



**AGENDA**  
**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**MORENO VALLEY COMMUNITY SERVICES DISTRICT**  
**COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF**  
**MORENO VALLEY**

**November 16, 2010**

**STUDY SESSION – 6:00 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 Mel Alonzo, ADA Coordinator at 951.413.3027 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.*

Robin N. Hastings, Mayor Pro Tem  
Jesse L. Molina, Council Member

Bonnie Flickinger, Mayor

Richard A. Stewart, Council Member  
William H. Batey II, Council Member

**AGENDA  
CITY COUNCIL OF THE CITY OF MORENO VALLEY  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO  
VALLEY**

**STUDY SESSION - 6:00 PM  
NOVEMBER 16, 2010**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL**

**INTRODUCTIONS**

**PUBLIC COMMENTS ON MATTERS 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.

**SPECIAL ORDER OF BUSINESS**

1. ELECTRONIC DISTRIBUTION OF AGENDA PACKETS (POWERPOINT PRESENTATION) (BATEY/FLICKINGER/10 MIN.)
2. REVISED CONCEPT FOR THE PROPOSED IRONWOOD AVENUE STREET IMPROVEMENT PROJECT BETWEEN PERRIS BOULEVARD AND NASON STREET - PROJECT NO. 10-41572727 (PW/10 MIN.)
3. A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 12.50 TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO LIMITATIONS ON ENGINE IDLING (CA/15 MIN.)
4. DISCUSSION REGARDING SPECIAL ACCOMMODATIONS FOR THE VISIBILITY AND STORAGE OF TRASH CONTAINERS FOR THE DISABLED (MOLINA/STEWART/10 MIN.) ❖

5. ALTERNATIVES FOR THE COMMUNITY SERVICES DISTRICT (CSD) ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM (CONTINUED FROM OCTOBER 12, 2010) (PW/15 MIN.)
6. CITY COUNCIL REQUESTS AND COMMUNICATIONS

(Times shown are only estimates for staff presentation. Items may be deferred by Council if time does not permit full review.)

❖ Oral Presentation only – No written material provided

**\*Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency 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(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
  - a Case: *Reams v. City of Moreno Valley, Mike McCarty and Does 1 through 100*  
Court: Riverside Superior Court  
Case No: RIC 10017492
  - b Case: *Kevon Gordon, Ronald Jones, Raymond Barnes v. City of Moreno Valley; City of Moreno Valley Police Department; Rick Hall, Chief of the Moreno Valley Police Department, in his official capacity; Kristy Underwood, Executive Officer of the California Board of Barbering and Cosmetology, in her official capacity; Stan Sniff, Riverside County Sheriff, in his official capacity; and DOES 1-20*  
Court: United States District Court, Central District of California  
Case No: EDCV 09-00688b
  - c Case: *Arch Insurance Company v. City of Moreno Valley, Safeguard Insurance Company*  
Court: Riverside Superior Court  
Case No: RIC 513196
- 2 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL -

SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

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

Number of Cases: 2

- 4 SECTION 54957 - PUBLIC EMPLOYMENT

a) Public Employee Annual Performance Evaluation: City Clerk

- 5 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC  
EMPLOYMENT

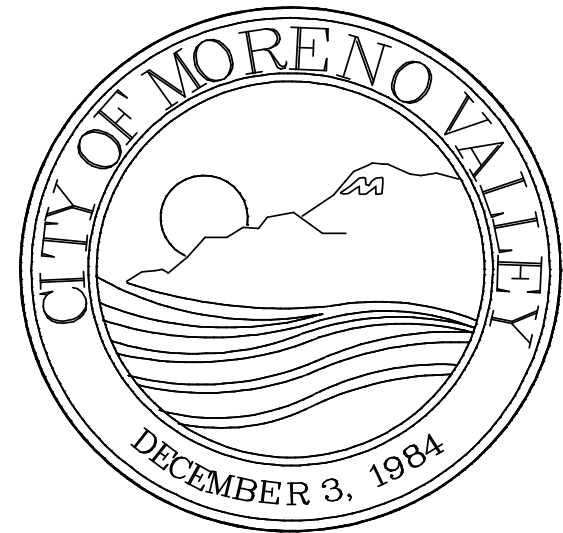
a) City Manager Recruitment

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

**ADJOURNMENT**

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# Electronic Agenda Distribution



-1-

Item No. 1.

Technology Services Division

# Electronic Agenda Distribution

- **Motivation**
- **CA Cities already using or evaluating**
- **Requested Criteria & Current Technology**
- **Cost vs Benefit calculation**
- **Preview of Possibilities**



# Electronic Agenda Distribution

- **Motivation**

- **Easier Navigation of Agenda Items**
- **Reduced Costs – labor & paper**
- **Ability to make annotations**
- **Environmental conscientiousness**

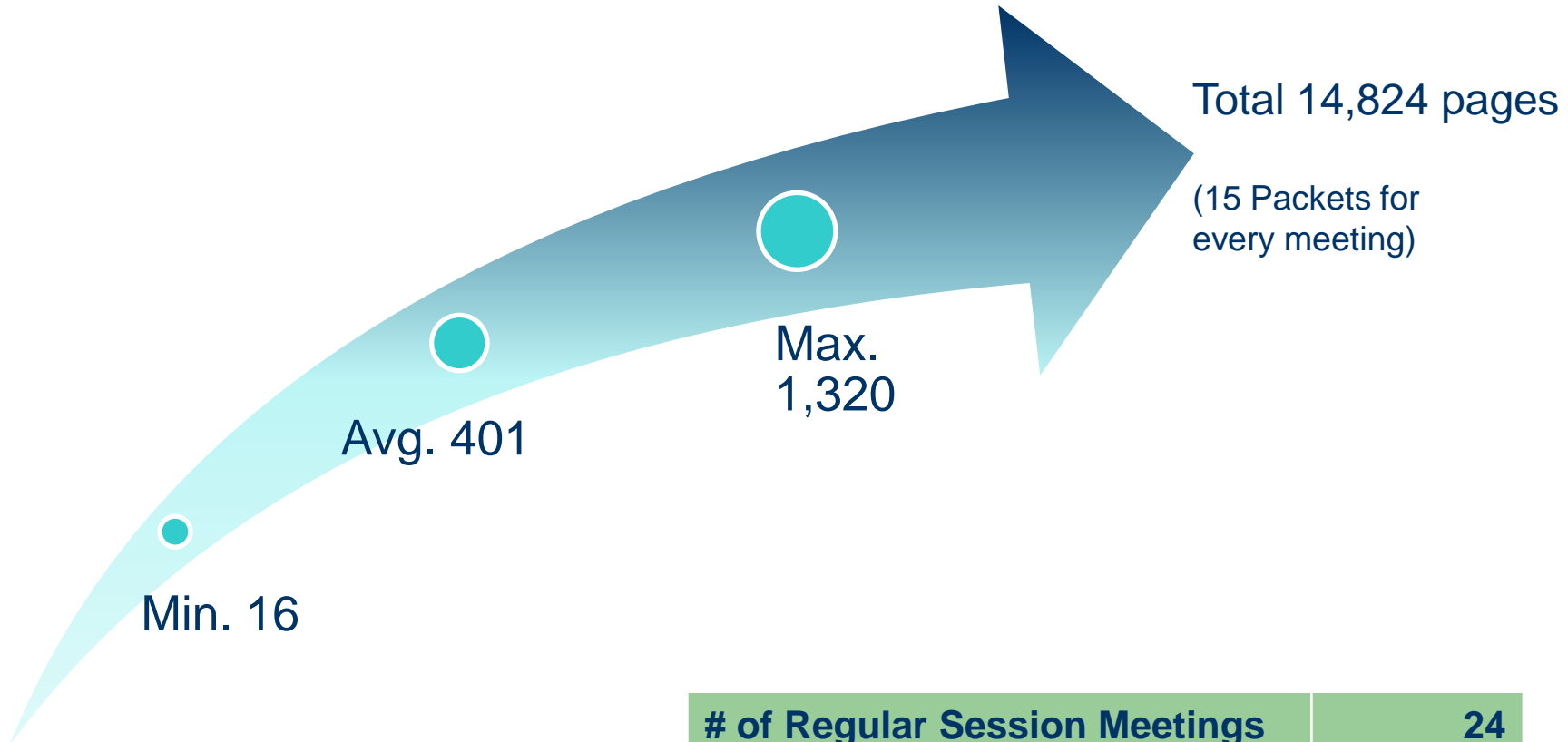
- **CA Cities already using or evaluating**

- |                        |                         |                     |
|------------------------|-------------------------|---------------------|
| • <b>Sacramento</b>    | <b>Huntington Beach</b> | <b>Redwood City</b> |
| • <b>Modesto</b>       | <b>Aliso Viejo</b>      | <b>Ontario</b>      |
| • <b>Lynwood City</b>  | <b>Paso Robles</b>      | <b>Burbank</b>      |
| • <b>Santa Clarita</b> | <b>Richmond</b>         | <b>Fairfield</b>    |
| • <b>Saratoga</b>      | <b>Fremont</b>          | <b>Watsonville</b>  |

# Electronic Agenda Distribution

- **Requested Criteria**
  - **Electronic Distribution to reduce costs**
  - **Easy navigation to specific agenda items**
  - **Ability to Search**
  - **Ability to Print** – due in November 2010
  - **Ability to clearly view text, tables, charts, graphs & maps**
  - **Ability to annotate & markup**
- **Cautions**
  - **Will require typing, not writing, markups; keyboard is simple**
  - **Technology Services cannot support at same levels as PCs**
  - **Will always have to be mindful of Brown Act**

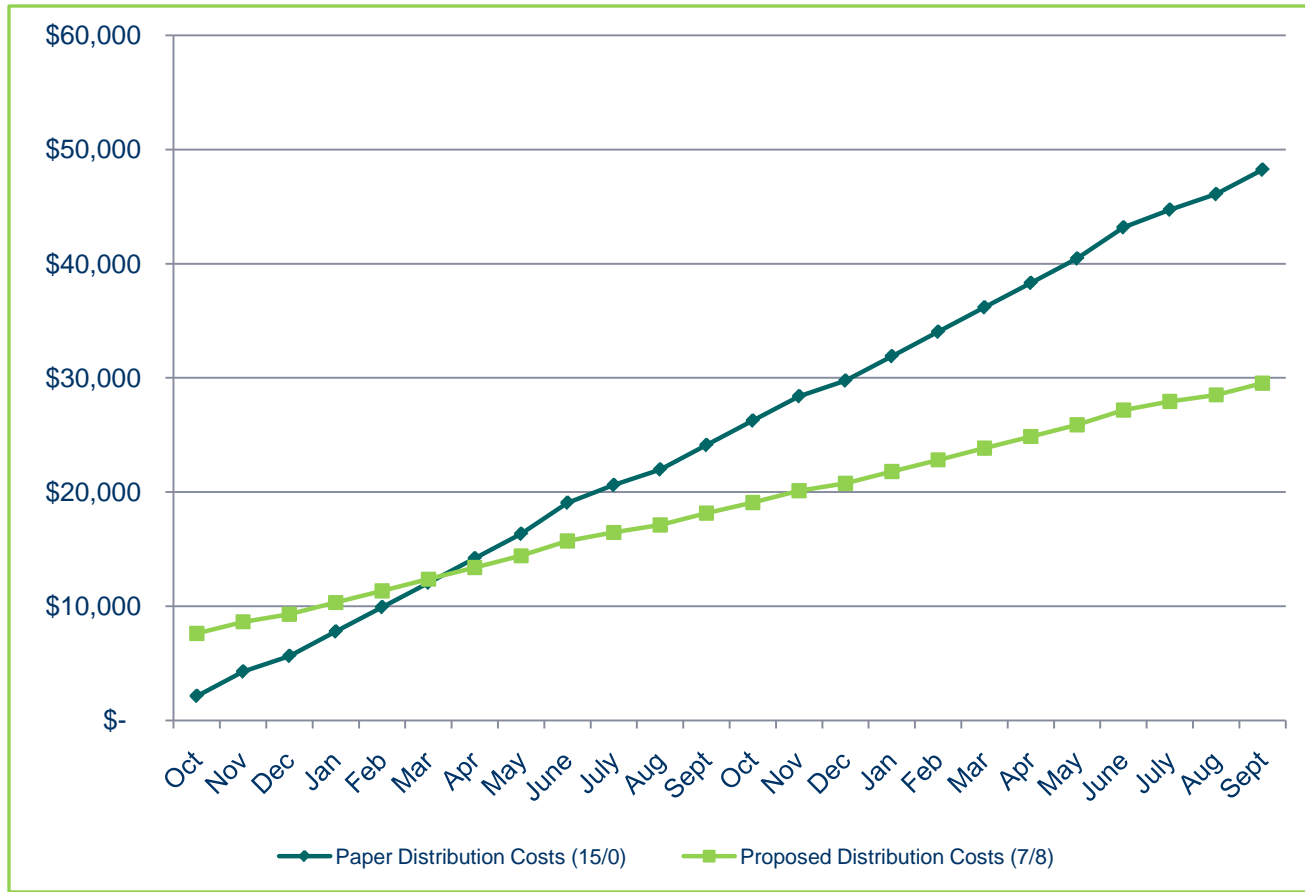
# Page Statistics for Agendas last year



# of Regular Session Meetings	24
# of Study Session Meetings	13
Total # of Meetings	37

# Electronic Agenda Distribution

- Electronic distribution is cheaper in 6 months
- Savings accumulate for the City within 12 months



# Electronic Distribution via Apple iPads

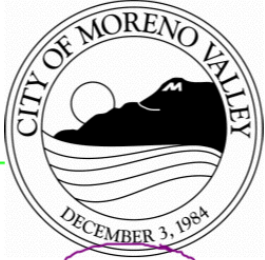


-7-

Item No. 1.

# Preview of Possibilities

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 Agenda 2010-Oct-12  
 Agenda 2009-Oct... x Agenda 2010-Oct-12 x

  
**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  
 October 12, 2010  
 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.  
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Robin N. Hastings, Mayor Pro Tem  
 Jesse L. Molina, Council Member  
 Bonnie Flickinger, Mayor  
 Richard A. Stewart, Council Member  
 William H. Batey II, Council Member

Page 1 of 234

# Preview of Possibilities

iPad 11:05 AM 46%

Agenda 2010-Oct-12

Agenda 2009-Oct... x Agenda 2010-Oct-12 x

Nice logo! It depicts the Box Springs mountain with the distinctive "M" that Bonnie likes so much.

**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**

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Jesse L. Molina, Council Member

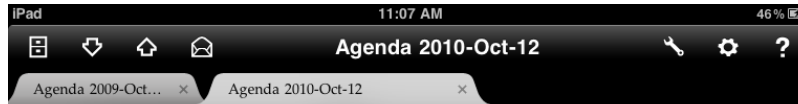
Bonnie Flickinger, Mayor  
Richard A. Stewart, Council Member  
William H. Batey II, Council Member

Page 1 of 234

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Item No. 1.

# Preview of Possibilities



**AGENDA**

- ADJOURNMENT
- REPORT OF ACTION FROM CLOSED SES...
- 📄 CLOSED SESSION
- CLOSING COMMENTS AND/OR REPORTS...
- PUBLIC COMMENTS ON ANY SUBJECT...
- 📄 H. LEGISLATIVE ACTIONS
- 📄 G. REPORTS
- F. ITEMS REMOVED FROM CONSENT CA...
- 📄 E. PUBLIC HEARINGS
- 📄 D. CONSENT CALENDAR - BOARD...
- 📄 C. CONSENT CALENDAR - COMMUNI...
- 📄 B. CONSENT CALENDAR-COMMUNIT...
- 📄 A. CONSENT CALENDAR-CITY COUN...

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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,





# Preview of Possibilities

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## Moreno Valley Community Service District

CSD Zone B (Residential Street Lighting)

October 12, 2010

-199-

Item No. G.2

-11-

Item No. 1.

# Preview of Possibilities

Change Order No. 1  
Project No. MVU-0006/0007/0009/0014  
January 28, 2010  
Page 2 of 9

**CHANGE ORDER DETAIL**

Change Order No.: 01  
Project No.: MVU-0006/0007/0009/0014  
Description: Bay Avenue and Oliver Street Improvements

The changes or interpretations described and noted herein are hereby authorized. The signed original of this order is on file in the Department of Public Works. Shown as separate paragraphs: (A) Reason for Change; (B) Description of Change; (C) Change in Contract Costs; and (D) Change in Completion Date.

**Item No. 1: Bay Avenue Backbone Extension - Phase 'A'**

A. Reason for Change:  
Additional scope of work will provide a valuable circuit extension to support future developments in the area (Bay Ave from Moreno Beach Dr, West to Bethany).

B. Description of Change

<i>NASON 12kv BACKBONE EXTENTION "PHASE A" INSTALLATION OF ELECTRICAL CONDUIT, VAULTS Bay Street from Moreno Beach Drive to Bethany Rd.</i>					
SUB ITEM	DESCRIPTION OF ITEMS	ESTIMATED QUANTITY	UNIT PRICE (FIGURES)	EXTENSION (FIGURES)	
1	Mobilization	1	LS	1,500.00	1,500.00
2	Install 5" x 10.5" x 7" PME	1	EA	8,900.00	8,900.00
3	Install 17" x 30" Hand hole	3	EA	550.00	1,650.00
4	Install 10" x 17" Hand hole	2	EA	185.00	370.00
5	Install 5" Conduit	2874	LF	3.70	10,633.80
6	Install 4" Conduit	172	LF	3.25	559.00
7	Install 3" Conduit	1556	LF	2.95	4,590.20
8	Install 2" Conduit	1637	LF	1.45	2,373.65
9	Install 1.5" Conduit	478	LF	1.25	597.50
10	Install Ground Assembly	1	EA	1,000.00	1,000.00
11	Install Trench, Backfill as required on South Side of Bay Street ( In Dirt Right of Way)	1528	LF	10.00	15,280.00
12	Grubbing of Off Site	1	LS	4,000.00	4,000.00
13	Allowance for Survey Crew	1	LS	4,500.00	4,500.00
<b>TOTALS ELECTRICAL CONDUIT, PME, HANDHOLE INSTALLATION (ITEMS 1-11)</b>					<b>55,954.15</b>

C. Change in Contract Cost:  
**\$55,954.15**

D. Change in Completion Date:  
**13 working days required for additional work**

Attachment 2

Item No. A.6 -40-

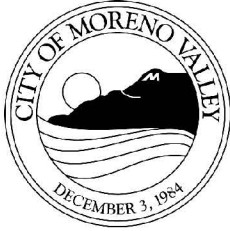
# Preview of Possibilities



-13-

Item No. 1.

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>CAF</i>
CITY MANAGER	<i>WDB</i>

## Report to City Council

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**TO:** Mayor and City Council

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

**AGENDA DATE:** November 16, 2010 (Study Session)

**TITLE:** REVISED CONCEPT FOR THE PROPOSED IRONWOOD AVENUE STREET IMPROVEMENT PROJECT BETWEEN PERRIS BOULEVARD AND NASON STREET  
PROJECT NO. 10-41572727

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### **RECOMMENDED ACTION**

Staff recommends that the City Council review and provide input on the revised project concept to improve Ironwood Avenue from Perris Boulevard to Nason Street.

### **BACKGROUND**

On August 26, 2008, the City Council approved an agreement with the Western Riverside Council of Governments to jointly fund and implement improvements to Ironwood Avenue between Perris Boulevard and Nason Street under the WRCOG Traffic Uniform Mitigation Fee (TUMF) program. Ironwood Avenue is a TUMF arterial from Redlands Boulevard westerly. This agreement included funding for preliminary engineering and environmental determination phases only.

On August 25, 2009, the City Council considered a Mitigated Negative Declaration for a project to widen Ironwood Avenue to five lanes (four through lanes plus a continuous center turning lane) throughout the project limits, which was consistent with the City's General Plan. Staff received direction to conduct additional public outreach.

## **DISCUSSION**

In November 2009 a public outreach meeting was held at Palm Middle School, adjacent to the project. More than 50 people attended the meeting to voice their opposition to the General Plan five-lane street cross section concept layout. Specific concerns articulated by the attendees included whether a five-lane roadway is necessary to carry existing and foreseeable traffic within the rural density segment of the corridor; the potential for increased speeding on a wider facility; and the impact of right-of-way acquisition, construction activity, and elevated post-construction noise levels on adjacent properties. The public was generally in agreement that Ironwood Avenue needed to be improved to address the existing roadway curvature and sight distance issues for drivers entering and exiting Ironwood Avenue, as well as the need for a center turning lane to make turns from Ironwood Avenue.

Based on the community's input, the project concept layout has been revised as follows. The City's five-lane General Plan Minor Arterial street cross section is proposed between Perris Boulevard and Vista De Cerros Drive. Since the majority of this segment is already constructed to this standard, completing the facility to this cross section is considered reasonable and also adds capacity near the schools where traffic is higher. A three-lane cross section, consisting of one through lane in each direction plus continuous center turning lane, is proposed between Vista De Cerros Drive and Nason Street. Bike lanes would be incorporated, which would also serve as shoulder for vehicular breakdowns and would further serve to improve sight distance at curves. The three-lane cross section, together with intersection-specific widening for capacity enhancement where necessary, will supply sufficient traffic-carrying capacity. The project includes a center turning lane along its entire length. Special attention has been given to certain key intersections to improve sight distance. For example, the available sight distance at the intersection of Ironwood Avenue and Helga Lane would be greatly enhanced. The project would continue to include construction of curb, gutter and sidewalk.

Mayor Pro Tem Hastings and staff met with WRCOG officials to present the revised project concept, and WRCOG has confirmed in writing that they are prepared to fund the revised project concept layout as currently proposed, subject to funding availability and prioritization. The Transportation Uniform Mitigation Fee (TUMF) program would continue to be the primary funding source, supplemented with Development Impact Fee funds for design and construction phases of the project.

Although the revised project concept layout incorporates significant safety enhancements, the funding and construction schedule are uncertain. Therefore, safety of the existing road is being addressed separately, via a Road Safety Audit (RSA) being conducted by the Traffic Engineering Division. The RSA will review existing road conditions within the project limits for factors that contribute to sub-optimal safe operation for all road users, and propose improvements to correct identified deficiencies. Factors to be reviewed include collision history, field observations, day/night performance, and service to all road users including local versus non-local,

bicycles, and pedestrians. Its recommendations would be programmed for implementation independently of this project, which would allow any identified safety enhancements to be implemented more rapidly with programmed funding.

A summary of the new project concept, together with the attached proposed cross sections and a response to comments document, was mailed to all attendees of record at the November public outreach meeting. To date, comments were received from one party via electronic mail, and a response to those comments was made via electronic mail.

Based on comments received and City Council concurrence at this meeting, the preliminary plans will be revised and an updated environmental document (draft Mitigated Negative Declaration—MND) would be prepared. The revised draft MND would be brought forward to a regular City Council meeting for adoption. Based on written and verbal correspondence received at that meeting, the City Council can choose to adopt the MND, which would conclude the Preliminary Engineering phase of the project. The Transportation Engineering Division will separately report to Council the results of the Road Safety Audit in 2011.

**FISCAL IMPACT**

The completion of the preliminary engineering/environmental determination phase of this project is included in the Fiscal Year 2010/2011 Capital Improvement Plan Budget, funded by DIF Arterials (Fund 416). The funding for this project is restricted to street arterial capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

**AVAILABLE FUNDS:**

Fiscal Year 2010/2011 Ironwood Avenue/Perris Boulevard to Nason Street (Account No. 416.83130) ..... \$95,000

**ESTIMATED PRELIMINARY ENGINEERING RELATED COSTS:**

Complete preliminary engineering (35% level) plans .....	\$60,000
Revise draft Mitigated Negative Declaration .....	\$10,000
Administration and reimbursable cost .....	\$10,000
<b>Total Estimated Project Related Costs.....</b>	<b>\$80,000</b>

The project as originally proposed (to construct the General Plan five-lane cross section along the entire project length) was estimated to cost approximately \$13 million to deliver, including engineering, right-of-way acquisition, and construction. The revised project is expected to cost less than \$12 million.

**CITY COUNCIL GOALS**

**PUBLIC FACILITIES AND CAPITAL PROJECTS:**

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

**POSITIVE ENVIRONMENT:**

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

**NOTIFICATION**

Attendees of record at the November 2009 community meeting were notified of this meeting by regular and/or electronic mail.

**ATTACHMENTS**

- Attachment "A"—Location Map
- Attachment "B"—Proposed Cross Sections
- Attachment "C"—Power Point Presentation

Prepared By:  
John Kerenyi  
Senior Engineer, P.E.

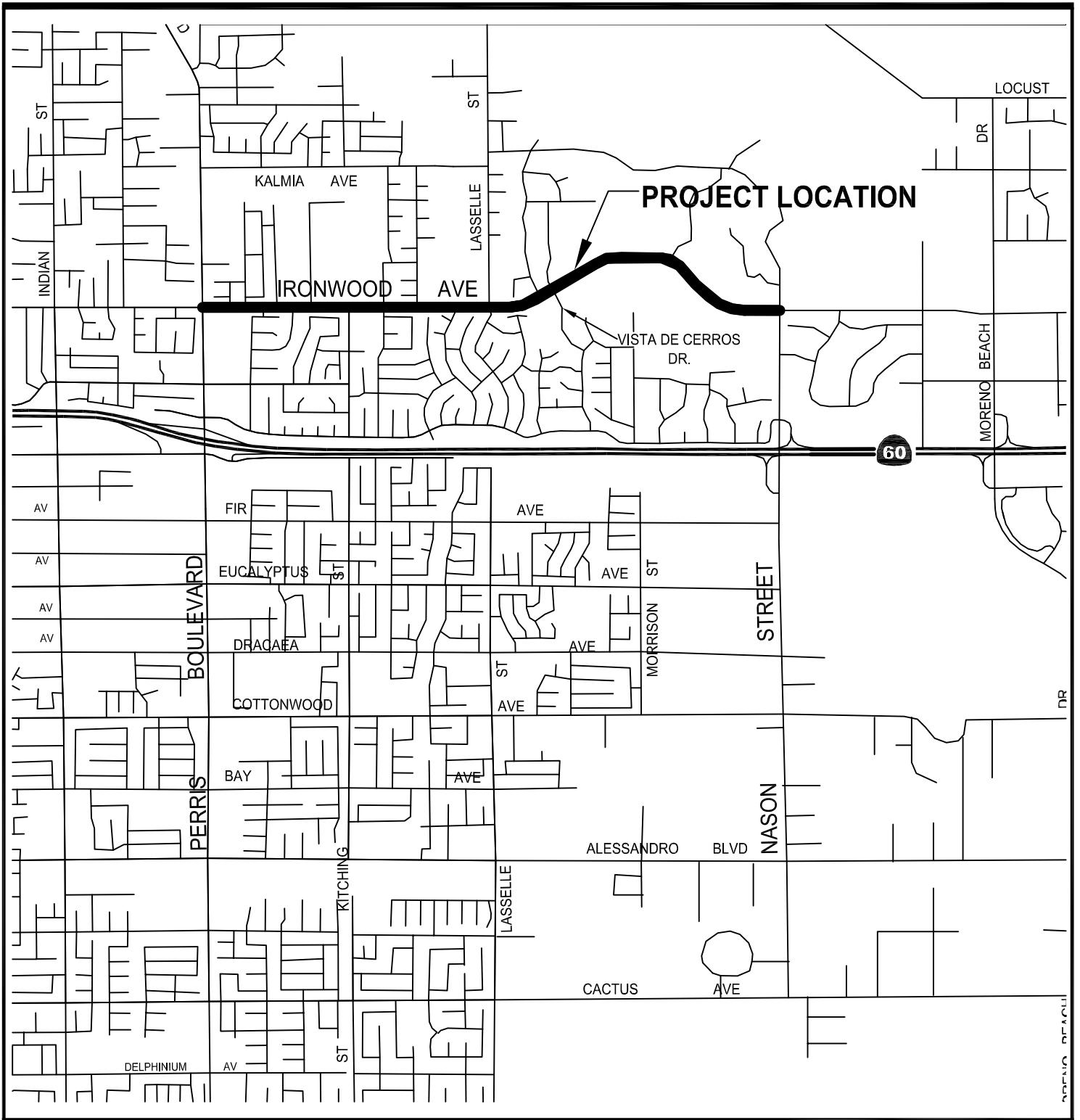
Department Head Approval:  
Chris A. Vogt, P.E.  
Public Works Director/City Engineer

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

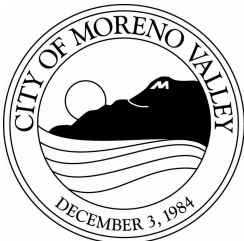
Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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# LOCATION MAP

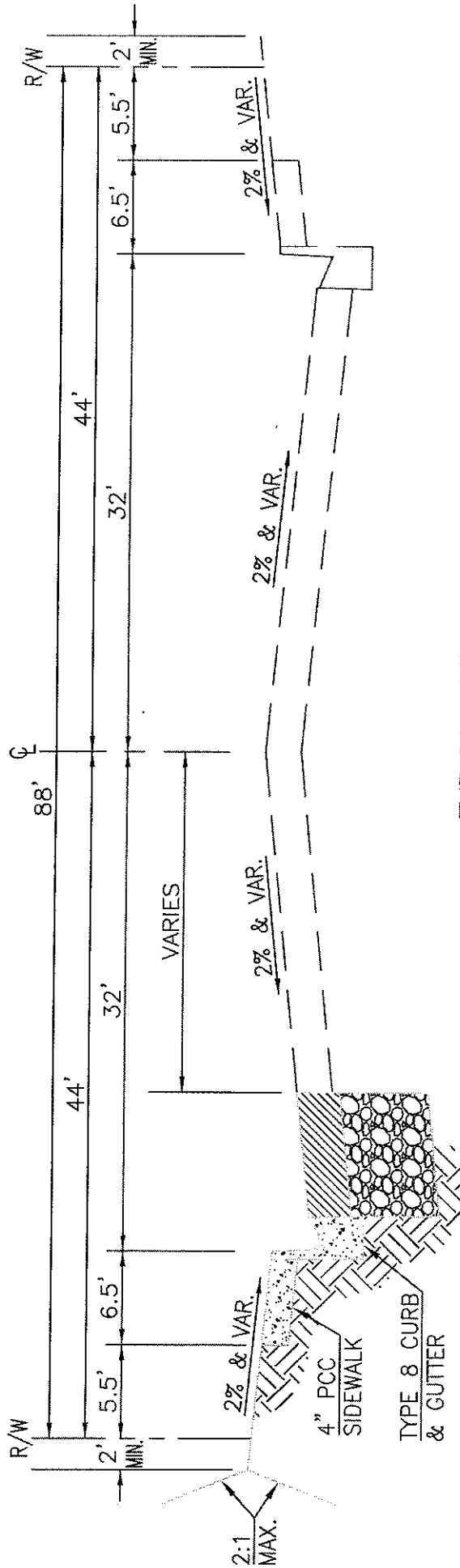


LOCATION MAP  
Public Works Department  
Capital Projects Division

Attachment "A"

PROJECT NO. 10-41572727  
IRONWOOD AVENUE IMPROVEMENTS  
BETWEEN PERRIS BLVD & NASON ST

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TYPICAL SECTION

IRONWOOD AVENUE

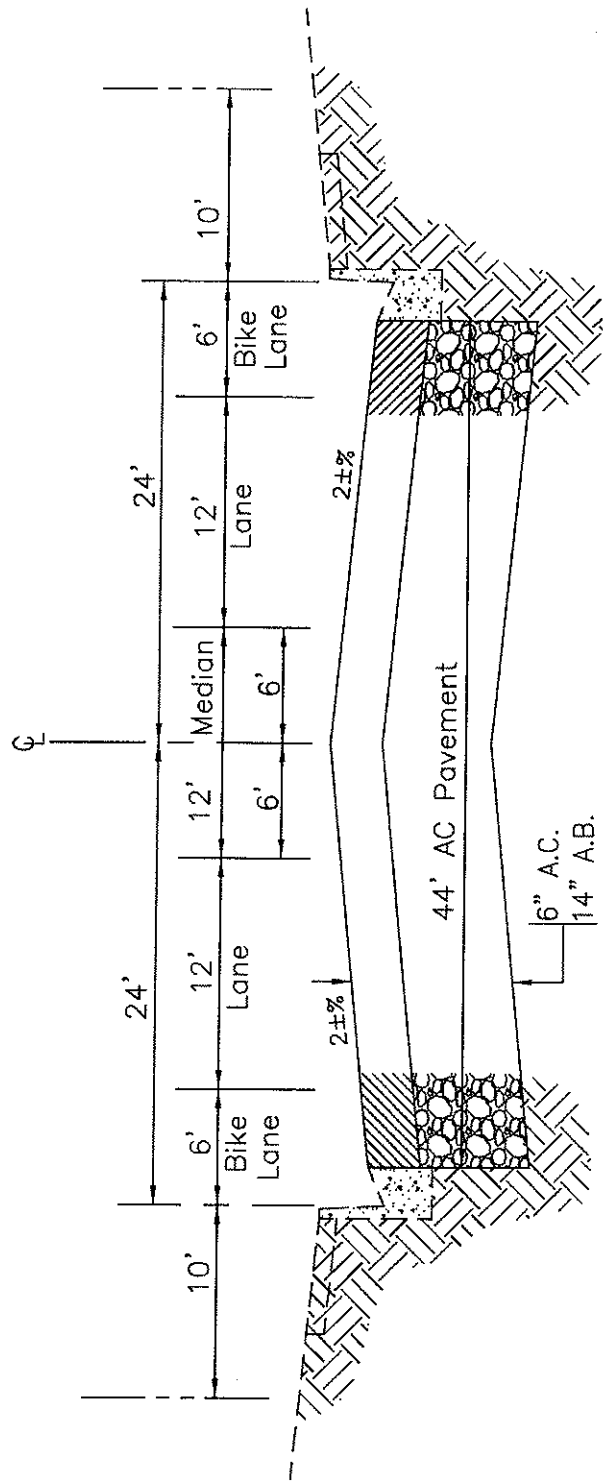
STA: 11+00± TO 77+62±

(From E/side of Perris Bl to 270±' E/O Vista de Cerros Dr)

N.T.S.

Typical In-fill improvements  
N/side at Kitching St & Lasselle St

**Attachment B-1**



TYPICAL SECTION  
IRONWOOD AVENUE

STA: 77+62.00 TO 121+52.57  
 (270± E/O Vista de Cerros Dr to W/side of Nason St)

N.T.S.      Revised 4/19/10

**Attachment B-2**

# **Revised Project Concept for the Proposed Ironwood Avenue Street Improvement Project Between Perris Boulevard and Nason Street**

City Council Study Session  
Public Works Department  
November 16, 2010

1



## **Prior City Council Actions**

- August 26, 2008: Approved agreement with WRCOG (Western Riverside Council of Governments) for Preliminary Engineering/Environmental Determination phase
- August 25, 2009: Draft environmental document and concept plan presented for General Plan cross section; staff directed to perform additional public outreach

2



ATTACHMENT "C"

## Public Outreach Meeting

- Held on November 16, 2009 at Palm Middle School adjacent to the project limits
- Attended by over 50
- Specific concerns included:
  - Whether a five-lane roadway is necessary, especially for the rural segment
  - Potential for increased speeding
  - Impact of right-of-way acquisition

3



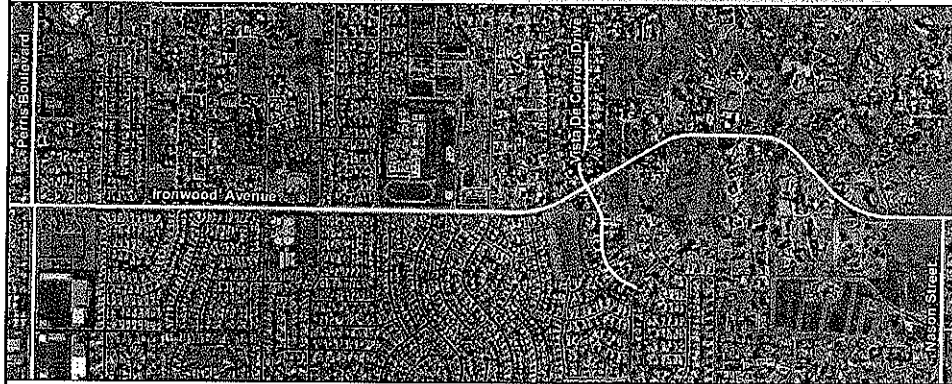
## Concerns (Continued)

- Impact of construction activities on adjacent properties
- Widened roadway would bring traffic closer to homes and thus increase noise levels
- Difficulty turning into and out of streets and driveways

4



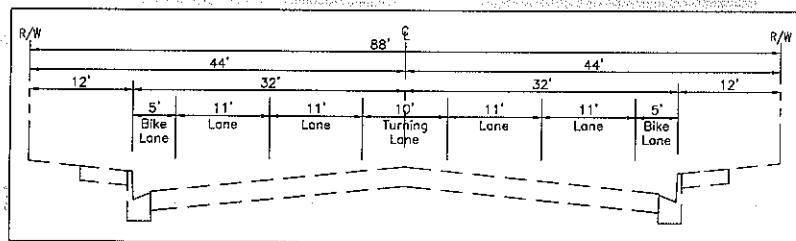
## Project Map



5



## West of Vista De Cerros Drive

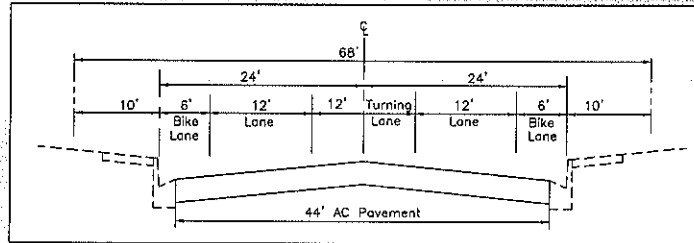


- General Plan (five-lane) cross section
- Matches existing improvements
- Provides capacity where traffic volumes are highest and near existing schools

6



## East of Vista De Cerros Drive



- Three-lane cross section with continuous turning lane
- Bike lanes to double as shoulders
- Curb, gutter, and sidewalk
- Spot/intersection widening where necessary
- WRCOG approved

7



## Community Outreach

- A description of the revised project concept was mailed to all attendees of record at the November public outreach meeting
- To date, comments were received from one party, and a response to those comments was generated
- Attendees of the November public outreach meeting were notified of this meeting via email and mail

8





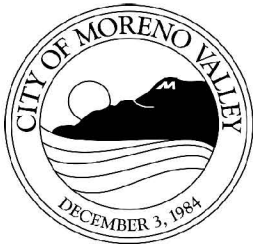
## Recommendations to Completing Preliminary Design Phase

- The public and City Council provide input to the project concept at this meeting
- Based on the input received, Preliminary Engineering plans will be revised, and a new Draft Mitigated Negative Declaration (MND) will be prepared
- The draft MND based on the revised Preliminary Engineering plans would be brought to a regular City Council meeting for adoption before the end of the current fiscal year

9



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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RH</i>
CITY MANAGER	<i>WBS</i>

## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Robert Hansen, City Attorney

**AGENDA DATE:** November 16, 2010

**TITLE:** A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 12.50 TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO LIMITATIONS ON ENGINE IDLING.

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### **BACKGROUND**

In May, 2007, our office prepared a report to the City Council addressing the question of whether or not the City of Moreno Valley could lawfully adopt an Ordinance regulating and restricting the idling of diesel engines within the City. Our office came to the conclusion that as long as the proposed Ordinance addressed a public nuisance or was more stringent than state or federal regulations, such regulation would be within the City's powers to enact and enforce.

Recently, our office was asked to prepare a draft ordinance regulating the idling of diesel engines within the City.

### **DISCUSSION**

Currently, California state law limits all vehicles with a gross weight of over 10,000 pounds from idling within the state for a period in excess of five minutes. Up until January, 2008, sleeper berths were exempt from this limitation. However, this exemption has since been removed and now all trucks exceeding 10,000 pounds are prohibited from idling in excess of 5 minutes. State law is enforced through the California Air Resources Board (ARB) and local air quality management districts.

The Ordinance presented for Council review is based on a model ordinance proposed by the Sacramento Air Quality Management District and in use in several Northern

California cities. In its present form, it appears to be the most restrictive regulation in place at a municipal level. The proposed ordinance would apply the 5 minute rule to **all** diesel fueled vehicles, regardless of weight and to all vehicles in excess of 14,000 pounds regardless of fuel type being used. The proposed ordinance also creates similar restrictions on the use of certain off-road equipment including construction equipment and refrigeration equipment within 1,000 feet of a residential area or school.

The proposed ordinance does provide for exemptions for certain activities including idling in traffic, for testing or maintenance purposes, to cool down a turbo charged engine, for health and safety or to operate integral equipment, such as lifts, cranes, pumps, drills etc.

At the last study session, Council requested that we analyze the available truck parking and the ability to run a TRU at various locations within the City. That section has been amended to allow a TRU to be run when a vehicle is lawfully parked in accordance with local truck parking regulations and is not within 500 feet of a school.

If the proposed ordinance were adopted, enforcement of its regulations could be performed by Moreno Valley Police or by an enforcement department designated by the City Manager such as Code Enforcement or Public Works staff. The proposed ordinance also authorizes local air quality management district staff to cite for violations as well. Criminal prosecution would be handled by the City Attorney's office.

### **ALTERNATIVES**

The City Council may consider the following alternatives:

1. Place the proposed ordinance on the Council Agenda as written for Council action.
2. Direct staff to make changes to the ordinance and return to City Council meeting or study session on a later date with a revised Ordinance.
3. Take no action.

### **FISCAL IMPACT**

Additional staff time in enforcement and prosecution would likely be offset by collection of fines. No significant fiscal impact is anticipated.

**ATTACHMENTS/EXHIBITS**

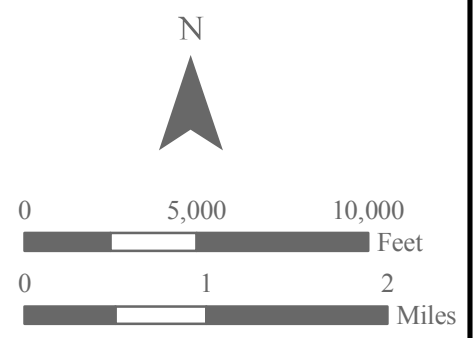
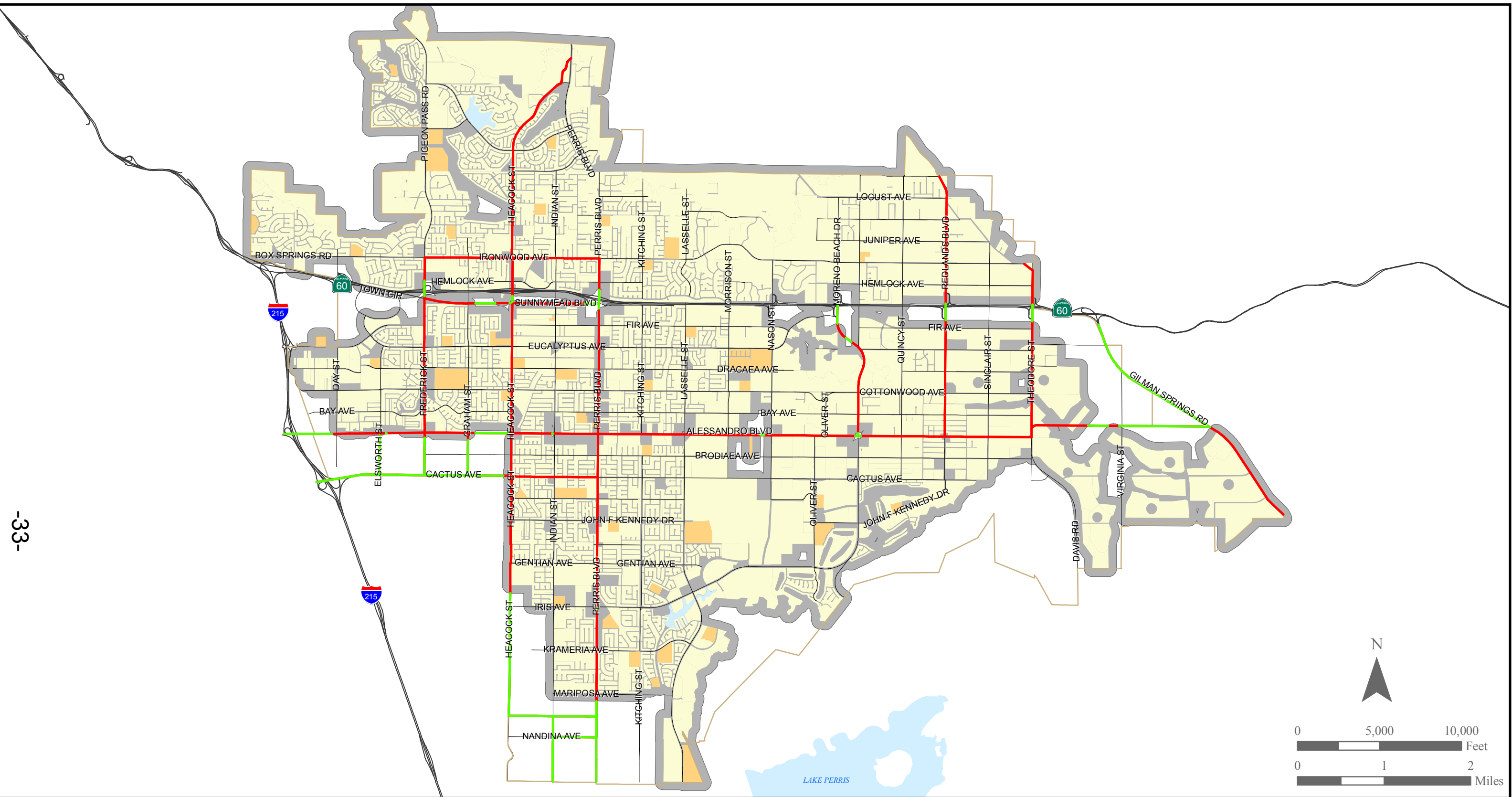
1. A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 12.50 TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO LIMITATIONS ON ENGINE IDLING.

Prepared by:  
 Paul J. Early  
 Deputy City Attorney III

Department Head Approval:  
 Robert L. Hansen  
 City Attorney

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

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Item No. 3.  
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 te500ft.mxd  
 e: November 4, 2010

## TRUCK ROUTES 500 FT RESIDENTIAL BUFFER

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.

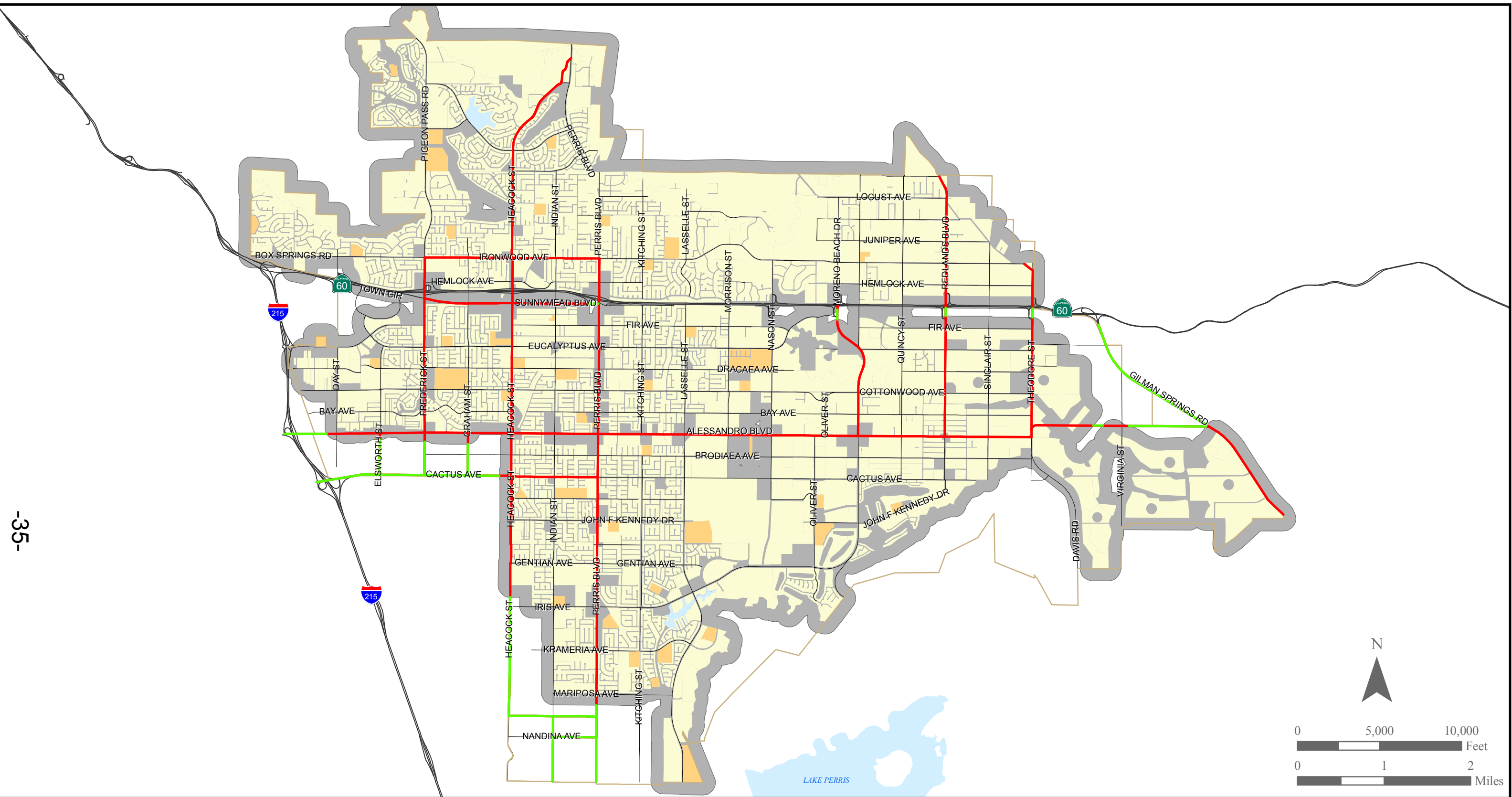
Map Produced by Moreno Valley Geographic Information System

-  Truck Routes (Inside 500 Ft Buffer)
-  Truck Routes (Outside 500 Ft Buffer)
-  Schools
-  Residential Areas
-  Buffer Zone
-  City Boundary



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Item No. 3.  
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## TRUCK ROUTES 750 FT RESIDENTIAL BUFFER

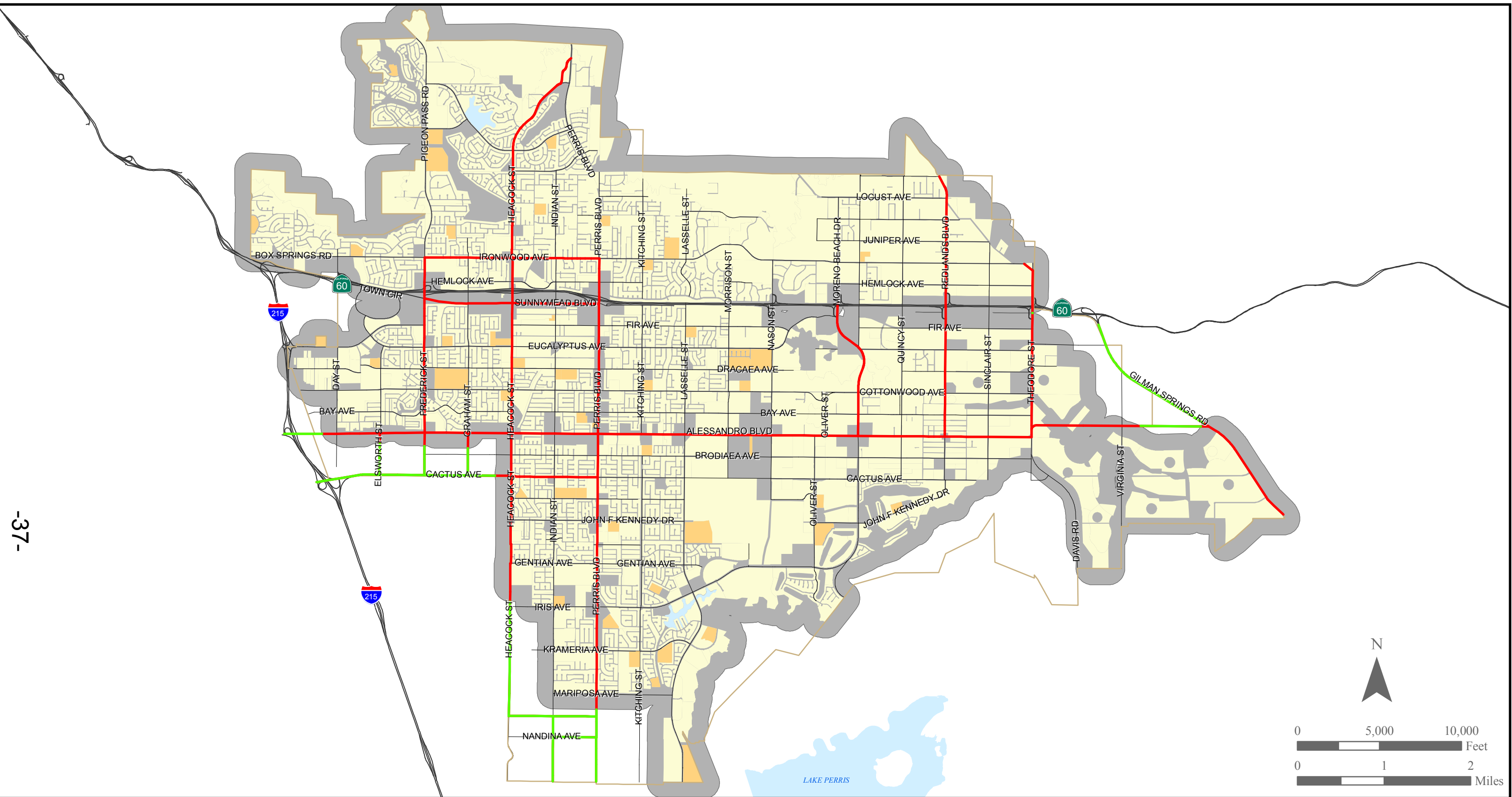
The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.

Map Produced by Moreno Valley Geographic Information System

- Truck Routes (Inside 750 Ft Buffer)
- Truck Routes (Outside 750 Ft Buffer)
- Schools
- Residential Areas
- Buffer Zone
- City Boundary



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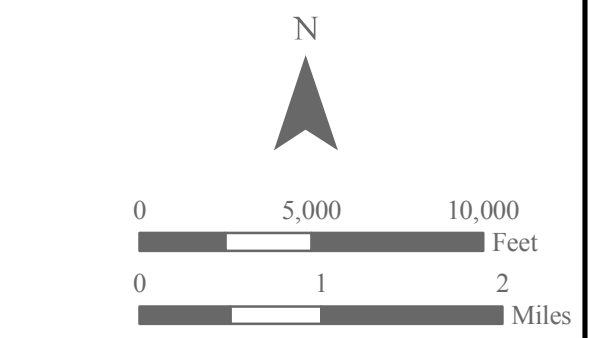
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## TRUCK ROUTES 1000 FT RESIDENTIAL BUFFER

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recycled or resold.

Map Produced by Moreno Valley Geographic Information System

-  Truck Routes (Inside 1000 Ft Buffer)
-  Truck Routes (Outside 1000 Ft Buffer)
-  Schools
-  Residential Areas
-  Buffer Zone
-  City Boundary



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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 12.50 TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO LIMITATIONS ON ENGINE IDLING.

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

SECTION 1. MUNICIPAL CODE ADDED:

1.1 Chapter 12.50 of the Moreno Valley Municipal Code is hereby added to read as follows:

“Section 12.50.010 – Findings and Purpose

The City Council of the City of Moreno Valley finds that:

- (A) Air pollution is a major public health concern in California. Air pollution can cause or aggravate lung illnesses such as acute respiratory infection, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to the health impact, air pollution imposes significant economic costs and negative impacts on our quality of life.
- (B) Exhaust from vehicles, both on and off road, is a public nuisance that is a substantial source of carbon monoxide, ozone precursors, particulate matter, toxic air contaminants, and greenhouse gases. Although new engines have become cleaner due to new technologies; the slow turn over in their inventory and the number of miles/hours the vehicles drive/idle each year is hindering progress toward regional air quality.
- (C) A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980s – 2001 model year truck operating on diesel fuel emits 144 grams per hour of nitrogen oxide and 8224 grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel fuel while idling.
- (D) Truck idling further creates a public nuisance by creating a noise disturbance.

Section 12.50.020 – Definitions

- (A) “Driver” means any person who drives, operates, or is in actual physical control of a vehicle.
- (B) “Emergency” means a sudden, urgent, usually unforeseen occurrence.

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Date Adopted:

- (C) "Equipment Operator" means any person who is in actual physical control of a piece of off-road equipment.
- (D) "Gross Vehicle Weight Rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.
- (E) "Heavy-Duty Vehicle" means any on-road motor vehicle with a manufacturer's Gross Vehicle Weight Rating greater than 14,000 pounds.
- (F) "Idling" means the engine is running while the vehicle is stationary or the piece of off-road equipment is not performing work.
- (G) "Medium-Duty Vehicle" means any on-road motor vehicle with a manufacturer's Gross Vehicle weight rating of 6,001 to 14,000 pounds.
- (H) "Official Traffic Control Device" means any sign, signal, marking or device, consistent with Section 21400 of the California Vehicle Code, placed or erected by authority of a public body or having official jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.
- (I) "Official Traffic Control Signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.
- (J) "Off-Road Equipment" means all non-road equipment with a horsepower rating of 50 or greater.
- (K) "Transport Refrigeration Unit" or "TRU" means a refrigeration system powered by an [Diesel] engine designed to control the environment of temperature sensitive cargo. A TRU is a piece of off-road equipment regardless of its horsepower rating.
- (L) "Vehicle" means any on-road, self propelled vehicle that is required to be registered and have a license plate by the California Department of Motor Vehicles.
- (M) "Vehicle / Equipment Owner" means the registered owner, lessee, licensee, or bailee of any heavy- or medium-duty vehicle or piece of off road equipment who operates or directs the operation of any such vehicle or equipment on either a for-hire or not-for-hire basis.

Section 12.50.030 – Applicability

This Chapter shall apply to the operation of all diesel fueled vehicles regardless of gross vehicle weight rating, all heavy-duty vehicles fueled by either gasoline or diesel, all off-road diesel-powered equipment regardless of horsepower rating, and all off-road equipment regardless of fuel being used, except as provided in Section 12.50.050. Additionally, this Chapter shall apply to Transport Refrigeration Unit ("TRU") engines as specified in Section 12.50.040(C).

Section 12.50.040 – Idling Limitation

- (A) A driver of a vehicle:

Ordinance No.  
Date Adopted:

- 1) Must turn off the engine upon stopping at a destination; and,
  - 2) Must not cause or allow an engine to idle at any location for:
    - a) More than five consecutive minutes; or
    - b) A period or periods aggregating more than five minutes in any one-hour period.
- (B) An equipment operator of an off-road piece of equipment not identified in (A) above must not cause or allow an off-road piece of equipment to idle at any location for:
- 1) More than five consecutive minutes; or
  - 2) A period or periods aggregating more than five minutes in any one-hour period.
- (C) [An equipment operator of a TRU must not cause or allow a TRU to operate while stationary unless the vehicle is lawfully parked at a location approved for truck parking by this Code and not within 500 feet of a school unless the operator is actively engaged in the process of loading or unloading and the cargo or is waiting in a cue to load or unload cargo for a period not to exceed two (2) hours.]

**OR**

[Leave Out Completely and Leave to State Law]

- (D) An owner of a vehicle, an off-road piece of equipment, or a TRU must ensure that:
- 1) The vehicle operator or equipment operator, upon employment and at least once per year thereafter, is informed of the requirements of Section 12.50.040(A), (B) and (C), and of the consequences, under this section and the fleet owner's terms of employment, of not complying with those requirements; and,
  - 2) Upon rental or lease of a vehicle or piece of equipment, written notification is provided of the requirements of Section 12.50.040(A), (B) and (C); and,
  - 3) All complaints of non-compliance with, and enforcement actions related to, the requirements of Section 12.50.040(A), (B) and (C) are reviewed and remedial action is taken as necessary.
- (E) A private property owner shall not allow a vehicle, an off-road piece of equipment or a TRU located on the owner's property to violate Sections 12.50.040(A), (B) or (C). A private property owner shall notify owners and operators of vehicles, off-road pieces of equipment and TRUs entering the owner's private property of the requirements of Sections 12.50.040 (A), (B) and (C).

#### Section 12.50.050 – Exemptions

This Chapter does not apply to a vehicle or piece of equipment for the period or periods during which:

- (A) Idling is necessary while stopped:
- 1) for an official traffic control device;
  - 2) for an official traffic control signal;

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Date Adopted:

- 3) for traffic conditions over which the driver has no control, including, but not limited to, stopped traffic, stopped at railroad crossings, or stopped at a construction zone; or,
- 4) At the direction of a peace officer.
- (B) Idling is necessary to ascertain that the vehicle and/or the off-road equipment is in a safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;
- (C) Idling is necessary for testing, servicing, repairing or diagnostic purposes;
- (D) Idling is necessary, for a period not to exceed three to five minutes (as recommended by the manufacturer) to cool down a turbo-charged heavy-duty vehicle before turning the engine off;
- (E) Idling is necessary to accomplish work for which the vehicle / equipment was designed, other than transporting goods, including, but not limited to, operating a lift, crane, pump, drill, hoist, ready-mixed concrete mixer or other auxiliary equipment other than a heater or air conditioner.
- (F) Idling is necessary to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods and people;
- (G) Idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers except:
  - 1) For driver comfort when a driver is required to have rest time by law. In such case, the driver may only idle at a designated rest area or truck stop.
  - 2) For passenger comfort in a paratransit vehicle with a passenger on board with a disability or health condition that would be critically aggravated if the vehicle were not maintained at an adequate temperature.
- (H) Idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric vehicle or equipment
- (I) Idling is necessary to operate equipment that runs intermittently.
- (J) Idling is necessary for emergency services vehicles.

Section 12.50.060 – Relationship to other Laws

Nothing in this Chapter allows idling in excess of other applicable laws, including, but not limited to:

- (A) Title 13 California Code of regulations Section 1226;
- (B) Title 13 California Code of Regulations Section 2480;
- (C) California Vehicle code Section 22515; or,
- (D) Any other local, state or federal law or regulation as stringent as, or more stringent than this Chapter.

Section 12.50.070 – Penalties

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Date Adopted:



Any violation of the provisions of the Chapter shall be subject to the fines and penalties set forth in Chapters 1.01 and 1.10 of this Code.

Section 12.50.080

This chapter may be enforced by any peace officer or enforcement officer as designated by the City Manager, the California Air Resources Board, or the local air pollution control or air quality management district.”

SECTION 2. EFFECT OF ENACTMENT:

2.1 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 3. NOTICE OF ADOPTION:

3.1 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 publicly posted in three places within the city.

SECTION 4. EFFECTIVE DATE:

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

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

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

Ordinance No.  
Date Adopted:

APPROVED AS TO FORM:

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City Attorney

Ordinance No.  
Date Adopted:

Attachment 1

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ORDINANCE JURAT

[Clerk's office will prepare]

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

Attachment 1

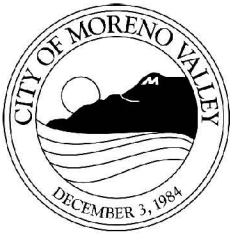
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Ordinance No.  
Date Adopted:

Item No. 3.

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>SNB</i>
CITY MANAGER	<i>WDS</i>

# Report to City Council

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**TO:** Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District

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

**AGENDA DATE:** November 16, 2010 (Continued from October 12, 2010)

**TITLE:** ALTERNATIVES FOR THE COMMUNITY SERVICES DISTRICT (CSD) ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM

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**RECOMMENDED ACTION**

Staff recommends that the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the Moreno Valley CSD (“CSD Board”) consider alternatives for the CSD Zone B (Residential Street Lighting) program.

**ADVISORY BOARD/COMMISSION RECOMMENDATION**

N/A

**BACKGROUND**

The CSD was formed simultaneously with the City’s incorporation and zones of benefit were established, such as the CSD Zone C (Arterial Street Lighting) and Zone B (Residential Street Lighting) programs, to allocate the program costs to those parcels receiving benefit from the services provided by the CSD. Parcel charges have historically funded the costs for approximately 2,500 arterial and 8,600 residential streetlights along City maintained streets.

In recent years the California Public Utilities Commission (CPUC) has approved multiple rate increases that utility providers may charge for street lighting services. Utility providers have passed these increases on to the rate payers, causing an increase in costs by more than 47% since 2006. These increased electrical utility costs alone exceed the annual revenues for both the CSD Zone C (Arterial Street Lighting) and

Zone B (residential Street Lighting) programs. Existing Zone C fund balances are projected to meet the increased arterial streetlight cost through FY 2010/11.

To continue to provide the same level of CSD Zone B (Residential Street Lighting) services, a Proposition 218 mail ballot proceeding was conducted in June of 2009. The mail ballot provided property owners participating in the Zone B program an opportunity to either approve or oppose an increase in their Zone B charge from \$23 or \$24 per parcel, per year to \$39 per parcel, per year. The proposed charge would have been subject to future inflation adjustments based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electrical Price Index, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. Of the approximately 40,000 ballots mailed to property owners, 6,359 ballots (16%) were returned, with 4,076 (64%) ballots marked as not approving the increase, 2,025 (32%) ballots marked as approving the increase, and 258 (4%) ballots returned as invalid. A simple majority (50% + 1) is required to approve an increase. Based on the results of the mail ballot proceeding, the proposed increase in the Zone B charge was not approved.

Without an approved increase to the Zone B charge, the residential street lighting program was underfunded for FY 2009/10. At the February 23, 2010 CSD Board meeting, the CSD Board authorized a loan of approximately \$198,000 from the Special Districts Administration Fund 149 to meet street lighting costs through FY 2009/10, with the loan repayment to occur from future Zone B parcel charges. Based on the low percentage of returned ballots, the CSD Board also provided direction to reballoon property owners for the proposed increase to the Zone B charge. As part of the reballoon process, a public outreach campaign was to be conducted with the goal of increasing awareness and the number of returned ballots.

A reballoon of Zone B, based on the same proposed increase from June 2009, was conducted in September 2010 as a Proposition 218 mail ballot proceeding. Of the 40,090 ballots mailed to property owners, 8,970 ballots (22%) were returned, with 4,649 (52%) ballots marked as not approving the increase, 3,790 (42%) ballots marked as approving the increase, and 531 (6%) ballots returned as invalid. Based on the results of the mail ballot proceeding, the proposed increase in the Zone B charge was not approved.

## **DISCUSSION**

For fiscal year (FY) 2010/11, the Zone B projected revenues are approximately \$1,046,700, while expenses are estimated to be \$1,688,400, creating an approximate \$641,700 shortfall. This shortfall does not include any repayment of the FY 2009/10 loan from Fund 149. Future annual shortfalls shall also be incurred at approximately the same amount plus any additional increases approved as part of the 2009 General Rate Case or any later tariff increases as approved by the CPUC. The General Rate Case applications are typically submitted by Southern California Edison (SCE) every three years to the CPUC, with the next application to occur for 2012.

Given the projected annual shortfalls, staff has reviewed several options including those undertaken by other cities in addressing similar funding deficiencies for street lighting

services. Staff has met with representatives from SCE, Moreno Valley Utilities (MVU), and the City’s Transportation Division in an effort to evaluate alternatives to reduce expenditures and address the Zone B program funding shortfall.

Following the announcement of the results of the mail ballot proceeding at the September 21, 2010 Special Meeting, staff was directed to bring this matter back before the CSD Board for further discussion. The following provides an update to the information previously presented to the CSD Board.

**ALTERNATIVES**

Prior to the implementation of any of the following alternatives, which may modify the existing streetlight services, each street should be evaluated. Any modification to the existing streetlights may require prior legal and technical review and may also result in amendments to the existing City standards. Implementation of any alternative or portion thereof may require significant time and coordination with the utility providers, which may impact the actual timing and amount of any proposed savings.

Staff asks the CSD Board to consider the following alternatives to address the CSD Zone B (Residential Street Lighting) program. Certain alternatives are proposed to meet the current FY 2010/11 deficiency, while other alternatives may meet both the current and a portion of future FY deficiencies. The proposed alternatives do not address any future utility cost increases.

1. Remove/Reduce Streetlights (47%)

Turning off and/or removing 47% of the streetlights (approximately 4,068) shall reduce street lighting service to coincide with the current level of available funding for FY 2010/11. It is anticipated that removal of streetlights may result in additional costs associated with turning off and/or removing streetlight facilities and reconfiguring existing electrical lines. Depending on the extent of the removal costs and future utility rates, additional streetlight removals in subsequent years may be necessary. *This alternative may require significant time and costs to identify specific streetlights to be removed. This alternative does not address future shortfalls due to increased utility rates.*

No. of Poles Effected	FY 2010/11 Shortfall	Estimated One-Time Costs *	Estimated Annual Savings **
4,068	(\$641,700)	(\$623,000)	\$654,000

\* Represents the estimated minimum amount. The actual cost will be determined by the utility providers at the time of removal.

\*\* Only a portion of these savings may be seen during FY 2010/11 due to the timing for implementation. Excludes any future rate increases.

2. Remove Streetlights Older Than 10 Years

Removing streetlights older than 10 years (approximately 6,500) shall reduce street lighting service to a level which may be supported with the available

funding for FY 2010/11. Based on the 2006 General Rate Case Settlement Agreement, "If a customer orders removal of street lighting services and facilities after 10 years, there shall be no cost assessed to the customer." *This alternative does not address future shortfalls due to increased utility rates.*

No. of Poles Effectuated	FY 2010/11 Shortfall	Estimated One-Time Costs	Estimated Annual Savings *
6,500	(\$641,700)	(\$0)	\$1,044,000

\* Only a portion of these savings may be seen during FY 2010/11 due to the timing for implementation. Excludes any future rate increases.

### 3. Temporarily Turning Off All Residential Streetlights

Temporarily turning off residential streetlights will save on the cost of electrical energy, which represents only 21% of the Zone B program cost. However, while they are turned off, this option will not reduce the streetlight lease, maintenance, or administration costs, which constitute approximately 79% of the program cost. There is also a one-time cost associated with turning off streetlights, which is approximately \$362,000. Per SCE, streetlights may only be off for a period of up to six months. After that time, they must either be turned back on or removed. Turning streetlights back on will result in additional costs, which are estimated to be in excess of \$393,000. *This alternative will temporarily reduce current service levels. Service levels will continue to exceed the current funding by approximately \$295,000. This alternative does not address future shortfalls due to increased utility rates.*

No. of Poles Effectuated	FY 2010/11 Shortfall	Estimated One-Time Costs	Estimated Annual Savings **
8,657	(\$641,700)	(\$755,000)	\$348,000

\*\* Only a portion of these savings may be seen during FY 2010/11 due to the timing for implementation. Excludes any future rate increases.

### 4. Reduce Hours of Residential Streetlight Operations

Reducing streetlight hours from an all night service to a midnight service shall also save on the cost of electrical energy, which again represents only 21% of the Zone B program cost. However, this option will not reduce the streetlight lease, maintenance, or administration costs, which constitute the majority of the Zone B program cost. Additionally, there are costs associated with reducing the hours of streetlight service. Each streetlight will need to be fitted with a timer, which will be set to turn the streetlight on and off at designated times. The costs to retrofit streetlights with timers are estimated in excess of \$548,000. *Service levels will continue to exceed the current funding by approximately \$506,000. This alternative does not address future shortfalls due to increased utility rates.*



No. of Poles Effectuated	FY 2010/11 Shortfall	Estimated One-Time Costs	Estimated Annual Savings **
8,657	(\$641,700)	(\$548,000)	\$136,000

\*\* Only a portion of these savings may be seen during FY 2010/11 due to the timing for implementation. Excludes any future rate increases.

#### 5. Reduce Streetlight Wattage

Reducing the streetlight wattage will also only save on the cost of electrical energy. Additionally, there are costs associated with converting the lamps from the current wattage to a lower wattage, which is estimated to cost in excess of \$2.5 million. *Service levels will continue to exceed the current funding by approximately \$472,000. This alternative does not address future shortfalls due to increased utility rates.*

No. of Poles Effectuated	FY 2010/11 Shortfall	Estimated One-Time Costs	Estimated Annual Savings **
8,657	(\$641,700)	(\$2,539,000)	\$170,000

\*\* Only a portion of these savings may be seen during FY 2010/11 due to the timing for implementation. Excludes any future rate increases.

#### 6. New Technology (LED)

Converting residential streetlights from High Pressure Sodium Vapor (HPSV) to LED may also provide savings on the cost of electrical energy. However, there are costs associated with converting HPSV streetlights to LED streetlights. These costs are estimated in excess of \$4.3 million for lamp conversion. Additionally, the CPUC has not approved an LED tariff rate for SCE for the streetlights installed within the City. *Service levels will continue to exceed the current funding by approximately \$472,000. This alternative does not address future shortfalls due to increased utility rates.*

No. of Poles Effectuated	FY 2010/11 Shortfall	Estimated One-Time Costs	Estimated Annual Savings **
8,657	(\$641,700)	(\$4,329,000)	\$170,000

\*\* Only a portion of these savings may be seen during FY 2010/11 due to the timing for implementation. Excludes any future rate increases.

#### 7. General Fund Subsidy

The City's General Fund may subsidize the Zone B program to make up the difference between the revenues and costs on an annual basis. For property related charges, Proposition 218 does not allow agencies to levy nor collect more than the amount approved by property owners. A General Fund subsidy to fund the known shortfalls may allow residential street lighting services to remain unchanged. However, the General Fund budget has been balanced through the use of one-time funds and recent employee

compensation and benefit concessions, with a significant structural deficit remaining. As such, General Fund monies may be limited and may not be able to support additional costs associated with street lighting services, especially on a long term basis. Under this alternative, the General Fund would need to subsidize the Zone B program by approximately \$641,700 for FY 2010/11. Future year Zone B shortfalls would require additional subsidies as projected in Attachment B – Financial Projections. Any subsidy from the General Fund will impact the overall staffing and programs/services of the City. A subsidy of approximately \$641,700 for FY 2010/11 is the equivalent of eliminating at least three police officer positions, or more than seven General Fund supported positions, or any combination thereof, with the impact increasing in future years. *This alternative would retain residential street lighting services at the current level.*

#### 8. Do Nothing

If the additional revenues are not identified to continue funding the streetlights, then the CSD will not be able to continue to pay the utility bills for street lighting services. Also, if no alternatives are identified to reduce the ongoing Zone B program cost or no subsidies are identified to address the current shortfall, then the Zone B program may not be able to continue providing streetlight services after January 31, 2011. At the request of the CSD, the current utility contracts for streetlight services may be cancelled. Since SCE requires inactive streetlights to be removed, there will be additional charges for removal of certain streetlights. MVU streetlights may be turned off, but remain in place. Prior to implementation of this alternative, the CSD shall seek advice from legal counsel to assist in the process. The Zone B charge would continue to be collected in future FYs until all financial obligations of the zone have been paid in full.

<b>No. of Poles Effected</b>	<b>FY 2010/11 Shortfall</b>	<b>Estimated One-Time Costs *</b>	<b>Estimated Annual Savings **</b>
8,657	(\$641,700)	(\$1,327,000)	\$1,615,000

\* Represents the estimated minimum amount to either remove or turn off streetlights. The actual cost will be determined by the utility providers at the time of removal or termination of service.

\*\* Excludes any future rate increases.

## **FISCAL IMPACT**

The CSD provides services through various zones, such as CSD Zone B (Residential Street Lighting), which are full-cost recovery programs. The cost to fund streetlight operations exceeds the current CSD Zone B (Residential Street Lighting) charges collected. **The collection of the Zone B annual charge is restricted for residential street lighting services and administration of the CSD Zone B (Residential Street Lighting) program. Currently, there is no fiscal impact on the General Fund for the operation of the Zone B program. However, depending upon the alternatives considered by the CSD Board, the General Fund could be impacted for an authorized amount to address any current or future shortfalls.**

Alternatives	No. of Poles Effected	FY 2010/11 Shortfall	Estimated One-Time Costs *	Estimated Annual Savings **
1. 47% Reduction	4,068	(\$641,700)	(\$623,000)	\$654,000
2. Remove Older Lights	6,500	(\$641,700)	\$0	\$1,044,000
3. Temp. Turn Off	8,657	(\$641,700)	(\$755,000)	\$348,000
4. Reduce Hours	8,657	(\$641,700)	(\$548,000)	\$136,000
5. Reduce Wattage	8,657	(\$641,700)	(\$2,539,000)	\$170,000
6. LED	8,657	(\$641,700)	(\$4,329,000)	\$170,000
7. General Fund		(\$641,700)	\$0	\$0
8. Do Nothing	8,657	(\$641,700)	(\$1,327,000)	\$1,615,2000

\* Represents the estimated minimum amount. The actual cost will be determined by the utility providers at the time of removal.

\*\* Only a portion of these savings may be seen during FY 2010/11 due to the timing for implementation. Excludes any future rate increases.

## **CITY COUNCIL GOALS**

### **Revenue Diversification and Preservation**

The CSD Zone B (Residential Street Lighting) program is a full cost recovery program that funds residential streetlight services.

### **Public Facilities and Capital Projects**

Streetlights aid in the illumination of roadway and sidewalk areas.

## **SUMMARY**

The costs to operate the CSD Zone B (Residential Street Lighting) program will exceed funds received by \$641,700 for FY 2010/11 and will continue to do so unless a long term solution is identified. Several alternatives and the estimated cost to implement these alternatives have been provided for consideration.

## **NOTIFICATION**

N/A

**ATTACHMENTS**

Attachment A – PowerPoint Presentation of Alternatives and Estimated Costs

Attachment B – Estimated Financial Projections

Prepared By:  
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Special Districts Program Manager

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

Concurred By:  
Candace Cassel  
Special Districts Division Manager

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



**Moreno Valley  
Community Service District**

**CSD Zone B (Residential Street Lighting)**

**November 16, 2010**



# Overview

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- CSD Zone B
- Ballot Results
- Options to Reduce Costs
  - Pole Lease/Maintenance Costs
  - Electrical Energy (kWh) Costs

# CSD Zone B

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- Citywide
  - Located on public streets in **residential neighborhoods**
  - Provide illumination of roadways
- Residential Streetlights
  - City owned and maintained – 973 or approx. 11%
  - SCE owned and maintained – 7,684 or approx. 89%
- Age of Facilities
  - SCE
    - Approx. 6,500 - 10+ years old
    - Approx. 1,184 - Less than 10 years old
  - MVU
    - All less than 10 years old



# CSD Zone B Costs Analysis

## FY 2010/11 Budget

### MVU Utility Bills

Pole/Electrical Energy (kWh)      \$ 157,072

### SCE Utility Bills

Electrical Energy (kWh)      \$ 308,532

Pole Lease/Maintenance      925,596

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Total Utility Bills      \$ 1,391,200      82.4%

Public Outreach/Reballot \*      \$ 73,000      4.3%

Administration      224,194      13.3%

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Total      \$ 1,688,394      100.0%

\* Public outreach represents approximately \$40,000 of the total cost.



# CSD Zone B Operating Budget

---

Estimated Beginning Fund Balance June 30, 2010 (unaudited)      \$            -

Revenues:

Property Tax	\$ 116,100
Advanced Energy Fees	700
Zone B Parcel Charge	929,900
Investment Interest Income	-
Other Fees	-

Total Revenues	\$ 1,046,700
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Expenses:

Utility Bills (Pole/Energy)	\$ (1,391,200)
Public Outreach/Reballot *	(73,000)
Other/Admin	(224,194)

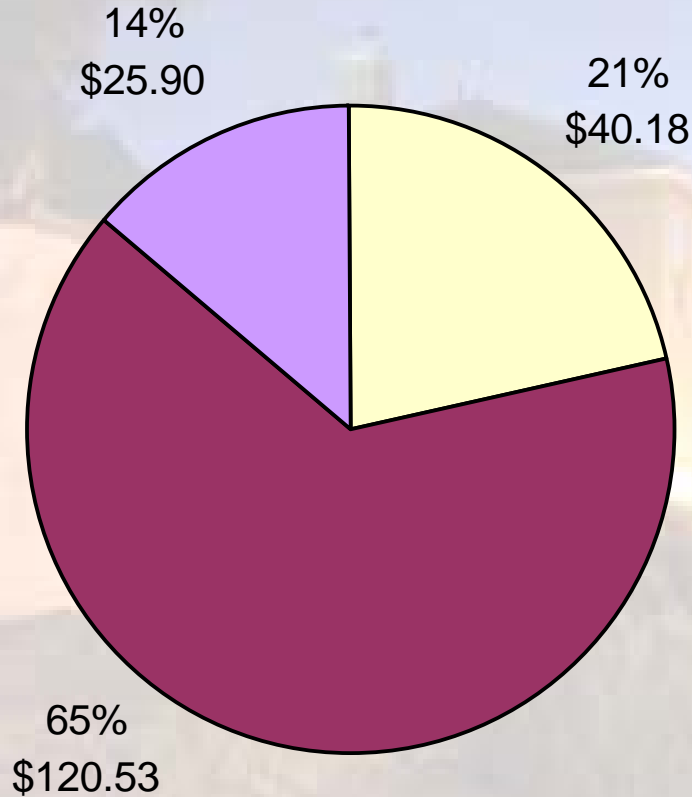
Total Expenditures	\$ (1,688,394)
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Over/(Under)	\$ (641,694)
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<b>Estimated Ending Fund Balance June 30, 2011</b>	<b>\$ (641,694)</b>
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\* Public outreach represents approximately \$40,000 of the total cost.

# Annual Costs Breakout Per Pole



## FY 2010/11 Annual Cost per Pole

<b>Pole/Admin</b>	<b>\$146.43</b>
<b>Electrical Energy</b>	<b><u>\$ 40.18</u></b>
<b>Total</b>	<b>\$186.61</b>

\* Excludes outreach/reballot costs

- Electrical Energy (kWh)
- Pole Lease/Maintenance
- Admin./Operations

# CSD Zone B Ballot Results

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- September 14 Public Hearing
  - 40,090 Parcels Balloted
  - 8,970 Ballots Returned (22%)
  - Ballot Results – Opposed:

**% Yes**

42%

**% No**

52%

**% Invalid**

6%

# Option 1: Remove Streetlights (47%)

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- Remove Streetlights to Current Funding Level:
  - MVU – 457 City owned streetlights turned off
    - \$25 per pole/\$11,425 total cost
  - SCE – 556 streetlight poles removed
    - Poles in the ground less than 10 years
    - \$1,100 per pole/\$611,600 total cost
  - SCE – 3,055 streetlight poles removed
    - Poles in the ground more than 10 years
  - **Estimated minimum cost \$623,025**
  - **Estimated savings \$653,818**

## Option 2: Remove Older Streetlights

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- Remove Streetlights Older than 10 years
  - MVU – all streetlights newer than 10 years
  - SCE – 6,500 streetlight in the ground more than 10 years
    - No cost for removal
      - If reinstalled within 36 months, SCE may recover any cost for previous removal
  - **Estimated minimum cost \$0**
  - **Estimated savings \$1,044,000**

## Option 3: Temporarily Turn Off (100%)

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- Turn Off Streetlights
  - SCE \$44 per pole/\$338,096 system wide cost
  - MVU \$25 per pole/\$24,325 system wide cost
- Turn On Streetlights
  - SCE \$48 per pole/\$368,832 system wide cost
  - MVU \$25 per pole/\$24,325 system wide cost
- According to SCE contract, pole lease/maintenance costs (\$120.53 per pole/per year) remain while streetlights turned off
- **Estimated minimum cost \$755,578**  
**Estimated Savings \$347,838**

# Option 4: Reduce Operating Hours

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- Reduce Streetlight Hours to Midnight Service
  - Cost to convert sensor to timer
    - SCE \$65 per pole/\$499,460 system wide cost
    - MVU \$50 per pole/\$48,650 system wide cost
  - Energy savings up to \$16 per pole annually
  - Payback period 3-4 years
- **Estimated minimum cost \$548,110**
- **Estimated savings \$135,742**

# Option 5: Reduce Wattage

---

- Reduce Streetlight Wattage
  - Costs to convert lamps
    - SCE \$300 per pole/\$2,305,200 system wide cost
    - MVU \$240 per pole/\$233,520 system wide cost
  - Energy savings up to \$20 per pole annually
  - Payback period 12-15 years
- **Estimated minimum cost \$2,538,720**
- **Estimated savings \$169,677**



# Option 6: New Technology

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- Convert to LED
  - Availability of technology
  - California Public Utilities Commission has not approved tariff
  - Conversion costs \$500+ per pole/\$4,328,500 system wide
  - Energy savings up to \$20 per pole annually
  - Payback period minimum 25 years
- **Estimated minimum cost \$4,328,500**
- **Estimated savings \$169,677**

# Option 7: General Fund

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- General Fund Subsidy
  - FY 2010/11 – up to approximately \$641,700
  - Future years subsidy anticipated to increase based on tariff increases
  - Due to the City's current financial situation, any subsidy would take away from other public services
- **Estimated minimum cost \$641,700**
  - Amount does not include any future year subsidies

# Estimated Financial Projections

Based on FY 2010/11 Budget without any modifications

<b>Zone B</b>	<b>Estimate 2011/12</b>	<b>Estimate 2012/13</b>	<b>Estimate 2013/14</b>	<b>Estimate 2014/15</b>	<b>Estimate 2015/16</b>
Beginning Fund Balance	\$ (641,694)	\$ (1,275,623)	\$ (1,981,282)	\$ (2,762,221)	\$ (3,622,320)
Total Revenues <sup>(1)</sup>	\$ 1,055,509	\$ 1,061,390	\$ 1,067,465	\$ 1,073,588	\$ 1,079,907
Total Expenditures <sup>(2)</sup>	\$ (1,689,438)	\$ (1,767,049)	\$ (1,848,404)	\$ (1,933,687)	\$ (2,023,091)
<b>Annual Surplus/(Shortfall)</b>	<b>\$ (633,929)</b>	<b>\$ (705,659)</b>	<b>\$ (780,939)</b>	<b>\$ (860,099)</b>	<b>\$ (943,184)</b>
Ending Fund Balance	\$ (1,275,623)	\$ (1,981,282)	\$ (2,762,221)	\$ (3,622,320)	\$ (4,565,504)
<b>Outstanding Loan to Fund 149 <sup>(3)</sup></b>	<b>\$ (98,921)</b>	<b>\$ (103,867)</b>	<b>\$ (109,060)</b>	<b>\$ (114,513)</b>	<b>\$ (120,239)</b>

(1) Assumes no additional increases to the charges except any previously approved a CPI, which is estimated at 2% per year.

(2) Utility cost are estimated to increase at 5% per year. Administration cost are estimated to increase at 2% per year.

(3) Assumes a loan interest rate of 5%.

# Option 8: Do Nothing

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- Utility cost continue to increase
- No availability of:
  - Increased property charges
  - Funding for decreased service levels
  - Subsidies
- Current funding for services available through Jan. 31, 2011
- Cancel utility contracts
  - SCE streetlights removed, MVU streetlights turned off
  - Future charges collected to pay outstanding utility bills and cost to remove or turn off streetlights
- **Estimated minimum cost \$1,326,725**  
**Estimated savings \$1,615,394**

# Summary of Options

Alternatives	No. of Poles	Minimum Estimated One Time Costs	Total FY 2010/11 Costs (1)	Estimated Annual Savings (2)
1. Reduce Service 47%	4,068	\$ (623,025)	\$ (1,264,725)	\$ 653,768
2. Removal Older Lights	6,500	\$ -	\$ (641,700)	\$ 1,044,615
3. Temp. Turn Off (3)	8,657	\$ (755,578)	\$ (1,397,278)	\$ 347,838
4. Reduce Hours	8,657	\$ (548,110)	\$ (1,189,810)	\$ 135,742
5. Reduce Wattage	8,657	\$ (2,538,720)	\$ (3,180,420)	\$ 169,677
6. New Technology	8,657	\$ (4,328,500)	\$ (4,970,200)	\$ 169,677
7. General Fund		\$ (641,700)	\$ (641,700)	\$ -
8. Do Nothing	8,657	\$ (1,326,725)	\$ (1,968,425)	\$ 1,615,394

1. Includes the FY 2010/11 shortfall of \$641,700.
2. Estimated Annual Savings may not appear in the same fiscal year where expenses are incurred.
3. Per SCE, streetlights may be temporarily turned off for a period up to six months.

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# Questions and Answers

**CSD Zone B  
Estimated Financial Projections**

<b>Zone B</b>	<b>Proj Actual 2009/10</b>	<b>Budget 2010/11</b>	<b>Estimate 2011/12</b>	<b>Estimate 2012/13</b>	<b>Estimate 2013/14</b>	<b>Estimate 2014/15</b>	<b>Estimate 2015/16</b>
Beginning Fund Balance	380,097.65	-	\$ (641,694)	\$ (1,275,623)	\$ (1,981,282)	\$ (2,762,221)	\$ (3,622,320)
Total Revenues <sup>(1)</sup>	1,124,964.76	1,046,700.00	\$ 1,055,509	\$ 1,061,390	\$ 1,067,465	\$ 1,073,588	\$ 1,079,907
Total Expenditures <sup>(2,3)</sup>	(1,505,062.41)	(1,688,394.00)	\$ (1,689,438)	\$ (1,767,049)	\$ (1,848,404)	\$ (1,933,687)	\$ (2,023,091)
<b>Annual Surplus/(Shortfall)</b>	<b>(380,097.65)</b>	<b>(641,694.00)</b>	<b>\$ (633,929)</b>	<b>\$ (705,659)</b>	<b>\$ (780,939)</b>	<b>\$ (860,099)</b>	<b>\$ (943,184)</b>
Ending Fund Balance	-	(641,694.00)	\$ (1,275,623)	\$ (1,981,282)	\$ (2,762,221)	\$ (3,622,320)	\$ (4,565,504)
<b>Outstanding Loan to Fund 149 <sup>(4)</sup></b>	<b>89,724.28</b>	<b>94,210.49</b>	<b>\$ (98,921)</b>	<b>\$ (103,867)</b>	<b>\$ (109,060)</b>	<b>\$ (114,513)</b>	<b>\$ (120,239)</b>

(1) Assumes no additional increases to the charges except any previously approved a CPI, which is estimated at 2% per year.

(2) Utility cost are estimated to increase at 5% per year. Administration cost are estimated to increase at 2% per year.

(3) Fiscal year 2010/11 includes a one time expense of \$73,000 for public outreach and mail ballot costs.

(4) Assumes a loan interest rate of 5%.

**ATTACHMENT B**

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