avenue is a Neighborhood Commercial (NC) parcel,

which was recently rezoned from Business Park (BP) (PA08-0025 and PA08-0026, approved by Planning Commission on December 4, 2008 and City Council on April 14, 2009).

Access

Access to the project site is via two driveways along Cottonwood Avenue.

Design

Development under the proposed General Plan Amendment and Zone Change would conform to all development standards of the Residential 15 (R15) zone as required within the Moreno Valley Municipal Code and Design Guidelines. Future development would be reviewed under separate application(s).

Review Process

The General Plan Amendment and Zone Change applications were submitted in March 2009. No revisions or additional information was requested by staff. Transportation Engineering staff did not require a traffic study as part of the review of the General Plan Amendment application as the proposed residential designation is less intense than the current Business Park (BP) designation.

Environmental

This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

Notification

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no inquiries in response to the noticing for this project.

Staff Recommendation

Staff recommends that the Planning Commission take the following action:

APPROVE Resolution No. 2009-23, and thereby:

1. **RECOMMEND** that the City Council recognize that PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation);
2. **RECOMMEND** that the City Council approve PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone).

Prepared by:

Approved by:

Claudia Manrique
Associate Planner

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2009-23
5. Aerial Photograph of Project Site
6. Land Use Map

2
3 PA09-0007 Change of Zone
4 PA09-0009 General Plan Amendment
5

6 CHAIR MARZOEKI – May I have the Staff Report please
7

8 ASSOCIATE PLANNER MANRIQUE – Good evening I'm Claudia Manrique, the
9 Case Planner. The project location is 21652 Cottonwood Avenue. The project
10 site current land use designation is Business Park. The proposal is to change
11 the General Plan designation from Business Park to Residential/Office and the
12 zoning to Residential 15. There is no development Application associated with
13 this proposed land use change. The proposed Residential/Office uses
14 compatible with the established land use of the project site. The parcel has an
15 existing single-family residence and a multi-family duplex. The proposed change
16 from Business Park to Residential 15 will allow the legal non-conforming uses to
17 conform to current development standards. If the General Plan Amendment and
18 Change of Zone are approved, the large garage built without permits could be
19 improved and permitted as an accessory structure to the existing residential
20 uses. This item is exempt under CEQA Guidelines, Section 15305, Minor
21 Alterations in Land Use and Staff recommends approval of Resolution 2009-23
22 recommending that the City Council recognize that PA09-0009 and PA09-0007
23 qualify as exemptions under CEQA and approve the General Plan Amendment
24 and Change of Zone.
25

26 CHAIR MARZOEKI – Thank you. Do we have questions of Staff?
27

28 COMMISSIONER DE JONG – This is a relatively older property and I was
29 wondering why this change wasn't brought before the Planning Commission
30 during the General Plan Update a couple of years ago.
31

32 PLANNING OFFICIAL TERELL – Mainly because Code Enforcement hadn't
33 discovered the illegal structure at that time. It's on the edge and boundary
34 between two classifications and the basic classification; we actually changed a
35 lot of the property to the north to residential with the General Plan Update and
36 then we maintained most of this in the Business Park designation because that's
37 what it had been for a long, long time and I would say the division line is; I don't
38 want to say it's arbitrary, but it was based on looking at the size of this parcel.
39 Ideally this parcel is relatively large so it could redevelop. The owners decided
40 they don't want to do that, they want to improve the property as it is, so that's the
41 main reason it wasn't contemplated that there wasn't an issue with this property
42 at this time and there was no comments from this property owner as we went
43 through that process.
44

45 COMMISSIONER DE JONG – Will Code Enforcement pursue any necessary
46 changes?

ATTACHMENT 5

1 **PLANNING OFFICIAL TERELL** – My understanding is that really all they need
2 to do to comply is to get a building permit and go through an analysis; an
3 inspection of the property in order to legalize the additional structure, but they
4 couldn't go through that process because Planning couldn't signoff on it as an
5 accessory structure to a non-conforming use.

6
7 **COMMISSIONER DE JONG** – I see. Obviously any changes that concur
8 because of the inspection would have to take place.

9
10 **PLANNING OFFICIAL TERELL** – Correct

11
12 **COMMISSIONER DE JONG** – Okay, thank you.

13
14 **CHAIR MARZOEKI** – Are there any other questions of Staff?

15
16 **COMMISSIONER DOZIER** – That inspection would be for any of the structures
17 on the property?

18
19 **PLANNING OFFICIAL TERELL** – It would only be for the structures that do not
20 currently have permits, so the main structure; the residential structures were
21 permitted many years ago so they would not need to go to through an inspection
22 unless there were additional changes.

23
24 **CHAIR MARZOEKI** – Anyone else?

25
26 **COMMISSIONER SALAS** – So you're saying that the property to the north has
27 been changed to Industrial or...

28
29 **PLANNING OFFICIAL TERELL** – The property immediately north of this
30 property is zoned Residential. That's really the only reason we would
31 recommend it is that there is contiguous residential property.

32
33 **COMMISSIONER SALAS** – Thank you

34
35 **CHAIR MARZOEKI** – I see no one else, so we open up the Public Testimony
36 Portion of this item and call the Applicant forward. Please state your name and
37 address for the record.

38
39 **APPLICANT AGUIRRE** – My name is Al Aguirre with A.A. Associates. The
40 address is 2222 Kansas Avenue, Suite D in Riverside, California.

41
42 **CHAIR MARZOEKI** – Is there anything you want to say?

43
44 **APPLICANT AGUIRRE** – No, I all I want to say is yes we do need the granting of
45 this approval basically in order to move forward.

46

1 **CHAIR MARZOEKI** – Are there any questions of the Applicant?

2
3 **COMMISSIONER DE JONG** – Are you a resident on the property?

4
5 **APPLICANT AGUIRRE** – No I'm not, I'm the representative.

6
7 **COMMISSIONER DE JONG** – I thought you were

8
9 **CHAIR MARZOEKI** – Is there anyone else? No, well okay, we have one
10 Speaker Slip. Okay, you can come up after that. Okay we will call forward
11 Deanna Reeder.

12
13 **SPEAKER REEDER** – Hello, I'm Deanna Reeder. I marked against on there but
14 you can change that to for and the reason is that this is one of the few instances
15 where if you change the zone or change the plan, this is actually what is was
16 meant for, so in this case I actually agree that you should do that, however, you
17 still need to address the point of the times you're changing zones and you're
18 changing the General Plan when you shouldn't be. So that was the only reason
19 that I was against and like I said, I got here late and I didn't read all the facts and
20 I didn't hear them, but now that I did, then I want to show that I am for it. Thank
21 you.

22
23 **CHAIR MARZOEKI** – Thank you. We can call the Applicant back forward again
24 if there is anything else you would like to say.

25
26 **APPLICANT AGUIRRE** – No

27
28 **CHAIR MARZOEKI** – Okay, with that we will close the Public Testimony Portion
29 of this item open it up to Commissioner Comments. Who would like to go first?

30
31 **COMMISSIONER DE JONG** – This makes a lot of sense, because we are
32 changing or bringing a non-conforming property up to conformance and as Ms.
33 Reeder mentioned that's what this was actually designed for and I totally agree.
34 Thank you for your comments earlier. I appreciate it. So I am for this. There's
35 not too much to say about this. I think that it's an appropriate action.

36
37 **CHAIR MARZOEKI** – Thank you.

38
39 **COMMISSIONER BAKER** – Yes I went down and looked at this property and
40 what's been done there between the house and the garage; the structures have
41 been done really well. I mean they did a good job putting this together, so I see
42 no reason why we shouldn't approve this.

43
44 **CHAIR MARZOEKI** – Is there anyone else?
45

1 **COMMISSIONER DOZIER** – Yes I agree with my two Commissioners that have
2 spoken just before this. We should just move it along.

3
4 **CHAIR MARZOEKI** – Okay, well would somebody like to make a motion?

5
6 **COMMISSIONER DE JONG** – I move that the Planning Commission **APPROVE**
7 Resolution No. 2009-23 and thereby:

- 8 1. **RECOMMEND** that the City Council **RECOGNIZE** that PA09-0009 General
9 Plan Amendment and PA 09-0007 Change of Zone qualify as exemptions in
10 accordance with CEQA Guidelines, Section 15305, Minor Alterations in
11 Land Use Limitations; and,
12 2. **RECOMMEND** that the Council **APPROVE** PA09-0009 General Plan
13 Amendment and PA09-0007 Change of Zone
14

15 **COMMISSIONER SALAS** – I second

16
17 **CHAIR MARZOEKI** – We have a motion and a second. Is there any discussion?
18 All in favor?

19
20 Opposed – 0

21
22 **Motion carries 6 – 0, with one absent (Commissioner Geller)**

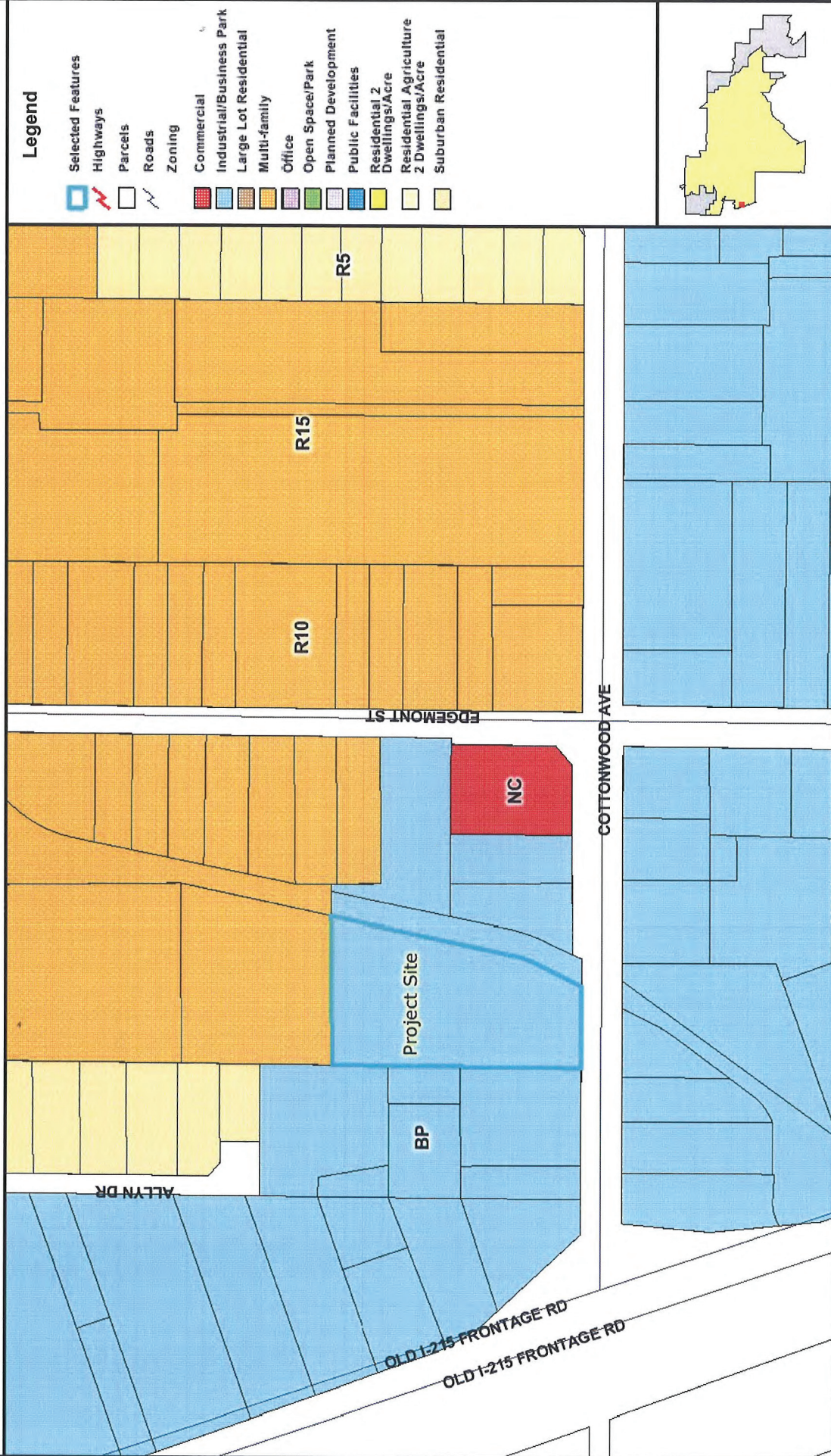
23
24 **CHAIR MARZOEKI** – Staff wrap up please

25
26 **PLANNING OFFICIAL TERELL** – Yes this action shall be forwarded to the City
27 Council final review and action and we've tentatively scheduled that for the
28 second meeting in September before the City Council.
29

30 **CHAIR MARZOEKI** – Thank you. Moving on to Item 730.
31
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Attachment 6: Land Use

PA09-0009 & PA09-0007



City of Moreno Valley
 14177 Frederick Street
 Moreno Valley, CA 92553

DISCLAIMER: 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. 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.



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ATTACHMENT 6

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Attachment 7: Aerial Photograph

PA09-0009 & PA09-0007



City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

DISCLAIMER: 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. 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.



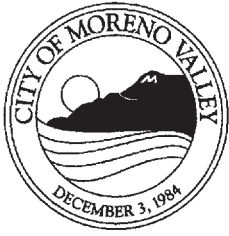
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ATTACHMENT 7



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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>lud</i>
CITY MANAGER	<i>Ry</i>

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: A PUBLIC HEARING REGARDING THE DESIGNATION OF A CITY-WIDE RECOVERY ZONE

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 799 relating to the designation of a city-wide Recovery Zone for the City of Moreno Valley.

BACKGROUND

The American Recovery and Reinvestment Act of 2009 (ARRA) has created a new category of bond called Recovery Zone Bonds. There are two types of Recovery Zone Bonds that would provide economic incentives for the City or private issuer as summarized below:

Recovery Zone Economic Development Bonds

- Taxable Build America Bonds (BABs) that allow state and local governments to obtain lower borrowing costs through direct Federal subsidy (45% of interest).
- May be used to finance a broad range of qualified economic development projects.
- Moreno Valley allocation is \$7,360,000.
- Bonds must be issued by end of 2010.
- Doubtful use for Moreno Valley due to inability to pay debt service.

Recovery Zone Facility Bonds

- Tax-exempt private activity bond.
- May be used by any business in designated Recovery Zone to finance a broad range of capital projects.
- Moreno Valley allocation is \$11,041,000.

- Bonds must be issued by end of 2010.
- City may issue conduit debt on behalf of developer or let developer obtain financing on their own.
- California Infrastructure and Economic Development Bank (I-Bank) is actively involved in ARRA debt issuance.

The proceeds of the above-described bonds are required to be invested in designated "Recovery Zones", which may be a portion of a city or an entire city. In order to be designated as a "Recovery Zone" one or more of the following conditions must be met.

- Significant poverty, unemployment, home foreclosure rates or general distress;
- Designation by the issuer as an empowerment zone or renewal community; or
- Designation by the issuer as economically distressed by reason of the closure or of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990.

The ARRA allocated a total of \$25 billion nationwide for the two new types of Recovery Zone Bonds- \$10 billion for Recovery Zone Economic Development Bonds and \$15 billion for Recovery Zone Facility Bonds. Bonds must be issued on or before December 31, 2010. Recovery Zone Economic Development Bonds are issued on a taxable basis with a 45% interest rebate from the U.S. Department of Treasury. These bonds can be used for any project that promotes economic development within the Recovery Zone, including, but not limited to capital improvements, training, education or working capital. Recovery Zone Facility Bonds are similar to private activity bonds issued in a conduit financing. The use of these bonds is more defined and limited to capital improvements within the Recovery Zone, but excludes certain improvements.

The use of new Recovery Zone Bonds provides another revenue bond financing opportunity for local governments; along with private sector developers and businesses. Recovery Zone Bonds broaden the City's ability to issue taxable bonds due to the Federal interest subsidy, provided there is debt service capacity even at subsidized levels. Recovery Zone Bonds also may provide lower cost borrowing for private sector development aimed at stimulating economic recovery in the community. However, please note that Recovery Zone Bonds are not grants and they still require a suitable revenue stream that ensures proper debt service coverage.

DISCUSSION

As part of a \$25 billion nationwide allocation, the U.S. Department of Treasury established bond volume caps at the local level for counties and large cities- including Moreno Valley. The bond caps for the City of Moreno Valley include \$7,360,000 in Recovery Zone Economic Development Bonds and \$11,041,000 in Recovery Zone Facility Bonds. In order for the City of Moreno Valley to take advantage of these new financing opportunities to promote job creation and economic recovery through Recovery Zone Bonds, the ARRA requires Moreno Valley to designate any area, or

even the entire City, as a Recovery Zone based on meeting one or more of the aforementioned standards. Moreno Valley clearly meets two of the established criteria:

- **Significant unemployment rate.** Moreno Valley's unemployment rate has been well above Riverside County's (14.7% in July 2009 up from 9.3% in July 2008), State (12.1% in July 2009 up from 7.4% in July 2008) and National (9.4% in July 2009 up from 5.8% in July 2008), the unemployment rate in Moreno Valley reached 17% in July 2009 up from 10.8% in July 2008.
- **Significant foreclosure rate.** Foreclosures continue to be a challenge in Moreno Valley. The following table highlights the rate of notices of default (NOD) and foreclosures in Moreno Valley as compared to all of Riverside County and the State of California for the past three years.

Year		Moreno Valley	Riverside County	State of California
2007	NOD	9.3%	5.4%	3.0%
	Foreclosures	3.6%	2.2%	1.0%
2008	NOD	14.1%	8.7%	4.7%
	Foreclosures	9.9%	5.7%	2.9%
2009	NOD	12.8%	9.0%	5.1%
	Foreclosures	7.7%	4.9%	2.5%

Source: MDA DataQuick August 2009

The attached Ordinance would designate the entire geographic area of the City of Moreno Valley as a Recovery Zone and provide the following information to establish the necessary findings for the Recovery Zone:

- Funding appropriations;
- Eligibility;
- Criteria for activity or project investment;
- Compliance;
- Severability;
- Sunset date.

At this time City staff does not anticipate having sufficient revenue to pursue any bond financing associated with the Recovery Zone Economic Development Bonds. These bonds are to be used for public infrastructure improvements, construction of public facilities or job training/educational facilities. Given the economy and the City's fiscal condition it is not anticipated that the City would have the proper revenue stream to undertake a bond issuance of this type.

It should be noted that tax-exempt financing through the Recovery Zone Facility Bonds would be available to all developers in the City, provided the City's allocation of \$11,041,000 is not exceeded. A program to assist developers in obtaining this financing has been developed by the California Infrastructure and Economic Development Bank (I-Bank). Developers interested in this type of private financing would be encouraged to work with I-Bank to secure their desired financing for Recovery Zone Facility Bonds. Please note that City staff recommends that the City not participate in issuance of

conduit debt through the Recovery Zone Facility Bond program, but rather use existing programs, through I-Bank or other similar types of available financing programs.

ALTERNATIVES

1. Introduce the proposed ordinance that would designate the City of Moreno Valley as a Recovery Zone.
2. Do not approve the proposed introduction and the subsequent adoption of the ordinance that would designate the City of Moreno Valley as a Recovery Zone.

FISCAL IMPACT

Creating the proposed Recovery Zone will broaden the City's ability to issue taxable Economic Development Bonds at a subsidized rate, as well as private developers' ability to obtain tax-exempt financing through Facility Bonds to lower their cost of borrowing. Increased development or business expansion improves the overall local economy by creating jobs and increasing taxable sales. Please note that any specific participation in a bond issuance shall still be subject to full consideration and approval by the City Council.

CITY COUNCIL GOALS

Upon approval of this staff report, the following City Council Goals would be furthered:

POSITIVE ENVIRONMENT: Create a positive environment for the development of Moreno Valley's future.

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.

SUMMARY

Staff recommends that the City Council introduce and subsequently adopt this ordinance designating the City of Moreno Valley as a Recovery Zone in order to take advantage of new category of bonds called Recovery Zone Bonds.

ATTACHMENTS/EXHIBITS

Attachment A – Ordinance No. 799

Prepared By:
Barry Foster
Economic Development Director

Concurred By:
Steve Elam
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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ORDINANCE NO. 799

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DESIGNATING A CITY-WIDE RECOVERY ZONE.

Whereas, the American Recovery and Reinvestment Act of 2009 (the "Act") authorizes the issuance of recovery zone economic development bonds; and

Whereas, pursuant to the Act, in order to issue recovery zone bonds the City Council must first designate a Recovery Zone area; and

Whereas, pursuant to the Act, the of designation of a Recovery Zone requires the City Council must make findings of fact that the City of Moreno Valley can be defined as a Recovery Zone because of significant poverty, unemployment, rate of foreclosures or general distress.

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

SECTION 1. RECOVERY ZONE DESIGNATION

Findings of fact for designating the City of Moreno Valley as a Recovery Zone.

- (a) Section 1401 of Title I of Division B of the American Recovery and Reinvestment Act of 2009 (the "Act") added Sections 1400-1 through 1400U-3 to the Internal Revenue Code as amended (the "Code"), authorizing state and local governments to issue Recovery Zone Bonds through December 31, 2010 which provide tax incentives to state and local governments by lowering borrowing costs as a means to promote job creation and economic recovery to targeted areas particularly affected by employment declines.
- (b) The Treasury Department established a national bond volume limitation ("volume cap") of \$10 billion for Recovery Zone Economic Development Bonds and \$15 billion for Recovery Zone Facility Bonds (collectively referred to as "Recovery Zone Bonds"), which is allocated among the states in the proportion that each State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all of the states ("Recovery Zone Bond Allocation").
- (c) Recovery Zone Economic Development Bonds are taxable tax-credit governmental bonds that may be used to finance certain "qualified economic development purposes", defined as promoting development or other economic activity in a designated Recovery Zone, including (1) capital expenditures paid or incurred with respect to property located in the recovery zone, (2) expenditures for public infrastructure and

construction of public facilities, and (3) expenditures for job training and educational programs. Recovery Zone Facility Bonds are private activity bonds that may be used to finance certain property located within a designated Recovery Zone.

- (d) Each state that has received a Recovery Zone Bond Allocation is required, without discretion, to reallocate such allocation among the counties and large municipalities (minimum of 100,000 population) in such state in the proportion that each county's or municipality's 2008 employment decline bears to the aggregate of the 2008 employment declines for all the counties and municipalities in such state.
- (e) City of Moreno Valley has been allocated \$7,360,000 in Recovery Zone Economic Development Bonds and \$11,041,000 in Recovery Zone Facility Bonds, which must be issued on or before December 31, 2010.
- (f) Section 1400U-1(b) of the Code requires each governmental issuer of Recovery Zone Bonds to designate eligible recovery zones within its geographical jurisdiction using the following criteria: (1) significant poverty, unemployment, rate of home foreclosures, or general distress; (2) economic distress by reason of the closure of realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect.
- (g) According to the California Department of Employment, the unemployment rate in the City of Moreno Valley was 17% in July 2009, significantly up from 10.8% in July 2008. Moreno Valley's unemployment rate was higher than both the Riverside County and State of California rates.
- (h) The volume of foreclosures in Moreno Valley is significant. According to Data Quick in July 2009 there were 13,295 foreclosed or bank owned properties in Moreno Valley in 2009.
- (i) The high unemployment rate and home foreclosures in the City of Moreno Valley has impacted citizens and businesses city-wide and has resulted in the general distress of the City of Moreno Valley. Accordingly, it is in the best interests of Moreno Valley that the entire geographic area of the City be designated a "Recovery Zone" for purposed of issuing Recovery Zone Bonds to promote job creation and economic recovery.

SECTION 2. DESIGNATION OF RECOVERY ZONE

The entire geographic area of the City of Moreno Valley is hereby designated as a "Recovery Zone" for the purpose of issuing Recovery Zone Bonds.

SECTION 3. FUNDING APPROPRIATION

The appropriation or application of Recovery Zone Bond proceeds will be at the discretion of the City Council (the "Council") based on project qualifications.

SECTION 4. RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS – ELIBIBLE ACTIVITIES/PROJECTS

Eligible activities/projects that qualify for issuance of Recovery Zone Economic Development Bonds include activities/projects within the Recovery Zone that promote economic development, as measured by the criteria set forth in Section 6 herein, and may include:

- (1) Capital expenditures paid or incurred with respect to property located in the Recovery Zone, including working capital expenditures to promote development or other economic activity;
- 2) Expenditures for public infrastructure and construction of public facilities; and
- 3) Expenditures for job training and educational programs.

SECTION 5. RECOVERY ZONE FACILITY BONDS – ELIGIBLE ACTIVITIES/PROJECTS

Eligible activities/projects that qualify for issuance of Recovery Zone Facility Bonds include any private activity bonds issued on behalf of qualified borrowers for projects located within the designated Recovery Zone, including qualifying capital improvements and infrastructure projects. However, qualifying projects do not include any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling.

SECTION 6. CRITERIA FOR ACTIVITY/PROJECT INVESTMENT

Eligible projects/activities for funding from Recovery Zone Bond proceeds shall be selected by the City Council in its sole discretion based upon, but not limited to, the following criteria:

- (a) Type of industry;
- (b) Number of current and/or projected employees;
- (c) Average wage of employees;
- (d) Capital investment;
- (e) Financial stability;

- (f) New product development;
- (g) Growth of sales; tax, property tax, or other City revenues;
- (h) Results of an economic impact study;
- (i) Commitment to local procurement and local hiring;
- (j) National/state recognition;
- (k) Regional impact; or
- (l) Any such other activity or factor proposed by the applicant that can be demonstrated in a satisfactory fashion to the City Council to promote economic development within the City.

SECTION 7. COMPLIANCE

All activities/projects financed through the issuance of Recovery Zone Bonds shall comply with all applicable existing Federal, State, and Local laws, rules and regulations.

SECTION 8. 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 9. 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 10. SUNSET DATE/EFFECTIVE DATE:

This ordinance shall automatically sunset on December 31, 2010, unless otherwise reaffirmed or otherwise amended by the City Council prior to that date.

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

APPROVED AND ADOPTED this _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

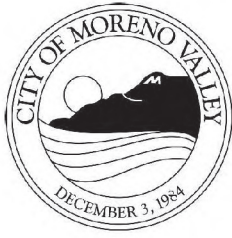
APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]



APPROVALS	
BUDGET OFFICER	<i>my</i>
CITY ATTORNEY	<i>Rest</i>
CITY MANAGER	<i>PH</i>

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Receive and file this report; and
2. Introduce Ordinance No. 800, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance). (Roll call required)

ADVISORY BOARD/COMMISSION RECOMMENDATION

This item was presented to the Traffic Safety Commission (TSC) at their regular monthly meeting on Wednesday, June 3, 2009. The TSC approved the recommended prima facie speed limits. The TSC certification reports and Engineering and Traffic Surveys are on file with Transportation Engineering Division.

BACKGROUND

Section 40802 of the California Vehicle Code (CVC) requires an Engineering and Traffic Survey, as defined in CVC Section 627, be performed when enforcing the speed limit by radar or other electronic devices. In compliance with this requirement, Transportation Engineering Division staff prepares and updates Engineering and Traffic Surveys as specified in the CVC and per the guidelines of the California Manual on Uniform Traffic

Control Devices (CAMUTCD). Based upon the results of these Engineering and Traffic Surveys, staff recommends the City Council to approve and declare the proposed speed limits listed in the ordinance as reasonable and safe prima facie speed limits that facilitate the orderly movement of traffic within the city.

DISCUSSION

The recommended speed limit, a main component of an Engineering and Traffic Survey, is based upon the premise that a reasonable speed limit is one that conforms to the behavior of the majority of motorists, and by measuring prevailing speeds, a speed limit is determined that is reasonable and effective. For a speed limit to be effective, at least eight-five percent of the drivers must voluntarily comply with the law. Setting speed limits at appropriate levels will create a uniform flow of traffic, discourage violation of the law, and help maintain safe streets and highways. Speed limits are often set below prevailing speeds when other factors otherwise not readily apparent to the driver, exist on the roadway. Factors that need to be considered include, but are not limited to, collision history for the roadway segment, design speed, sight distance constraints, pedestrian / bicycle safety, and direct residential access. Staff has recommended these prima facie speed limits accordingly.

The Moreno Valley Police Department submits the following additional information for consideration:

Engineering and Traffic Surveys are critical for the radar enforcement of posted speed limits within the City of Moreno Valley. Additionally, the Riverside County Superior Court magistrate diligently verifies that there are current Engineering and Traffic Surveys on file.

FISCAL IMPACT

The cost of signing and striping modifications required for the subject speed zones is included in the annual budget of the Transportation Engineering Division for Signing & Striping Maintenance (Account No. 121.55430).

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.

SUMMARY

As required by Section 40802 of the California Vehicle Code, Engineering and Traffic Surveys were performed for certain streets to support enforcement of speed limits by radar or other electronic devices. Based upon the premise that a reasonable speed limit is one that conforms to the behavior of the majority of motorists and the measured prevailing speed, staff recommends that the proposed speed limits (as listed on the ordinance) be approved by City Council and declared as prima facie speed limits.

NOTIFICATION

Publication of Agenda

ATTACHMENTS

- Attachment A - Proposed Ordinance
- Attachment B - Summary of Certified Speed Zones
- Attachment C - Map entitled "Citywide Speed Limit"

Prepared By:
 Vincent L. Tran, P.E.
 Associate Engineer

Department Head Approval:
 Chris A. Vogt, P.E.
 Public Works Director/City Engineer

Concurred By:
 Eric Lewis, P.E., T.E.
 City Traffic Engineer

Concurred By:
 John Anderson
 Police Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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ORDINANCE NO. 800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 12.20.020 OF CHAPTER 12.20 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO A PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS

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

SECTION 1. AMENDMENT TO THE MUNICIPAL CODE:

Section 12.20.020 of the City of Moreno Valley Municipal Code is hereby amended by declaring the prima facie speed limit (in miles per hour) for the following streets to provide as follows:

Name of Street	Segment Affected	Declared Prima Facie Speed Limit (MILES PER HOUR)
Brodiaea Avenue	Frederick Street to Heacock Street	35
Cactus Avenue	Old 215 Highway to Frederick Street	50
Cactus Avenue	Frederick Street to Heacock Street	50
Cactus Avenue	Heacock Street to Perris Boulevard	45
Cactus Avenue	Perris Boulevard to Lasselle Street	40
Cactus Avenue	Lasselle Street to Nason Street	50
Climbing Rose Drive	Barclay Drive to Pigeon Pass Road	25
Davis Street	Ironwood Avenue to Manzanita Avenue	30
Day Street	Alessandro Boulevard to Cottonwood Avenue	25
Delphinium Avenue	Heacock Street to Rio Bravo Road	30
Delphinium Avenue	Kitching Street to Lasselle Street	25
Dracaea Avenue	Gershwin Way to Redlands Boulevard	35
Frederick Street	Cactus Avenue to Eucalyptus Avenue	40
Frederick Street	Eucalyptus Avenue to Sunnymead Boulevard	40

Hemlock Avenue	Indian Street to Kitching Street	30
Indian Street	Ironwood Avenue to Manzanita Avenue	40
Kalmia Avenue	Perris Boulevard to Slawson Avenue	25
Nandina Avenue	Heacock Street to Perris Boulevard	45
Nason Street	Cactus Avenue to Alessandro Boulevard	45
Pigeon Pass Road	Ironwood Avenue to Old Lake Drive	50
Pigeon Pass Road	Old Lake Drive to North City Limits	50
Towngate Boulevard	Eucalyptus Avenue to Frederick Street	40

SECTION 2. BASIS OF DETERMINATION:

There is on file with the City Traffic Engineer a traffic investigative report indicating that the speed limits set forth above are reasonable and safe and most appropriate to facilitate the orderly movement of traffic.

SECTION 3. IMPLEMENTATION:

The City Traffic Engineer shall post appropriate signs giving notice of the prima facie speed limit changed as determined by this Ordinance.

SECTION 4. 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 5. 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 6. EFFECTIVE DATE:

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

APPROVED AND ADOPTED this ____ day of _____ 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Summary of Certified Speed Zones

Street	Limits	Posted Speed Limit	Recommended Speed	85th %tile Speed	Avg Speed	Pace	Collisions (2 Years)	Length	Volume (1000's)	Coll Rate (per million vehicle miles)	Coll Rate Status	Remarks
1 Brodiaea Ave	Frederick St to Heacock St	New	35	37	35	30-39	0	1.00	1.7	0.00	Below	
2 Cactus Ave	Old 215 Hwy to Frederick St	50	50	52	49	45-54	13	1.00	43.5	0.41	Below	
3 Cactus Ave	Frederick St to Heacock St	50	50	52	49	45-54	15	1.00	35.4	0.58	Below	
4 Cactus Ave	Heacock St to Perris Blvd	45	45	47	45	40-49	1	1.00	21.0	0.07	Below	
5 Cactus Ave	Perris Blvd to Lasselle St	40	40	42	39	35-44	1	1.00	15.7	0.09	Below	
6 Cactus Ave	Lasselle St to Nason St	50	50	52	50	45-54	3	1.00	13.3	0.31	Below	
7 Climbing Rose Dr	Barclay Dr to Pigeon Pass Rd	30	25	27	25	22-31	0	0.75	2.2	0.00	Below	
8 Davis St	Ironwood Ave to Manzanita Ave	30	30	32	30	25-34	5	1.00	3.4	2.01	Below	
9 Day St	Alessandro Blvd to Cottonwood Ave	25	25	27	25	22-31	1	0.50	8.6	0.32	Below	
10 Delphinium Ave	Heacock St to Rio Bravo Rd	35	30	32	30	25-34	7	1.50	3.3	1.94	Below	
11 Delphinium Ave	Kitching St to Lasselle St	New	25	27	25	22-31	1	0.50	1.8	1.50	Below	
12 Dracaea Ave	Gershwin Wy to Redlands Blvd	35	35	36	33	28-37	0	0.33	0.5	0.00	Below	
13 Frederick St	Cactus Ave to Eucalyptus Ave	40	40	42	39	35-44	11	1.50	19.6	0.51	Below	
14 Frederick St	Eucalyptus Ave to Sunnymead Blvd	40	40	42	39	35-44	10	0.56	28.4	0.86	Below	
15 Hemlock Ave	Indian St to Kitching St	30	30	31	29	24-33	2	1.00	5.5	0.50	Below	
16 Indian St	Ironwood Ave to Manzanita Ave	40	40	39	36	32-41	0	1.00	13.1	0.00	Below	
17 Kalmia Ave	Perris Blvd to Slawson Ave	35	25	27	25	22-31	0	0.75	1.8	0.00	Below	Street with existing speed humps
18 Nandina Ave	Heacock St to Perris Blvd	45	45	47	44	39-48	0	1.00	2.9	0.00	Below	
19 Nason St	Cactus Ave to Alessandro Blvd	45	45	46	44	39-48	9	0.50	10.6	2.33	Below	
20 Pigeon Pass Rd	Ironwood Ave to Old Lake Dr	50	50	52	49	45-54	20	1.50	20.6	0.89	Below	
21 Pigeon Pass Rd	Old Lake Dr to North City Limit	50	50	52	50	46-55	1	1.00	6.6	0.21	Below	
22 Towngate Blvd	Eucalyptus Ave to Frederick St	40	40	42	39	34-43	3	0.67	8.1	0.76	Below	

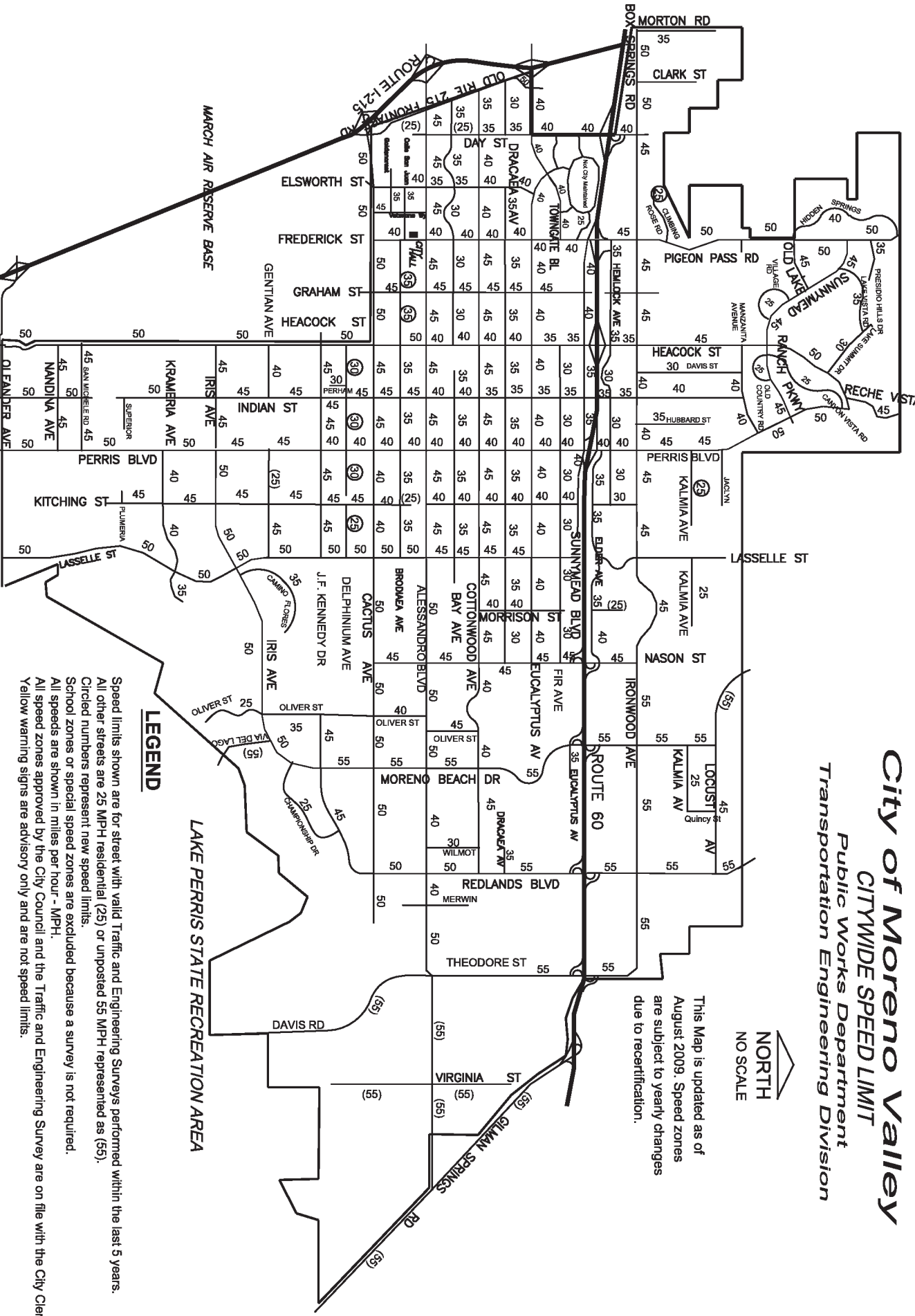
* Shading indicates a change in the existing speed limit or a new speed zone.

* Collision Rate Status is based on the Caltrans 2005 Collision Data on California State Highway.

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City of Moreno Valley

Public Works Department Transportation Engineering Division



This Map is updated as of August 2009. Speed zones are subject to yearly changes due to recertification.

LEGEND

Speed limits shown are for street with valid Traffic and Engineering Surveys performed within the last 5 years. All other streets are 25 MPH residential (25) or unposted 55 MPH represented as (55). Circled numbers represent new speed limits. School zones or special speed zones are excluded because a survey is not required. All speeds are shown in miles per hour - MPH. All speed zones approved by the City Council and the Traffic and Engineering Survey are on file with the City Clerk. Yellow warning signs are advisory only and are not speed limits.

The information on this map is provided as a courtesy and deemed reliable based on Traffic & Engineering Surveys on file. The City makes no guarantee or warranty regarding the accuracy of this map.

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CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
September 22, 2009

- a) Report by Council Member Robin N. Hastings on
Western Riverside Council of Governments
(WRCOG)**

- b) Report by Council Member William H. Batey II on
Riverside County Habitat Conservation Agency
(RCHCA)**

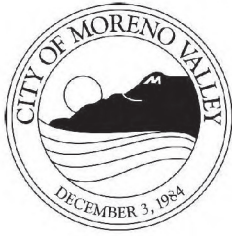
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CITY MANAGER'S REPORT

**(Informational Oral Presentation only –
not for Council action)**

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RW</i>
CITY MANAGER	<i>PA</i>

Report to City Council

TO: Mayor and City Council

FROM: Christ A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: INTRODUCTION OF ORDINANCE NO. 796 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.12, FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

RECOMMENDED ACTION

Staff recommends that the City Council approve the introduction of Ordinance No. 796, amending Title 8 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP).

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The City's Floodplain Ordinance was recently reviewed by the State Department of Water Resources (DWR) to determine whether the City's current ordinance meets the minimum requirements of the NFIP. City participation in the NFIP makes flood insurance available to City residents and businesses as well as makes the City eligible for federal financial assistance in the event of a Presidential declared emergency due to flooding. DWR has noted that the current ordinance does not meet the minimum requirements of the NFIP and that corrections are necessary. DWR has provided the City with a copy of the California Model Floodplain Management Ordinance (CMFMO) to assist the City in updating its ordinance.

DISCUSSION

City staff is recommending an update to the existing Floodplain Management Ordinance in order to remain in compliance with the NFIP. The changes include adding/deleting/revising various subsections throughout section 8.12 of the municipal code using the CMFMO.

Although the proposed ordinance does not specifically address the NFIP Community Rating System (CRS), it is noteworthy to discuss in the context of this report. The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities exceeding the NFIP requirements. City of Moreno Valley residents and businesses receive a 10 (ten) percent discount on flood insurance premium rates directly as a result of the City meeting the goals of the CRS. The City's compliance with the NFIP is mandatory for participation in the CRS.

Key proposed changes to the existing municipal code include the following:

- Revising the statement of purpose
- Addition and revision of floodplain definitions
- Expanding the duties and responsibilities of the Floodplain Administrator
- Revising the subsection titled "Standards of Construction"
- Deleting the subsection titled "Establishment of Development Permit"

ALTERNATIVES

1. Approve the proposed introduction of Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.12, regarding Flood Damage Prevention and Implementation of the National Flood Insurance Program. This alternative is recommended by staff. *Approval would continue to make residents and businesses eligible to purchase flood insurance at a discounted rate. The City would also continue to be eligible to receive federal financial assistance in the event of a Presidential declared emergency due to flooding.*

2. Do not approve the proposed introduction of Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.12, regarding Flood Damage Prevention and Implementation of the National Flood Insurance Program; maintain the current ordinance without revision. This alternative is not recommended by staff. *The City would no longer be eligible to participate in the NFIP and CRS. Eligibility for disaster funds due to flooding would be compromised as well as the loss of discounted premiums for flood insurance policies for our residents and business owners.*

FISCAL IMPACT

There are no fiscal impacts associated with the proposed action.

CITY COUNCIL GOALS

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

NOTIFICATION

Publication of the agenda

ATTACHMENTS

1. Proposed Ordinance

Prepared By:
Hoang Nguyen
Associate Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Kent Wegelin
Storm Water Program Manager

Concurred By:
Mark W. Sambito
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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ORDINANCE NO. 796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.12, FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

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

SECTION 1. REPEAL OF PRIOR ENACTMENT:

1.1 Chapter 8.12 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.12, as set forth in Section 2 of this Ordinance.

SECTION 2. REENACTMENT OF CHAPTER 8.12:

2.1 Chapter 8.12 of Title of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to read as follows:

Chapter 8.12

FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

Sections:

- 8.12.010 Statutory authorization.**
- 8.12.020 Findings of fact.**
- 8.12.030 Statement of purpose.**
- 8.12.040 Methods of reducing flood losses.**
- 8.12.050 Definitions.**
- 8.12.060 Lands to which this chapter applies.**
- 8.12.070 Basis for establishing the areas of special flood hazard.**
- 8.12.080 Compliance.**
- 8.12.090 Abrogation and greater restrictions.**
- 8.12.100 Interpretation.**
- 8.12.110 Warning and disclaimer of liability.**
- 8.12.120 Severability.**
- 8.12.130 Designation of the floodplain administrator.**
- 8.12.140 Duties and responsibilities of floodplain administrator.**
- 8.12.150 Development permit.**
- 8.12.160 Appeals.**

Attachment 1

Ordinance No. ____
Date Adopted:

- 8.12.170 Standards of construction.**
- 8.12.180 Standards for utilities.**
- 8.12.190 Standards for subdivisions and other proposed development.**
- 8.12.200 Standards for manufactured home.**
- 8.12.210 Standards for recreational vehicles.**
- 8.12.220 Floodways.**
- 8.12.230 Nature of variances.**
- 8.12.235 Conditions for variances.**
- 8.12.240 Appeal board.**

8.12.010 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of the City of Moreno Valley does hereby adopt the following floodplain management regulations.

8.12.020 Findings of fact.

A. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, additional public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to flood losses.

8.12.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the City to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

8.12.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Control filling, grading, dredging and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

8.12.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“A zone” – see “Special flood hazard area”.

“Accessory structure” means a structure that is either:

- 1. Solely for the parking of no more than two (2) cars; or

2. A small, low cost shed for limited storage, less than one hundred fifty (150) square feet and \$1,500 in value.

“Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Alluvial fan” means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

“Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this chapter.

“Area of shallow flooding” means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of Special Flood Hazard.” See “Special flood hazard area.”

“Base flood” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”). Base flood is the term used throughout this chapter.

“Base flood elevation” (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

“Building.” See “Structure.”

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 18, 1987.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood, flooding or flood water” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flooding.”

“Floodplain administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power

which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “Regulatory Floodway.”

“Floodway fringe” is that area of the floodplain on either side of the Regulatory Floodway where encroachment may be permitted.

“Fraud and victimization” as related to Sections 8.12.230 through 8.12.240 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Governing body” is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship,” as related to Section 8.12.230, means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is

more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

“Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “Basement” definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

- a. The flood openings standard in Subsection 8.12.170(C)(3).
- b. The anchoring standards in Subsection 8.12.170(A).
- c. The construction materials and methods standards in Subsection

8.12.170(B).

d. The standards for utilities in Section 8.12.180.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see “Basement” definition). This prohibition includes below-grade garages and storage areas.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market value” is defined in the City substantial damage/improvement procedures. See Subsection 8.12.140 (B)(1).

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“New construction,” for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“One-Hundred-Year Flood” or “100-Year Flood”. See “Base flood.”

“Program deficiency” means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

“Public safety and nuisance,” as related to Section 8.12.230, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

“Recreational vehicle” means a vehicle which is

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “floodway”.

“Remedy a violation” means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Sheet flow area”. See “Area of shallow flooding.”

“Special flood hazard area (SFHA)” means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1-A30, AE, A99 or AH.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a

manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

8.12.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.

8.12.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Moreno Valley dated August 28, 2008, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated August 28, 2008, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at public works department, land development division.

8.12.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements set forth in this chapter or the continued maintenance of property in violation of the requirements set forth in this chapter (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.

8.12.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

8.12.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

8.12.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

8.12.120 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

8.12.130 Designation of the Floodplain Administrator.

The City Engineer is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions.

8.12.140 Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

- A. Permit Review. Review all development permits to determine that:
 - 1. Permit requirements of this chapter have been satisfied; including determination of substantial improvement and substantial damage of existing structures;
 - 2. All other required state and federal permits have been obtained,
 - 3. The site is reasonably safe from flooding;
 - 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated

development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City; and

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

2. Assure procedures are coordinated with other departments/divisions and implemented by City staff.

C. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 8.12.070, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 8.12.170 through 8.12.220. Note: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base(100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:

a. Notify the County of Riverside, Riverside County Flood Control and Water Conservation District (RCFC&WCD), adjacent communities and the California Department of Water Resources (DWR) prior to alteration or relocation;

b. Submit evidence of such notification to the Federal Emergency Management Agency; and

c. Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

a. Within six (6) months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Subsection 8.12.170(C)(1) and 8.12.200 (lowest floor elevations);

2. Certification required by Subsection 8.12.170(C)(2) (elevation or floodproofing of nonresidential structures);

3. Certification required by Subsection 8.12.170(C)(3) (wet floodproofing standard);

4. Certification of elevation required by Subsection 8.12.190(A)(3) (subdivision standards);

5. Certification required by Subsection 8.12.220(B) (floodway encroachments);

6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a

Attachment 1

Ordinance No. _____

Date Adopted:

mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 8.12.160.

G. Remedial Action.

Take action to remedy violations of this chapter as specified in Section 8.12.080.

H. Biennial Report.

Complete and submit Biennial Report to FEMA.

I. Planning.

Assure the City's General Plan is consistent with floodplain management objectives herein.

8.12.150 Development Permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 8.12.070. Application for a development permit shall be made on forms furnished by the City. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 8.12.070 or Subsection 8.12.140(C);
6. Proposed elevation in relation to mean sea level, of lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Subsection 8.12.170(C)(2) and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Subsection 8.12.170(C)(2).

C. For a crawl-space foundation, location and total net area of foundation openings as required in Subsection 8.12.170(C)(3) and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 8.12.150.

8.12.160 Appeals.

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

8.12.170 Standards of construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction.

Attachment 1

Ordinance No. ____
Date Adopted:

All new construction or substantial improvements of residential structures, shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 Zones, elevated at least one foot above the base flood elevation.
- b. In an AO Zone, elevated at least one foot above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified.
- c. In A Zone, without BFE's specified on the FIRM (unnumbered A Zone), elevated at least one foot above the base flood elevation; as determined in Subsection 8.12.140(C).

Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by a city official to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Subsection 8.12.170 (C)(1) or:

- a. Be floodproofed, together with attended utility and sanitary facilities, below the elevation recommended under Subsection 8.12.170 (C)(1), so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered civil engineer or architect that the standards of Subsections 8.12.170(C)(2)(a) and (b) are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

- a. For non-engineered openings:
 - 1. Have a minimum of two (2) openings on different sides having a total net area of not less than one(1) square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one (1) foot above grade;
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
5. Be certified by a registered civil engineer or architect.
6. Manufactured homes. See Section 8.12.200.
7. Garages and low cost accessory structures.

4. Attached garages:

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Subsection 8.12.170 (C)(3). Areas of the garage below the BFE must be constructed with flood resistant materials. See Subsection 8.12.170(B).

2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

5. Detached garages and accessory structures.

1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 8.12.050, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

- a. Use of the accessory structure must be limited to parking or limited storage;
- b. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
- c. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
- d. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

e. The accessory structure must comply with floodplain encroachment provisions in Section 8.12.220; and

f. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Subsection 8.12.170(C)(3).

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 8.12.170.

8.12.180 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and
2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

8.12.190 Standards for subdivisions and other proposed development.

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
2. Identify the elevations of the lowest floors of all proposed structures and pads on the final plans.
3. If the site is filled above the Base Flood Elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 - a. Lowest floor elevation.
 - b. Pad elevation.
 - c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

8.12.200 Standards for manufactured home.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home or subdivision; (2) in new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE, on the community's Flood Insurance Rate Map that are not subject to the provisions of Subsection 8.12.200(A) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is in accordance with the state of California recommendation of at least one foot above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

8.12.210 Standards for recreational vehicles.

A. All recreational vehicles placed in Zones A1-30, AH and AE on the Flood Insurance Rate Map will either:

Attachment 1

Ordinance No. _____

Date Adopted:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the permit requirements of Section 8.12.150 and the elevation and anchoring requirements for manufactured homes in Sections 8.12.170 through 8.12.220.

8.12.220 Floodways.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.

B. Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If Subsections 8.12.220(A) and 8.12.220(B) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 8.12.170 through 8.12.220.

8.12.230 Nature of variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by granting a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The

characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

8.12.235 Conditions for variances.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 8.12.130 through 8.12.220 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Section 8.12.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the “minimum necessary” considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only that elevation which the City believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a city official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County of Riverside Recorder and shall be recorded in a manner so that it appears in the chain of the title of affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

8.12.240 Appeal board.

A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

Attachment 1

Ordinance No. ____
Date Adopted:

- B. Variances shall only be issued upon a:
1. Showing of good and sufficient cause;
 2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
 3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expenses, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Subsections 8.12.240(A) through 8.12.240(D) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of Subsection 8.12.235(A) and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

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:

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

APPROVED AND ADOPTED this _____ day of _____, 2009.

Mayor

Attachment 1

Ordinance No. _____

Date Adopted:

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment 1

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Attachment 1

Ordinance No. _____
Date Adopted:

Chapter 8.12 FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

8.12.010 Statutory authorization.

The Legislature of the ~~S~~state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local governments ~~the units~~ authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the ~~Ceity~~ ~~Ce~~council ~~of the City of Moreno Valley~~ adopts the following floodplain management regulations. (Ord. 465 § 2.1 (part), 1995)

8.12.020 Findings of fact.

A. The flood hazard areas of ~~the Ceity~~ are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, additional public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to ~~the~~ flood losses. (Ord. 465 § 2.1 (part), 1995)

8.12.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by ~~provisions designed to legally enforceable regulations applied uniformly throughout the City to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:~~

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 465 § 2.1 (part), 1995)

8.12.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Control filling, grading, dredging and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 465 § 2.1 (part), 1995)

8.12.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“A zone” – see “Special flood hazard area”.

“Accessory structure” means a structure that is either:

- 1. Solely for the parking of no more than two (2) cars; or*
- 2. A small, low cost shed for limited storage, less than one hundred fifty (150) square feet and \$1,500 in value.*

“Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Alluvial fan” means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

~~*“Apex” means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.*~~

“Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

“Appeal” means a request for a review of the ~~F~~Floodplain ~~A~~Administrator’s interpretation of any provision of this chapter.

“Area of shallow flooding” means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of Special Flood Hazard.” See “Special flood hazard area.”

“Base flood” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”). Base flood is the term used throughout this chapter.

“Base flood elevation” (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V130 that indicates the water surface elevation resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

“Building.” See “Structure.”

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by ~~a~~*community the City*.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood, flooding or flood water” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or *mudslides (i.e., mudflows); and*
2. The condition resulting from flood-related erosion.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

~~————“Flood Hazard Boundary Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.~~

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency (*FEMA*) or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flooding.”

“Floodplain administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. *For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.*

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

~~“Floodway encroachment lines” means the lines marking the limits of floodways on federal, state and local floodplain maps.~~

“Floodway fringe” is that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

“Fraud and victimization” as related to Sections 8.12.230 through 8.12.250 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased

risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Governing body” is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship,” as related to Section 8.12.230, means the exceptional hardship that would result from a failure to grant the requested variance. The **Ceity** requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

“Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. ~~An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see “Basement”) is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter. (Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements.)~~ (see “Basement” definition).

1. ~~An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:~~
 - a. ~~The flood openings standard in section 8.12.170 (C)(3).~~
 - b. ~~The anchoring standards in section 8.12.170 (A).~~
 - c. ~~The construction materials and methods standards in section 8.12.170 (B).~~
 - d. ~~The standards for utilities in section 8.12.180.~~
2. ~~For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see “Basement” definition). This prohibition includes below-grade garages and storage areas.~~

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market value” is defined in the City substantial damage/improvement procedures. See section 8.12.150 (B) (1).

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, *North American Vertical Datum (NAVD) of 1988*, or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“New construction,” for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“One-Hundred-Year Flood” or “100-Year Flood”. See “Base flood.”

“Program deficiency” means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

~~“Principal structure” means a structure used for the principal use of the property as distinguished from an accessory use.~~

“Public safety and nuisance,” as related to Section 8.12.230, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

“Recreational vehicle” means a vehicle which is

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. *Also referred to as “floodway”.*

“Remedy a violation” means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Sheet ~~f~~Flow ~~a~~Area”. See “Area of shallow flooding.”

“Special flood hazard area (SFHA)” means an area *in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on an FHBM or FIRM having special flood hazard, and shown on a FIRM* as Zone A, AO, A1-A30, AE, A99 or AH.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days from the date of the permit. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations

or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition or other ~~proposed new development~~ *improvement* of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, *North American Vertical Datum (NAVD) of 1988*, (or other datum, ~~where specified~~) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse

includes specifically designated areas in which substantial flood damage may occur. (Ord. 465 § 2.1 (part), 1995)

8.12.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City. (Ord. 465 § 2.1 (part), 1995)

8.12.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) of the latest date and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), of the latest date, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at public works department, land development division. (Ord. 465 § 2.1 (part), 1995)

8.12.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 465 § 2.1 (part), 1995)

8.12.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 465 § 2.1 (part), 1995)

8.12.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 465 § 2.1 (part), 1995)

8.12.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 465 § 2.1 (part), 1995)

~~**8.12.130 Establishment of development permit.**~~

~~—A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 8.12.070. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:~~

~~—A.— Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or~~

~~—B.— Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 8.12.170 (C)(3); and~~

~~—C.— All appropriate certifications listed in Section 8.12.150(D); and~~

~~_____ D. _____ Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 465 § 2.1 (part), 1995)~~

8.12.120 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

8.12.140 130 Designation of the Floodplain Administrator.

The City Engineer is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 465 § 2.1 (part), 1995)

8.12.150 140 Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

- A. Permit Review. Review all development permits to determine that:
 1. Permit requirements of this chapter have been satisfied;
 2. All other required state and federal permits have been obtained, *including determination of substantial improvement and substantial damage of existing structures;*
 3. The site is reasonably safe from flooding; ~~and~~
 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. ~~For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City; and~~
 5. *All Letters of Map Revision (LOMR’s) for flood control projects are approved prior to issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMR’s). Approved CLOMR’s allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.*

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

2. Assure procedures are coordinated with other departments/divisions and implemented by City staff.

CB. Review, ~~and~~ Use and Development of ~~Any~~ Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 8.12.070, the ~~F~~floodplain ~~A~~administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 8.12.170 through 8.12.21020. ~~Any such information shall be submitted to the city council for adoption.~~ Note: A base flood elevation may be obtaining using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base(100-year) Flood Elevations" dated July 1995.

DC. Notification of Other Agencies. ~~In alteration or relocation of a watercourse:~~

1. Alteration or relocation of a watercourse:

*a1. Notify the ~~C~~ounty of Riverside, Riverside County ~~F~~flood ~~C~~ontrol and ~~W~~ater ~~C~~onservation ~~D~~istrict (*RCFC&WCD*), adjacent communities and the California Department of Water Resources (*DWR*) prior to alteration or relocation;*

b2. Submit evidence of such notification to the ~~Federal Insurance Administration~~, Federal Emergency Management Agency; and

c3. Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

a. Within six (6) months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

ED. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 8.12.170(C)(1) *and 8.12.200 (lowest floor elevations);*
2. Certification required by Section 8.12.170(C)(2) (elevation or floodproofing of nonresidential structures);
3. Certification required by Section 8.12.170(C)(3) (wet floodproofing standard);
4. Certification of elevation required by Section 8.12.190(B) (subdivision standards);
5. Certification required by Section 8.12.220 (floodway encroachments);;
6. *Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.*

FE. Map Determinations.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, **for example**, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the

location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections ~~8.12.230 through 8.12.250~~ 8.12.160.

GF. Remedial Action.

Take action to remedy violations of this chapter as specified in Section 8.12.080. (Ord. 465 § 2.1 (part), 1995)

H. Biennial Report.

Complete and submit Biennial Report to FEMA.

I. Planning.

Assure the City's General Plan is consistent with floodplain management objectives herein.

8.12.150 Development Permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 8.12.070. Application for a development permit shall be made on forms furnished by the City. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

- 1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;**
- 2. Proposed locations of water supply, sanitary sewer, and other utilities;**
- 3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;**
- 4. Location of the regulatory floodway when applicable;**
- 5. Base flood elevation information as specified in Section 8.12.070 or 8.12.140 (C);**
- 6. Proposed elevation in relation to mean sea level, of lowest floor (including basement) of all structures; and**

7. *Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 8.12.170 and detailed in FEMA Technical Bulletin TB 3-93.*

B. *Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 8.12.170(C)(2).*

C. *For a crawl-space foundation, location and total net area of foundation openings as required in Section 8.12.170(C)(3) and detailed in FEMA Technical Bulletins 1-93 and 7-93.*

D. *Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.*

E. *All appropriate certifications listed in Section 8.12.150.*

8.12.160 Appeals.

The ~~Ceity~~ ~~Ce~~ouncil shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the ~~F~~loodplain Administrator in the enforcement or administration of this chapter. (Ord. 465 § 2.1 (part), 1995)

8.12.170 Standards of construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

~~2. All manufactured homes shall meet the anchoring standards of Section 8.12.200.~~

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:

1. With *flood resistant* materials, and utility equipment resistant to flood damage *for areas below the base flood elevation*;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and ~~if~~

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing. ~~(See Section 8.12.050 definitions for “new construction,” “substantial damage” and “substantial improvement.”)~~

1. Residential construction.;

All ~~N~~ew construction or substantial improvements of residential structures, shall have the lowest floor, including basement:

a. ~~In an AO zone, in accordance with the state of California recommendation, the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified; In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.~~

b. ~~In an A zone, in accordance with the state of California recommendation, the lowest floor be elevated at least one foot above the base flood elevation, as determined by the community; In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified.~~

c. ~~In all other zones, in accordance with the state of California recommendation, the lowest floor be elevated at least one foot above the base flood elevation. In A Zone, without BFE’s specified on the FIRM (unnumbered A Zone), elevated to or above the base flood elevation; as determined in Section 8.12.140(C).~~

Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered ~~civil professional~~ engineer or *licensed land surveyor, and verified by the City Building Inspector to be properly elevated.* Such certification ~~or~~ *and* verification shall be provided to the ~~F~~loodplain ~~A~~administrator.

2. Nonresidential construction. *All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with subsection Section 8.12.170 (C)(1) of this section or together with attendant utility and sanitary facilities:*

a. Be floodproofed, *together with attended utility and sanitary facilities,* below the elevation recommended under ~~subsection~~ *Section 8.12.170 (C)(1), of this*

~~section~~ so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered ~~civil professional~~ engineer or architect that the standards of ~~this subdivision Section 8.12.170(C)(2)(a)~~ are satisfied. Such certification shall be provided to the ~~F~~floodplain ~~A~~administrator.

3. *Flood openings.* All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

~~a. Be certified by a registered professional engineer or architect; or~~

~~b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency; or~~

~~c. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.~~

a. For non-engineered openings:

1. Have a minimum of two (2) openings on different sides having a total net area of not less than one(1) square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one (1) foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

b. Be certified by a registered civil engineer or architect.

4. Manufactured homes. ~~See Section 8.12.200. shall also meet the standards in Section 8.12.200.~~ (Ord. 465 § 2.1 (part), 1995)

8.12.180 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and
2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. 465 § 2.1 (part), 1995)

8.12.190 Standards for subdivisions *and other proposed development.*

~~A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.~~

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:

- 1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).*
- 2. Identify the elevations of the lowest floors of all proposed structures and pads on the final plans.*
- 3. If the site is filled above the Base Flood Elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:*
 - a. Lowest floor elevation.*
 - b. Pad elevation.*
 - c. Lowest adjacent grade.*

~~B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator. proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.~~

~~C. All subdivision proposals shall be consistent with the need to minimize flood damage and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.~~

~~D. All subdivisions proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.~~

~~E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 465 § 2.1 (part), 1995)~~

8.12.200 Standards for manufactured home.

~~A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH and AE on the community's Flood Insurance Rate Map, on sites located on sites located: (1) outside of a manufactured home or subdivision; (2) in new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:~~

~~1. Outside of a manufactured home park or subdivision; Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

~~2. In a new manufactured home park or subdivision;~~

~~3. In an expansion to an existing manufactured home park or subdivision; or~~

~~4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood;~~

~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated in accordance with the state of California recommendation, at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.~~

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE, on the community's Flood Insurance Rate Map that are not subject to the provisions of ~~subsection A of this section Section 8.12.200(A)~~ will be ~~elevated so that either the securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:~~

1. Lowest floor of the manufactured home is ~~in accordance with the state of California recommendation of at least one foot~~ *at or* above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade ~~and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~ (Ord. 465 § 2.1 (part), 1995)

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

8.12.210 Standards for recreational vehicles.

A. All recreational vehicles placed ~~on sites within~~ *in* Zones A1-30, AH and AE on the community's Flood Insurance Rate Map will either:

~~A1.~~ Be on the site for fewer than one hundred eighty (180) consecutive days;
or

~~B2.~~ Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

~~C3.~~ Meet the permit requirements of Sections ~~8.12.130 through 8.12.160 8.12.150~~ and the elevation and anchoring requirements for manufactured homes in Section 8.12.200(A). (Ord. 465 § 2.1 (part), 1995)

8.12.220 Floodways.

~~Located within areas of special flood hazard established in Section 8.12.070 are areas designated as floodways.~~ Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. ~~Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge;~~ Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.

B. ~~If subsection A of this section is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 8.12.170 through 8.12.220.~~ *Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.* (Ord. 465 § 2.1 (part), 1995)

C. *If Sections 8.12.220(A) and 8.12.220(B) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 8.12.170 through 8.12.220.*

8.12.230 Nature of variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by granting a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be

unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the eCity to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 465 § 2.1 (part), 1995)

8.12.235 Conditions for variances.

A. Generally, variances may be issued for new construction, substantial improvement, another proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 8.12.130 through 8.12.220 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Section 8.12.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the “minimum necessary” considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only that elevation which the City believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the City of Moreno Valley Recorder and shall be recorded in a manner so that it appears in the chain of the title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

8.12.240 Appeal board.

A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

~~B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that Variances shall only be issued upon a:~~

~~1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and Showing of good and sufficient cause;~~

~~2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and~~

~~3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expenses, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.~~

~~C. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 8.12.240(A) through 8.12.240(D) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance. (Ord. 465 § 2.1 (part), 1995)~~

~~D. Upon consideration of the factors of Section 8.12.235 and the purposes of this ordinance, the City may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.~~

8.12.250 Conditions for variances.

~~_____ A. _____ Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the provisions of Sections 8.12.130 through 8.12.210 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.~~

~~_____ B. _____ Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Section 8.12.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~

~~_____ C. _____ Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.~~

~~_____ D. _____ Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the local ordinance.~~

~~_____ E. _____ Variances shall only be issued upon a:~~

~~_____ 1. _____ Showing of good and sufficient cause;~~

~~_____ 2. _____ Determination that failure to grant the variance would result in exceptional “hardship” (as defined in Section 8.12.050) to the applicant; and~~

~~_____ 3. _____ Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 8.12.050), cause fraud or victimization (as defined in Section 8.12.050), of the public, or conflict with existing local laws or ordinances.~~

~~_____ F. _____ Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections A through E of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.~~

~~_____ G. _____ Upon consideration of the factors of this section and the purposes of this chapter, the city may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 465 § 2.1 (part), 1995)~~