



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

November 9, 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.

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
November 9, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing Epilepsy Awareness Month
2. "Spotlight on Moreno Valley Business"

**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
NOVEMBER 9, 2010**

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 - Pastor Terry A. Harts, Unity Christian Center Church of Moreno Valley

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 MINUTES - REGULAR MEETING OF OCTOBER 26, 2010 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

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

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of October 20 – November 2, 2010.

A.4 TRACT MAP 31269 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING CELEBRITY COURT, PRANCER LANE, BAY MEADOWS AVENUE, MARANDA COURT, WEXFORD AVENUE, AND THE PORTION OF COTTONWOOD 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. 2010-98 authorizing the acceptance of the public improvements within Tract Map 31269 as complete and accepting Celebrity Court, Prancer Lane, Bay Meadows Avenue, Maranda Court, Wexford Avenue and the Portion of Cottonwood Avenue and Dracaea Avenue Associated with the Project into the City's maintained street system; and

Resolution No. 2010-98

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, and Accepting Celebrity Court,

Prancer Lane, Bay Meadows Avenue, Maranda Court, Wexford Avenue and the Portion of Cottonwood 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.5 NOTICE OF COMPLETION AND ACCEPTANCE OF THE EMERGENCY OPERATIONS CENTER -- PROJECT NO. 06-50182527 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for construction of the Emergency Operations Center building by United Contractors Company, Inc. (UCCI), 2050 S. Santa Cruz Street #2300, Anaheim, CA 92805;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;
3. Authorize the Financial and Administrative Services Director to release the retention to UCCI thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and
4. Accept the improvements into the City's maintained building system.

A.6 RESOLUTION IN SUPPORT OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS' "BUSINESS FRIENDLY PRINCIPLES" (Report of: City Manager's Office)

Recommendation:

Adopt Resolution No. 2010-99 in support of the Southern California Association of Governments' "Business Friendly Principles."

Resolution No. 2010-99

A Resolution of the City Council of the City of Moreno Valley in Support of the Southern California Association of Governments' "Business Friendly Principles"

A.7 PARCEL MAP 34088 – EXONERATION OF CASH DEPOSIT FOR PUBLIC IMPROVEMENTS; EAST OF INDIAN AVENUE AND NORTH OF

ALESSANDRO BOULEVARD; DEVELOPER - OPT MORENO VALLEY, LLC, GREENWOOD VILLAGE, CO 80111 (Report of: Public Works Department)

Recommendation:

Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor cash security associated with the Parcel Map 34088 for public improvements.

- A.8 TRACT MAPS 32834 AND 32835 – ADOPT THE RESOLUTION FOR A SUMMARY VACATION OF THE OFFER OF DEDICATION FOR RECREATIONAL USE AND PUBLIC SAFETY PURPOSES OVER LOTS C AND CC OF TRACT MAP 32834 AND OVER A PORTION OF TRACT MAP 32835; ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE MULTI-USE TRAIL AND LOT EE (COLD CREEK TRAIL HEAD) OF TRACT MAP 32834 AS COMPLETE AND INTO THE COMMUNITY SERVICES DISTRICT’S MAINTAINED SYSTEM; AND ACCEPTANCE OF EASEMENTS, AS DESCRIBED IN THE EASEMENT DEEDS WITHIN TRACT MAPS 32834 AND 32835, FOR MULTI-USE TRAIL PURPOSES; DEVELOPER - BEAZER HOMES HOLDING CORP., BREA, CA 92821 (ALSO LISTED AS AGENDA ITEM B.3) (Report of: Public Works Department)

Recommendation:

Adopt Resolution No. 2010-100, summarily vacating the offer of dedication for recreational use and public safety purposes, over Lots C and CC of Tract Map 32834 and the trail easement described as Easement Note No. 5 over a portion of Tract Map 32835 and direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder’s office for recordation.

Resolution No. 2010-100

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of Trail Easements Over Lots C and CC of Tract Map 32834, in Book 401, Pages 46 Through 61 and the Trail Easement, Described as Easement Note No. 5, Within Tract Map 32835, in Book 409, Pages 24 Through 30, in the City of Moreno Valley, County of Riverside, State of California

- A.9 AGREEMENT FOR THE MAINTENANCE AND OPERATION OF TRAFFIC SIGNALS AND HIGHWAY SAFETY LIGHTING SHARED BETWEEN THE CITIES OF RIVERSIDE AND MORENO VALLEY (Report of: Public Works Department)

Recommendation:

1. Enter into an agreement with the City of Riverside for the maintenance and operation of traffic signals and highway safety lighting jointly owned by the cities of Riverside and Moreno Valley; and
2. Authorize the Mayor to execute said "Agreement" with the City of Riverside for the maintenance of traffic signals and highway safety lighting jointly owned by the cities of Riverside and Moreno Valley.

A.10 ADOPTION OF 2010 CALIFORNIA BUILDING CODES, CALIFORNIA CODE OF REGULATIONS, TITLE 24, INCORPORATING THE LATEST EDITIONS OF THE MODEL CODES WITH AMENDMENTS (RECEIVED FIRST READING AND INTRODUCTION ON OCTOBER 26, 2010 BY A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

Adopt Ordinance No. 816 amending Title 8, of the City of Moreno Valley Municipal Code by amending Chapter 8.14, repealing and replacing Chapters 8.20, 8.22, 8.24, 8.26, 8.36 and adding Chapter 8.23 and adopting, as modified, the California Building Standards Code, California Code of Regulations, Title 24; incorporating the 2009 International Building Code, 2009 Uniform Mechanical Code, the 2009 International Residential Code, the 2009 Uniform Plumbing Code, the 2009 International Fire Code, and the 2008 National Electrical Code; and adopting other regulations relating to Building and Fire Prevention requirements

Ordinance No. 816

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 amending Chapter 8.14, Repealing and Replacing Chapters 8.20, 8.22, 8.24, 8.26, 8.36, and adding Chapter 8.23 and adopting, as modified, the California Building Standards Code, California Code of regulations, Title 24: Incorporating the 2009 International Building Code, the 2009 Uniform Mechanical Code, the 2009 International Residential Code, the 2009 Uniform Plumbing Code, the 2009 International Fire Code, and the 2008 National Electrical Code; and adopting other regulations relating to Building and Fire Prevention requirements.

A.11 REVISIONS TO THE NSP GUIDELINES FOR THE SINGLE-FAMILY RESIDENTIAL ACQUISITION, REHABILITATION, AND RESALE ACTIVITY (Report of: Economic Development Department)

Recommendation:

Approve a revision to the NSP Guidelines for the Single-Family Residential Acquisition, Rehabilitation and Resale program.

- A.12 CONSIDERATION OF A REQUEST FROM COMMUNITY HEALTH SYSTEMS, INC. TO SPONSOR ITS 3RD ANNUAL HOLIDAY CELEBRATION HEALTH FAIR (Report of: City Clerk's Department)

Recommendation:

Consider the request of Community Health Systems, Inc. to sponsor its 3rd Annual Holiday Celebration Health Fair, in the amount of \$2,500.

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 OCTOBER 26, 2010 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

- B.3 TRACT MAPS 32834 AND 32835 – ADOPT THE RESOLUTION FOR A SUMMARY VACATION OF THE OFFER OF DEDICATION FOR RECREATIONAL USE AND PUBLIC SAFETY PURPOSES OVER LOTS C AND CC OF TRACT MAP 32834 AND OVER A PORTION OF TRACT MAP 32835; ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE MULTI-USE TRAIL AND LOT EE (COLD CREEK TRAIL HEAD) OF TRACT MAP 32834 AS COMPLETE AND INTO THE COMMUNITY SERVICES DISTRICT'S MAINTAINED SYSTEM; AND ACCEPTANCE OF EASEMENTS, AS DESCRIBED IN THE EASEMENT DEEDS WITHIN TRACT MAPS 32834 AND 32835, FOR MULTI-USE TRAIL PURPOSES (ALSO LISTED AS AGENDA ITEM A.8) (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. CSD 2010-24 authorizing the acceptance of the public improvements, related to the multi-use trail for Tract Map 32834 and Tract Map 32835 and public improvements related to Lot EE (Cold Creek Trail Head) for Tract Map 32834, as complete and into the Community Services District's maintained system;

Resolution No. CSD 2010-24

A Resolution of the City Council of the City of Moreno Valley, California, Acting in Their Respective Capacity as the Board of Directors of the Community Services District, Authorizing the Public Improvements, Related to the Multi-Use Trail for Tract Map 32834

and Tract Map 32835 and Public Improvements Related to Lot EE (Cold Creek Trail Head) for Tract Map 32834, as Complete and into the Community Services District's Maintained System

2. Authorize the President of the Board of Directors of the Community Services District (CSD) to accept the easements for multi-use trail purposes within Tract Map 32834 and Tract Map 32835, as described in the easement deeds; and
3. Authorize the City Clerk to execute the Acceptance Certificate for multi-use trail purposes and to transmit the easement deeds with Acceptance Certificates to the County Recorder's office for recordation.

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 OCTOBER 26, 2010 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

C.3 AUTHORIZE THE GRANT OF ROADWAY EASEMENT FOR THE PARTIAL ACQUISITION OF ASSESSOR PARCEL NUMBER 291-191-007 AND GRANT OF UTILITY EASEMENT FOR ASSESSOR PARCEL NUMBERS 291-191-006, 291-191-007, AND 291-191-001 FOR DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE - PROJECT NO. 02-89266920 (Report of: Public Works Department)

Recommendation:

1. Authorize the grant of roadway easement to the City of Moreno Valley for the partial acquisition of the Community Redevelopment Agency (RDA) parcel known as Assessor Parcel Number 291-191-007;
2. Authorize the Executive Director to execute the roadway easement to the City of Moreno Valley for the partial acquisition of the Community Redevelopment Agency parcel known as Assessor Parcel Number 291-191-007;
3. Authorize the grant of utility easement to Southern California Edison (SCE) from the Community Redevelopment Agency (RDA) parcels

known as Assessor Parcel Numbers 291-191-006, 291-191-007, and 291-191-001; and

4. Authorize the Executive Director to execute the utility easement to SCE from the Community Redevelopment Agency parcels known as Assessor Parcel Numbers 291-191-006, 291-191-007, and 291-191-001.

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 OCTOBER 26, 2010 (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 PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE MUNICIPAL CODE (PA09-0024) ALLOWING SECOND UNITS IN ALL RESIDENTIAL ZONES, DELETING GRANNY UNIT PROVISIONS, UPDATING SINGLE FAMILY DESIGN GUIDELINES TO REQUIRE FOUR SIDED ARCHITECTURE AND SPECIFY DESIGN CRITERIA, UPDATING INTRODUCTION FOR DESIGN GUIDELINES, CHANGING LANDSCAPE REQUIREMENTS TITLE AND REVISING FRONT YARD LANDSCAPING MATERIAL REQUIREMENTS (Report of: Community Development Department)

Recommendation: That the City Council:

1. RECOGNIZE that PA09-0024 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and
2. Introduce Ordinance No. 817 approving PA09-0024, amending Sections 9.09.130 Second Unit, 9.09.120 Granny Unit, 9.16.010 Design Guidelines, 9.16.130 Single Family Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code.

Ordinance No. 817

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 Sections 9.09.130 Second Unit, 9.09.120 Granny Unit, 9.16.010 Design Guidelines, 9.16.130 Single Family Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

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

G. REPORTS

- G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
 - a. Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)
- G.2 CONSIDERATION OF INTENT TO MODIFY THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES WITH RESPECT TO COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE (Report of: Public Works Department)

Recommendation: That the City Council:

Acting on behalf of itself and as the Legislative Body for Community Facilities District No. 4-Infrastructure adopt Resolution No. 2010-101; a Resolution of Intention to Consider Modifications to the Rate and Method of Apportionment of Special Taxes with Respect to Community Facilities District No. 4-Infrastructure of the City of Moreno Valley.

Resolution No. 2010-101

A Resolution of Intention to Consider Modifications to the Rate and Method of Apportionment of Special Taxes with Respect to Community Facilities District No. 4-Infrastructure of the City of Moreno Valley

- G.3 APPOINTMENT OF CITY COUNCIL REPRESENTATIVE FOR THE MARCH OPERATIONS ASSURANCE TASK FORCE (Report of: Community Development Department)

Recommendation: That the City Council:

Select a City Council representative for the March Operations Assurance Task Force.

- G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for

Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

H.1 .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; and

2. Introduce Ordinance No. 818, 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. 818

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

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(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

- a 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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MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
October 26, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Employee of the Quarter Presentation - Steve Lulli, Field Supervisor, Animal Services Division

2. Recognition of Moreno Valley AYSO Region 187 Boys Under 16 Soccer Team – USA Cup Tournament Champions

**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
October 26, 2010**

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 6:31 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Stewart

INVOCATION - Reverend Martin Finau, Moreno Valley United Methodist Church

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member – arrived at 6:34 p.m.
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Cindy Miller	Executive Assistant to the Mayor/City Council
William Bopf	Interim City Manager
Richard Teichert	Financial & Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Randy Metz	Fire Marshal
Chris Vogt	Public Works Director
Kyle Kollar	Interim Community Development Director
Barry Foster	Economic Development Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

MINUTES
October 26, 2010

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 Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Deanna Reader (Items A9 and A12) and Pete Bleckert (Item A4).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF OCTOBER 12, 2010 (Report of: City Clerk)

Recommendation:

Approve as submitted.

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

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of October 6 – 19, 2010.

A.4 APPROVAL OF CHECK REGISTER FOR AUGUST, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2010-92, approving the Check Register for the month of August, 2010 in the amount of \$11,716,106.30.

Resolution No. 2010-92

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of August, 2010

A.5 NOTICE OF COMPLETION AND ACCEPTANCE OF THE 2010 PAVEMENT RESURFACING PROJECT - PROJECT NO. 10-12556330 (Report of: Public Works Department)

MINUTES
October 26, 2010

Recommendation:

1. Accept the work as complete for the 2010 Pavement Resurfacing Project, constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and
4. Accept the improvements into the City's maintained road system.

A.6 AMENDMENT AND RESTATEMENT INDEPENDENT CONTRACTOR AGREEMENT (Report of: Community Development Department)

Recommendation:

1. Approve the Amendment and Restatement Independent Contractor Agreement with Melad and Associates for Plan Check Services; and
2. Authorize the Mayor to execute the Amendment and Restatement Independent Contractor Agreement

A.7 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION - Project No. 10-41779229 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Traffic Signal Improvements on Sunnymead Ranch Parkway at Village Road (East) Intersection to SoCal Engineers, Inc., the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with SoCal Engineers, Inc.;
3. Authorize the issuance of a Purchase Order to SoCal Engineers, Inc. for a total amount of \$180,260 (\$207,299 base bid amount plus 15% contingency) when the contract has been signed by all parties; and

MINUTES
October 26, 2010

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with SoCal Engineers, Inc., up to but not to exceed the Purchase Order's total contingency of \$27,039, subject to the approval of the City Attorney.

A.8 NOTICE OF COMPLETION AND ACCEPTANCE OF THE STREET IMPROVEMENT PROGRAM FOR PARTIDA DRIVE, CARILLO COURT, AND KIMBERLY AVENUE, AND APPROVE AND ADOPT PROPOSED RESOLUTION ACCEPTING PUBLIC RIGHT-OF-WAY FOR PORTION OF SAME - Project No. 08-12585523 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Street Improvement Program (SIP) for Partida Drive, Carillo Court, and Kimberly Avenue constructed by C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593;
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;
3. Authorize the Financial and Administrative Services Director to release the retention to C & C Grading & Paving, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project;
4. Approve and adopt Resolution No. 2010-93 accepting dedication of property for public right-of-way and accept portions of streets into the City maintained road system; and

Resolution No. 2010-93

A Resolution of the City Council of the City of Moreno Valley, California, Accepting Public Right-of-Way for Portions of Partida Drive from Juniper Avenue to South Carillo Court, and Kimberly Avenue from Wilmot Street to Redlands Boulevard, and Accepting Improved Portions of Partida Drive from Juniper Avenue to Carillo Court, Carillo Court from West End to East End, and Kimberly Avenue from Wilmot Street to Redlands Boulevard into the City Maintained Road System

5. Direct the City Engineer to certify the acceptance of said dedication and cause said certification to be recorded at the office of the Recorder of the County of Riverside together with said Resolution.

MINUTES
October 26, 2010

A.9 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2010-94 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2010-94

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.10 PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE PROGRAM (Report of: Economic Development Department)

Recommendation:

1. Adopt Resolution 2010-95 authorizing the City's participation in Riverside County's Mortgage Credit Certificate Program, and

Resolution No. 2010-95

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

2. Authorize the Economic Development Director to certify the status of the City's Housing Element.

A.11 RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES (Report of: Community Development Department)

Recommendation:

Adopt Resolution No. 2010-96 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List in the staff report for the abatement of nuisances.

Resolution No. 2010-96

A Resolution of the City Council of the City of Moreno Valley, California, Confirming Statements of Costs Against Real Property Located in the City of Moreno Valley, for Abatements of Public

MINUTES
October 26, 2010

Nuisances and Direction that Said Statements of Costs Constitute a Lien Upon Said Properties

A.12 SCHOOL RESOURCE OFFICER (SRO) POSITION FOR RANCHO VERDE HIGH SCHOOL, GMS AWARD 2010-DD-BX-0445 (Report of: Police Department)

Recommendation:

1. Approve the funding of the School Resource Officer Position at Rancho Verde High School and adopt Resolution No. 2010-97 authorizing the acceptance of the grant;

Resolution No. 2010-97

A Resolution Authorizing the Acceptance of the Grant (#2010-DD-BX-0445) for the Allocation of One School Resource Officer at Rancho Verde High School within the Val Verde Unified School District

2. Approve the Memo of Understanding (MOU) between the city of Moreno Valley and the Val Verde Unified School District (VVUSD) for the 2010/2011 school year;
3. Approve the third amended contract between the city of Moreno Valley and County of Riverside approving the one SRO position; and
4. Authorize the appropriation to the General Fund amount awarded in the grant in the amount of \$500,000 to fund one SRO position for a period of three (3) years. The project and award period will be from August 1, 2010 through July 31, 2013. There will be no matching funds required.

A.13 ADMINISTRATIVE SERVICES AGREEMENT FOR COUNTY SERVICE AREA (CSA)-152 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM BETWEEN RIVERSIDE COUNTY AND CITY OF MORENO VALLEY (Report of: Public Works Department)

Recommendation:

1. Approve the Administrative Services Agreement (Agreement) for the CSA-152 Program with Riverside County;
2. Authorize the Mayor to execute the Agreement; and
3. Direct the City Clerk to transmit the Agreement to Riverside County.

MINUTES
October 26, 2010

- A.15 ORDINANCE NO. 815, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, REPEALING ORDINANCE NO. 793 (P08-060) A 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 ORDINANCE, AND THE REVISED SPECIFIC PLAN MAPS ATTACHED TO THE ORDINANCE AS EXHIBITS A, B, C AND D (RECEIVED FIRST READING AND INTRODUCTION OCTOBER 12, 2010 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

Adopt Ordinance No. 815, REPEALING Ordinance No. 793, and thereby rescinding approval of the Specific Plan Amendment (P08-060), and returning the alignment of Krameria Avenue between Heacock Street and Indian Street in the Circulation Element in the Moreno Valley Industrial Specific Plan (SP 208) to those in place predating the approval of P08-060 (maps attached to the Ordinance as Exhibits A, B, C, and D).

Ordinance No. 815

An Ordinance of the City Council of the City of Moreno Valley, California, repealing Ordinance No. 793 (P08-060) a 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 Ordinance, and the Revised Specific Plan Maps Attached to the Ordinance as Exhibits A, B, C and D

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 OCTOBER 12, 2010 (Report of: City Clerk)

Recommendation:

Approve as submitted.

MINUTES
October 26, 2010

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 OCTOBER 12, 2010 (Report of: City Clerk)

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 OCTOBER 12, 2010 (Report of: City Clerk)

Recommendation:

Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1 - D2, except Item A14, which was pulled for separate discussion/action by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 4-1, Council Member Jesse L. Molina opposed.

E. PUBLIC HEARINGS - NONE

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

Mayor Flickinger opened the agenda item for public comments, which were received from Deanna Reeder and Stephen Rogers.

A.14 RESOLUTION AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO APPROVE PARTIAL SECURITY REDUCTIONS (CONTINUED FROM SEPTEMBER 28 AND OCTOBER 12, 2010) (Report of: Public Works Department)

Recommendation:

Adopt the proposed resolution (Resolution No. 2010-88) authorizing the Public Works Director/City Engineer to approve partial security reductions of the public improvement securities and accept the partial Public Improvements as complete, but not into the City maintained system.

MINUTES
October 26, 2010

Resolution No. 2010-88

A Resolution of the City Council of the City Of Moreno Valley, California, Authorizing the Public Works Director/City Engineer to Reduce Securities Associated with Public Improvements

Motion to Approve by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 4-0-1, Mayor Bonnie Flickinger abstained.

G. REPORTS

- G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
- a. Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

Mayor Pro Tem Hastings reported on WRCOG's lawsuit filed against the California Energy Commission (CEC), claiming that the CEC's \$33 million award was flawed as 95% of the population got less than 5% of the funding. WRCOG has obtained four favorable rulings. WRCOG has gotten \$40 million in financing for commercial solar projects and is looking for different funding sources for residential energy efficiency improvements. WRCOG is optimistic that they will continue to prevail in the lawsuit.

- G.2 CONSIDER THE DEFERRAL OF THE APPOINTMENT OF THE CITY MANAGER UNTIL AFTER NOVEMBER 2, 2010 GENERAL MUNICIPAL ELECTION (DISCUSSION) (Stewart/Molina)

Mayor Flickinger opened the agenda item for public comments, which were received from Alicia Wright, Frank Wright, Michael Geller, Mike Rios, and Tom Jerele.

Motion to defer the appointment of the City Manager until after the November 2, 2010 General Municipal Election, the election being certified, and new city council members seated by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

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

The City Manager announced the following:

1. Veterans Day Ceremony will be held at sunset on November 11,

MINUTES
October 26, 2010

- included will be the introduction of Military Appreciation Banner Program
2. The Planning Commission reviewed a State Code to allow a second residential unit on sufficiently sized lots; item will come to the City Council in November for consideration
 3. Planning staff approved the co-location of additional telecommunications facilities at John F. Kennedy Park, Stater Brothers shopping center near Sunnymead Park, and the Sunnymead Ranch Fire Station
 4. Two Plot Plans and one Conditional Use Permit have been approved for three new restaurants
 5. Highland Fairview Corporation paid \$1,115,025 in Habitat Conservation Plan Fees for Phase One, the equivalent of 575 single-family units
 6. Economic Development has been a challenge. Over the past two years, 3500 new jobs have been created. Recently, Economic Development Director Barry Foster and staff attended 14 corporate meetings at the International Conference of Shopping Centers in San Diego representing the potential for new jobs, significant increase in employment opportunities, and increase sales tax revenues. Economic Development staff not only looks for new businesses but encourages the retention of businesses through the Shop MoVal Campaign, Business Roundtable meetings, Spotlight on Moreno Valley businesses, and visiting existing businesses to address any concerns
 7. Attended the State and Nat'l Forecast on Economy where it was forecasted that there is a 2-4 year path to recovery; need new training and education; growth will be in health industry; need adaption in higher education for new businesses and technology; transportation and infrastructure will grow with creative project planning and funding; need to relax government impediments, but there is very little that local government can do, as it is faces up to a year to clear CEQA; those agencies who can adapt, will win

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

- H.1 .1 ADOPTION OF 2010 CALIFORNIA BUILDING CODES, CALIFORNIA CODE OF REGULATIONS, TITLE 24, INCORPORATING THE LATEST EDITIONS OF THE MODEL CODES WITH AMENDMENTS (Report of: Community Development Department)

Recommendation: That the City Council:

Introduce Ordinance No. 816 amending Title 8, of the City of Moreno Valley Municipal Code by amending Chapter 8.14, repealing and

MINUTES
October 26, 2010

replacing Chapters 8.20, 8.22, 8.24, 8.26, 8.36 and adding Chapter 8.23 and adopting, as modified, the California Building Standards Code, California Code of Regulations, Title 24; incorporating the 2009 International Building Code, 2009 Uniform Mechanical Code, the 2009 International Residential Code, the 2009 Uniform Plumbing Code, the 2009 International Fire Code, and the 2008 National Electrical Code; and adopting other regulations relating to Building and Fire Prevention requirements.

Ordinance No. 816

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 amending Chapter 8.14, repealing and replacing Chapters 8.20, 8.22, 8.24, 8.26, 8.36, and adding Chapter 8.23 and adopting, as modified, the California Building Standards Code, California Code of Regulations, Title 24: incorporating the 2009 international Building Code, the 2009 Uniform Mechanical Code, the 2009 International Residential Code, the 2009 Uniform Plumbing Code, the 2009 International Fire Code, and the 2008 National Electrical Code; and adopting other regulations relating to Building and Fire Prevention requirements.

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

Motion to Approve by m/Council Member Richard A. Stewart, s/Council Member William H. Batey II
Approved by a vote of 5-0.

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

Mayor Flickinger reminded everyone of the rules during the election season: the public's right to be heard is the same during the campaign season as it is at any other time; each speaker has three minutes to talk about any subject which falls under the jurisdiction of the City Council, including the upcoming election; the council members, however, are prohibited from making campaign statements from the dais; they are permitted to correct any misinformation that may be presented at the podium, but not to speak on behalf of any campaign from the dais.

MINUTES
October 26, 2010

Jose Hector Ramirez

1. Thanked the City of Moreno for the opportunity to get to know his community; excited to get involved

Richard Young

1. Skechers
2. City Council District 4 election

Deanna Reader

1. Campaign flyers
2. City Council District 2 election

Michael Vargas

1. Val Verde Unified School District Board election

Carlos Ramirez

1. DUI checkpoints
2. Strategic partnership with schools and businesses
3. City Council District 4 election

Kenneth Bell

1. Community involvement by everyone, individuals, businesses, real estate representatives, developers, and staff

Alicia Espinoza

1. City Council District 4 election

Steve Rogers

1. Anti-Corruption Team County of San Bernardino
2. Bond reduction - Subdivision Map Act
3. City Manager letter dated October 11, regarding contract negotiations

Tom Jerele

1. Cottonwood Golf Course
2. Check register
3. Encouraged everyone to vote
4. Expressed thanks for assistance with derelict problem on Sunnymead Blvd.

Kenny Calvin

1. Skechers

Alejandro Arqueles

1. City Council District 4 election
2. Encouraged everyone to vote

Daniel Morales

1. Interpreted Mr. Argueles' comments from Spanish to English

Louise Palomarez

1. State Vice President of Mexican Political Association
2. City Council District 4 election
3. Spanish interpreters for council meetings

Marcia Amino

1. Sunshine Ordinance

Christopher Baca

1. United Democrats of Moreno Valley endorsements

Daryl Terrell

1. Elected Mayor
2. Vision for the future
3. Encouraged everyone to vote
4. Riverside Community College District Board of Trustees election

Pete Bleckert

1. Disclosure of Closed Session meetings
2. Redevelopment Agency reimbursements to Fritz Duda Co.

Raul Wilson

1. Term limits
2. Spanish interpreters for council meetings
3. Business friendly community
4. Supports a sports complex instead of an equestrian center

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

Council Member Batey

1. Congratulated AYSO
2. Stated towing companies are sitting in parking lot centers looking for tows; asked if anything can be done since it is private property. Council Member Batey requested, seconded by Mayor Flickinger, to place the item on a future agenda
3. Encouraged everyone to vote

Mayor Pro Tem Hastings

1. Attended MASH BASH that raised money for the March Field Air Museum

MINUTES
October 26, 2010

2. Dedication of Distinguished Flying Cross Memorial is at 10 a.m., October 27
3. Lucas Ranson recently died as a result of a shark attack; seeking donations to transport his body from Santa Barbara

Council Member Stewart

1. Provided update on progress of demolition of buildings at March
2. Encouraged voters to review their ballot book of propositions and candidates
3. Took new immigrants' voter registration cards to the Registrar's office
4. People who only attend council meetings during elections
5. Meeting with Dr. Ferguson to discuss a joint use lighted stadium at Canyon Springs High School
6. Encouraged everyone to vote
7. Candidates have been respectful of campaign signs

Council Member Molina

1. Thanked everyone who attended the meeting and voiced their opinions
2. Thanked the Fire Department and paramedics for their assistance with his father-in-law, Tony, who passed away this afternoon
3. Crime has been creeping up; the Police Department has stepped it up, but need to do more due to the challenge of L.A. gangs and home grown gangs
4. Believes in transparent government; supports a Sunshine ordinance
5. Encouraged everyone to vote
6. Fighting for the people in District 1
7. Supports a stadium at Canyon Springs High School

Mayor Flickinger

1. Misinformation at podium too much to address, will ignore it
2. Expansion of the Employment Resource Center (ERC) was held on October 5; read thank you messages received from the public for services provided at the ERC
3. Read messages received from the public regarding city and police services
4. Elected Chair of the Moreno Valley College Community Partners on October 25
5. Veterans Day Ceremony will be held on November 11, at 4:30 p.m.
6. November 14 is Moreno Valley Day at the UCR Women's Basketball Game
7. Encouraged everyone to please vote on November 2

Motion to Postpone Closed Session to November 9, 2010 by m/Council Member Richard A. Stewart, s/Mayor Pro Tem Robin N. Hastings
Approved by a vote of 5-0.

MINUTES
October 26, 2010

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:03 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:

Bonnie Flickinger, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

MINUTES
October 26, 2010



Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: November 9, 2010

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 October 20 – November 2, 2010.

<i>Reports on Reimbursable Activities</i> October 20 – November 2, 2010		
Council Member	Date	Meeting
William H. Batey II		None
Bonnie Flickinger		None
Robin N. Hastings	10/23/10	March Field Air Museum MASH BASH
Jesse L. Molina		None
Richard A. Stewart	10/27/10	Moreno Valley Chamber of Commerce Wake-Up

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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: November 9, 2010

TITLE: TRACT MAP 31269 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING CELEBRITY COURT, PRANCER LANE, BAY MEADOWS AVENUE, MARANDA COURT, WEXFORD AVENUE AND THE PORTION OF COTTONWOOD 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. 2010-98 authorizing the acceptance of the public improvements within Tract Map 31269 as complete and accepting Celebrity Court, Prancer Lane, Bay Meadows Avenue, Maranda Court, Wexford Avenue and the Portion of Cottonwood 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 31269 is a 35-lot single family residential development located north of Cottonwood Avenue, south of Dracaea Avenue, east of Quincy Street, and west of Redlands Boulevard that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, water and sewer 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 \$1,796,000 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 31269 as complete and accepting Celebrity Court, Prancer Lane, Bay Meadows Avenue, Maranda Court, Wexford Avenue and the Portion of Cottonwood 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 31269 as complete and accepting Celebrity Court, Prancer Lane, Bay Meadows Avenue, Maranda Court, Wexford Avenue and the Portion of Cottonwood 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. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

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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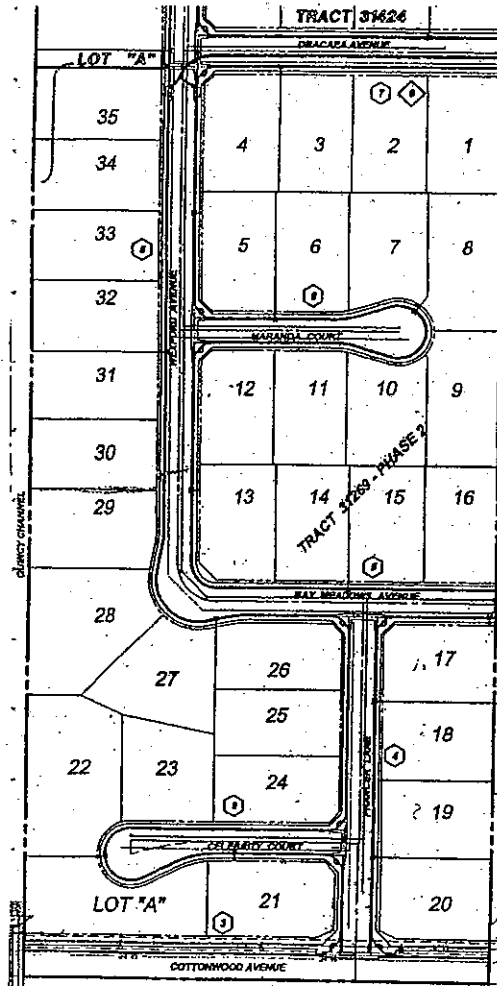
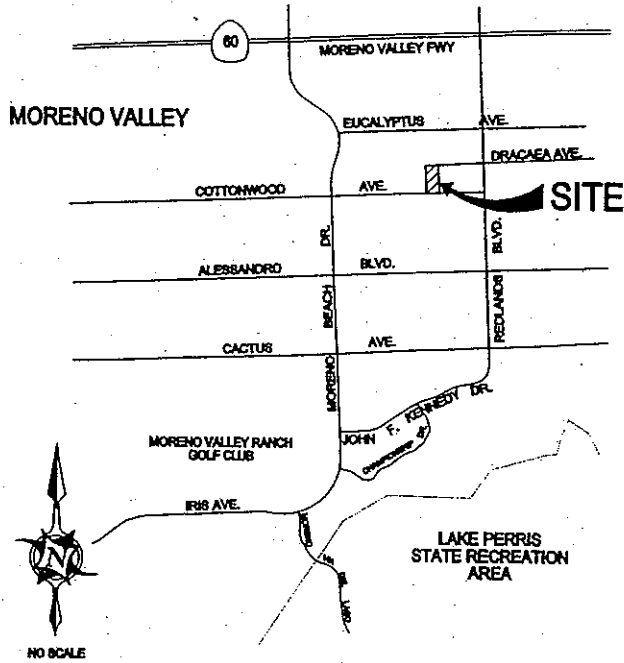


EXHIBIT A

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

**TRACT 31269
VICINITY MAP**

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RESOLUTION NO. 2010-98

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, AND ACCEPTING CELEBRITY COURT, PRANCER LANE, BAY MEADOWS AVENUE, MARANDA COURT, WEXFORD AVENUE AND THE PORTION OF COTTONWOOD 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 Celebrity Court, Prancer Lane, Bay Meadows Avenue, Maranda Court, Wexford Avenue and the Portion of Cottonwood 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 31269, and accept Celebrity Court, Prancer Lane, Bay Meadows Avenue, Maranda Court, Wexford Avenue and the Portion of Cottonwood 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 31269 are complete, and Celebrity Court, Prancer Lane, Bay Meadows Avenue, Maranda Court, Wexford Avenue and the Portion of Cottonwood Avenue and Dracaea Avenue associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 9th day of November, 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT B

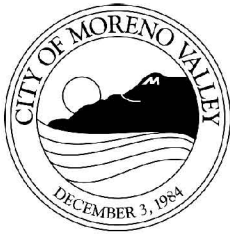
1

Resolution No. 2010-_____
Date Adopted: November 9, 2010

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>caf</i>
CITY ATTORNEY	<i>Ret</i>
CITY MANAGER	<i>WDB</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: November 9, 2010

TITLE: NOTICE OF COMPLETION AND ACCEPTANCE OF THE EMERGENCY OPERATIONS CENTER -- PROJECT NO. 06-50182527

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the work as complete for construction of the Emergency Operations Center building by United Contractors Company, Inc. (UCCI), 2050 S. Santa Cruz Street #2300, Anaheim, CA 92805.
2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.
3. Authorize the Financial and Administrative Services Director to release the retention to UCCI thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.
4. Accept the improvements into the City's maintained building system.

BACKGROUND

On May 12, 2009, the City Council awarded a contract for \$3,200,000 to UCCI for construction of the new Emergency Operations Center building. Two purchase orders totaling \$3,840,000 (the bid amount plus a 20% contingency) were issued to UCCI. This 8,000 sq. ft. facility is located adjacent to the Public Safety Building and houses all essential emergency operations functions necessary for the City to meet its demands in the event of a disaster.

DISCUSSION

The EOC was completed by the contractor (UCCI) on September 3, 2010, and the City's Building and Safety Division has issued a Certificate of Occupancy. The one year warranty period begins upon acceptance of the work by the City Council per the terms of the contract.

There were seven Contract Change Orders for the project that increased the contract by \$244,371 (7.64% of the original \$3,200,000 contract) and extended the 250 work day contract period by an additional 58 work days. The final contract total cost was \$3,444,371 which did not exceed the \$3,840,000 City Council approved purchase order amounts. The EOC was completed within the extended contract time, within budget, and in accordance with the approved contract documents.

ALTERNATIVES

1. Accept the work as complete for construction of the Emergency Operations Center building by United Contractors Company, Inc. (UCCI), 2050 S. Santa Cruz Street #2300, Anaheim, CA 92805, direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to UCCI thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and accept the improvements into the City's maintained building system. *This alternative will permit payment to the Contractor and acceptance of the improvements into the City's maintained building system.*

1. Do not accept the work as complete for construction of the Emergency Operations Center building by United Contractors Company, Inc. (UCCI), 2050 S. Santa Cruz Street #2300, Anaheim, CA 92805, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial and Administrative Services Director to release the retention to UCCI thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not accept the improvements into the City's maintained building system. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained building system and incurring extra costs to the City.*

FISCAL IMPACT

This project was included in the Fiscal Year 2009-2010 and Fiscal Year 2010-2011 Capital Improvement Project Budgets. Funding sources included Workforce Housing

Reward Grant funds (Fund 195), 2005 Lease Revenue Bond proceeds (Fund 501) and General City Capital Projects Construction Funds (Fund 412).

FY 2009/2010 & FY 2010/2011 BUDGETED FUNDS:

Workforce Housing Grant (Account 195.19510).....	\$1,201,000
2005 Lease Revenue Bonds (Account 501.82527).....	\$3,411,000
General City Capital Projects (Account 412.78428).....	<u>\$2,359,000</u>
Total Budgeted Funds.....	\$6,971,000

PROJECT RELATED COSTS:

Contractor Construction Cost.....	\$3,444,371
Other Construction Related Costs*.....	\$132,000
Architectural Design & Construction Support Services.....	\$607,000
Project Administration**.....	<u>\$388,000</u>
Total Estimated Costs.....	\$4,571,371

* Includes building permits and other fees and furniture and fixtures & equipment (FF&E).

** Includes construction inspection services, project management, advertising, printing and other miscellaneous costs.

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.

SUMMARY

UCCI has completed construction of the new Emergency Operations Center building. The City Council is asked to accept the work as complete, direct the City Clerk to record the Notice of Completion, authorize the release of retention to UCCI and accept the improvements into the City's maintained building system.

ATTACHMENT

Attachment "A" – Location Map

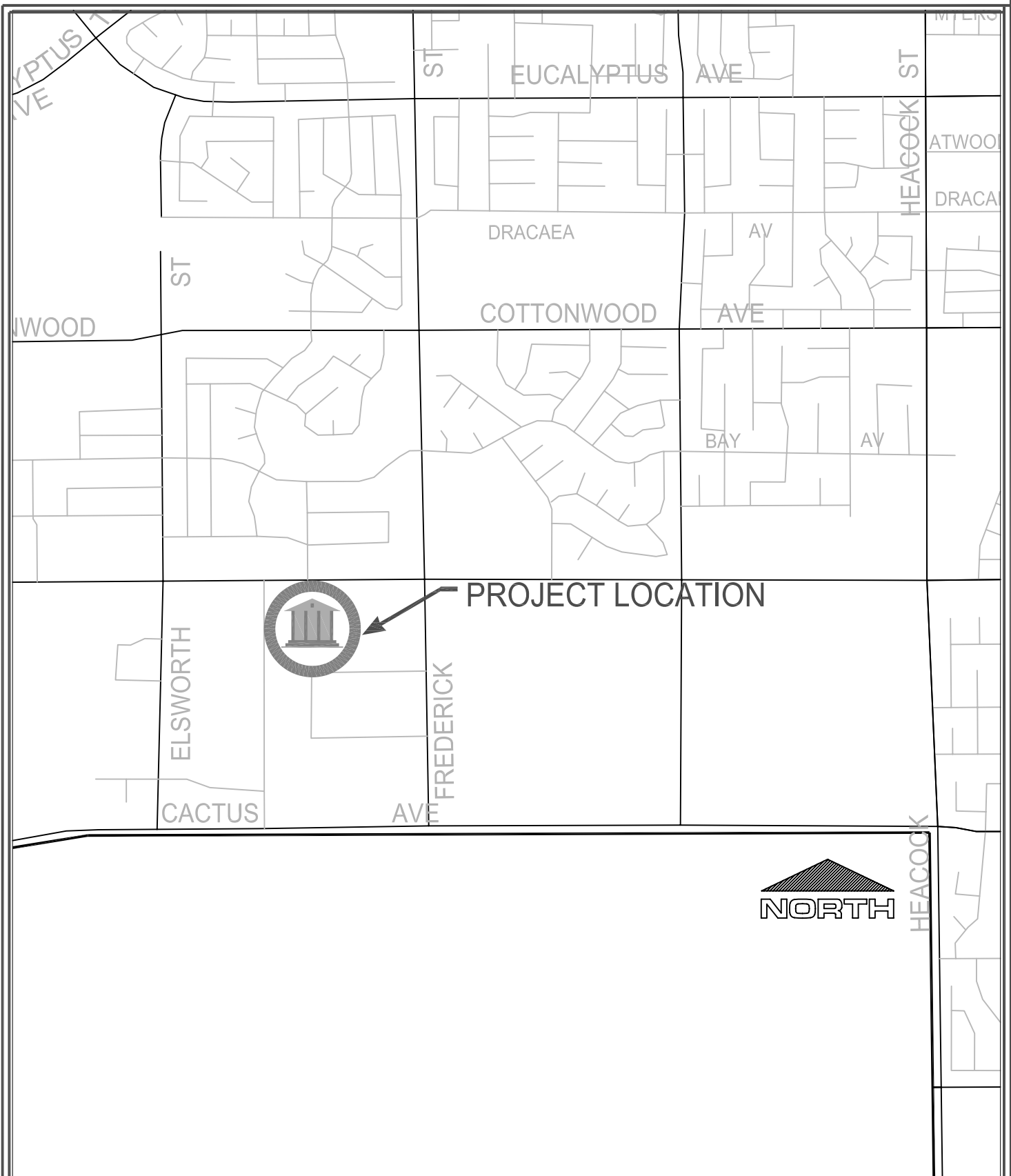
Prepared By:
Jack Shah, R.A., M.S. (Civil)
Consultant Project Manager

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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Public Works Department
Capital Projects Division

LOCATION MAP

Scale: None | ATTACHMENT "A"

EMERGENCY OPERATIONS CENTER
(EOC) PROJECT NO. 06-50182527



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APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RAH
CITY MANAGER	WDS

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: November 9, 2010

TITLE: Resolution in Support of the Southern California Association of Governments' "Business Friendly Principles"

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2010-99 in support of the Southern California Association of Governments' "Business Friendly Principles."

BACKGROUND

The City of Moreno Valley is a member agency of the Southern California Association of Governments (SCAG). A metropolitan planning organization representing six counties, 190 cities and more than 19 million residents, SCAG coordinates a number of planning and policy initiatives related to Southern California transportation and land-use planning.

In May, 2010, the SCAG General Assembly discussed the need for a concerted effort to reduce impediments to creating jobs and stimulating economic investments through incentives. SCAG staff was directed to prepare a Southern California Economic Growth Strategy and they are proceeding with that effort. In addition, SCAG has planned a December 2, 2010, *Southern California Road to Economic Recovery Summit* at which they plan to have the Governor-elect, State legislative leaders, the Regional Council, cities, counties and business leaders discuss working together in the next year to remove State-related economic impediments to economic growth. SCAG has asked all member agencies to adopt the attached resolution supporting "Business Friendly Principles" to demonstrate Southern California's commitment to this effort.

DISCUSSION

SCAG understands that many local jurisdictions are already following the "Business Friendly Principles" outlined in the proposed resolution as part of their regular economic

development practices. Having the member agencies adopt the resolution in support of the December 2 Summit is intended to demonstrate to state leaders that the SCAG municipalities “are serious about working together in the next legislative session to find ways together to increase economic growth.” The principles included in the proposed resolution include the following:

- Demonstrating commitment to economic development as a priority
- Providing quality municipal services to attract and retain businesses
- Communicating effectively with businesses including processes to increase responsiveness to businesses seeking or doing business within the jurisdiction
- Striving to streamline operations for efficient and responsive business assistance and seeking to improve cities’ attractiveness to new and existing businesses.

FISCAL IMPACT

None.

CITY COUNCIL GOALS

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

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

SUMMARY

SCAG has initiated an effort to reduce impediments to creating jobs and stimulating economic investments through incentives. SCAG staff is preparing a Southern California Economic Growth Strategy and has planned a December 2, 2010, *Southern California Road to Economic Recovery Summit* at which they plan to have legislators, cities, counties and business leaders discuss working together in the next year to remove State-related economic impediments to economic growth. SCAG has asked all member agencies to adopt the proposed resolution supporting “Business Friendly Principles” to demonstrate Southern California’s commitment to this effort.

ATTACHMENTS

Attachment: Resolution No. 2010-99

Prepared By:
Michelle Dawson
Acting Assistant City Manager

Concurred 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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RESOLUTION NO. 2010-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY IN SUPPORT OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS' "BUSINESS FRIENDLY PRINCIPLES"

WHEREAS, the City of Moreno Valley is a member of the Southern California Association of Governments (SCAG) who is engaged in the development of the Southern California Economic Growth Strategy; and

WHEREAS, Moreno Valley supports working with SCAG and other key economic stakeholders to improve the Southern California economy; and

WHEREAS, Moreno Valley is a business friendly municipality and has numerous practices in place to encourage economic growth within its community;

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

1. That Moreno Valley supports the following "Business Friendly Principles" as part of SCAG's development of a Southern California Economic Growth Strategy:

Principle One – Economic Development as a Priority

Moreno Valley strives to demonstrate commitment to economic development as a priority.

Principle Two – Business Partnership

Moreno Valley strives to provide quality municipal services to attract and retain businesses and employees.

Principle Three – Business Responsive Processes

Moreno Valley strives to communicate effectively with businesses including processes to increase its responsiveness to businesses that are seeking or doing business within its jurisdiction (commitments include responding to business inquiries within an established time period and offering an expedited permitting process for new businesses).

Principle Four – Attractiveness to Business Investment

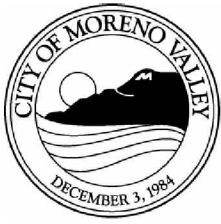
Moreno Valley strives to streamline operations for efficient and responsive business assistance in areas of licensing, permitting, inspections and other municipal services and will seek to improve its attractiveness to new and existing businesses within its jurisdiction (commitments include striving to maintain competitive taxes and fees and establishing good communications with the business base via newsletter or website).

2. That Moreno Valley authorizes its staff to submit a copy of this resolution to SCAG in time for SCAG's Regional Economic Summit currently scheduled for December 2, 2010.

APPROVED AND ADOPTED this 9th day of November, 2010.

Signed:

Mayor
City of Moreno Valley



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RW</i>
CITY MANAGER	<i>WV</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: November 09, 2010

TITLE: PARCEL MAP 34088 – EXONERATION OF CASH DEPOSIT FOR PUBLIC IMPROVEMENTS

WEST OF INDIAN AVENUE AND NORTH OF ALESSANDRO BOULEVARD

DEVELOPER – OPT Moreno Valley LLC
c/o Cadence Capital Investment
8480 East Orchard Rd, Suite 6900
Greenwood Village, CO 80111

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor cash security associated with the Parcel Map 34088 for public improvements.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 17, 2006, the Planning Commission of the City of Moreno Valley approved Parcel Map 34088. The parcel map is a proposal to subdivide an existing shopping center for the addition of two stores. The Conditions of Approval for this project require that the developer provide security for the required public improvements.

On October 10, 2006, the City Council of Moreno Valley approved the map and the agreement for public improvements. The developer was required to construct sidewalks and driveway approaches. In lieu of the Faithful Performance Bond of \$25,000, and the Labor and Material Bond of \$12,500, the developer provided a cash deposit of \$37,500 to the City trust fund, under Land Development, to provide surety for the appropriate completion of the project.

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. It is therefore appropriate to accept those improvements and release the cash security of \$37, 500.

ALTERNATIVES

1. Authorize the City Engineer to execute the exoneration of the cash deposit for public improvements.
2. Do not authorize the City Engineer to execute the exoneration of the cash deposit for public improvements.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" – Vicinity Map

Exhibit "B" – Public Improvement Agreement for PM 34088

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
Engineering Division Manager

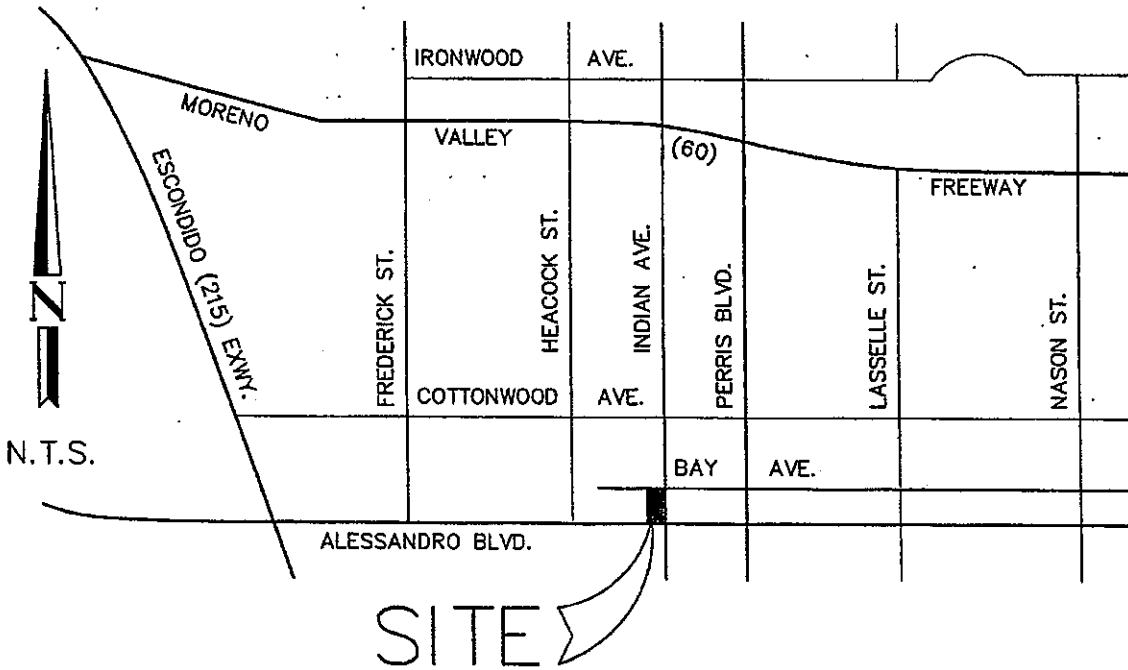
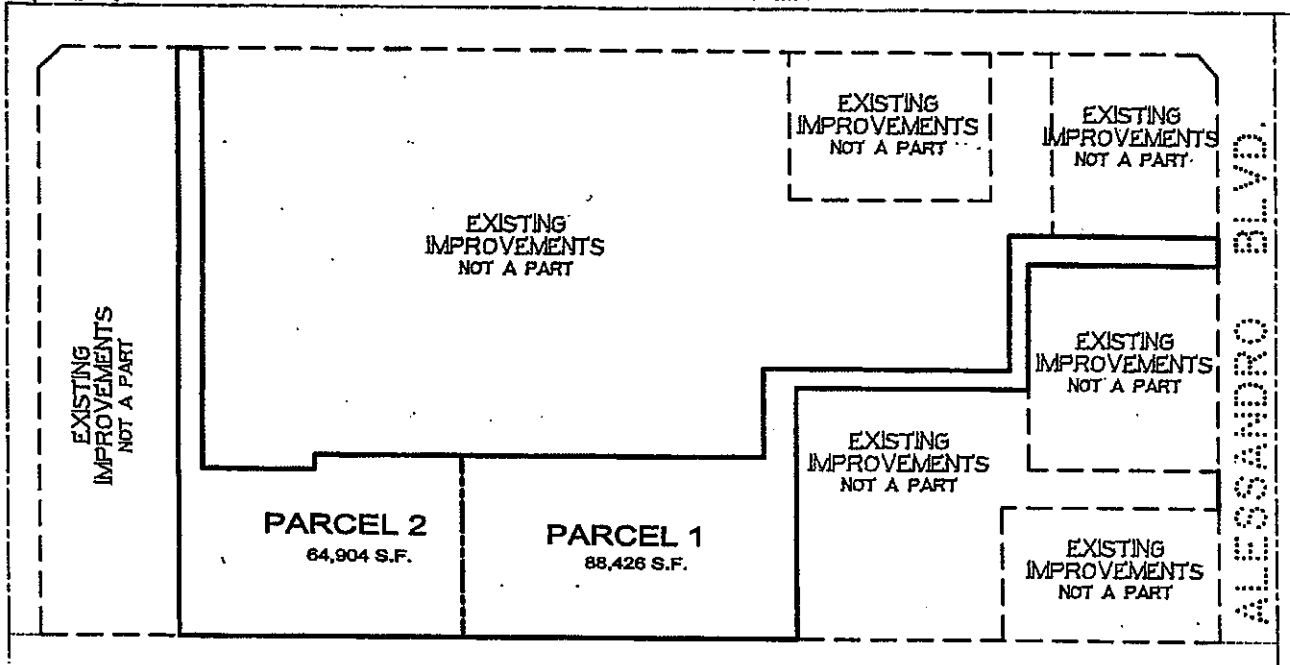
Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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INDIAN AVE.



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

PARCEL MAP 34088
 VICINITY MAP

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103

This space for Recorder's use only.

**AGREEMENT FOR PUBLIC IMPROVEMENTS
PROJECT NO. PM 34088**

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and OPT MORENO VALLEY LLC, C/O CADENCE CAPITAL INVESTMENTS, herein after called Contractor, on the date signed by the Mayor of the City.

WITNESSETH:

FIRST: Contractor, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as PM 34088 agrees, at Contractor's own expense, to furnish all labor, equipment and material necessary, and within TWENTY-FOUR (24) months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Contractor further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Contractor shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Contractor shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Contractor waives the 120 day time limitation set forth in Section 66462.5, Government Code. The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto, is the sum of TWENTY FIVE THOUSAND AND NO/100 Dollars (***25,000.00***).

SECOND: Contractor agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Contractor further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Contractor and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Contractor, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Contractor. Contractor agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Contractor, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

EXHIBIT "B"

FOURTH: The Contractor hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Contractor has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Contractor agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The contractor shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Contractor's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Contractor, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If the Contractor, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Contractor violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Contractor because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Contractor, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Contractor agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Contractor agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Contractor fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified the Contractor of the insufficiency of the security or the amount of the bonds or both.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time may be granted by the City from time to time, either at its own option, or upon request of Contractor, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Contractor further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:


City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

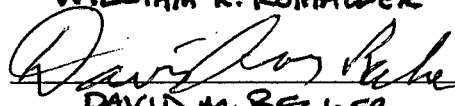
Contractor:
OPT Moreno Valley LLC, c/o Cadence Capital Investment
8480 East Orchard Road, Suite 6900
Greenwood Village, CO 80111

IN WITNESS WHEREOF Contractor has affixed his name, address and seal.

Date approved by the City: _____

OPT MORENO VALLEY LLC, C/O CADENCE CAPITAL INVESTMENTS:

By:  MANAGER
WILLIAM R. ROTHAUER Title

By:  CHIEF FINANCIAL OFFICER
DAVID M. BELLER Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

CITY OF MORENO VALLEY

By: _____
City Clerk

By: _____
Mayor

(SEAL)

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: 
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF CONTRACTOR MUST BE EXECUTED IN QUADRUPPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - CONTRACTOR; GREEN - PUBLIC WORKS/LAND DEVELOPMENT; BLUE - PROJECT FILE

STATE OF COLORADO }

COUNTY OF ARAPAHOE }

On August 29, 2006, before me, Carrie Walters, personally appeared William R. Rothacker and David M. Becker, personally known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities of Manager and Chief Financial Officer, respectively, and that by their signatures on the instrument the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

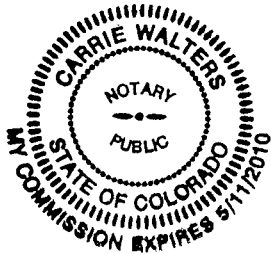
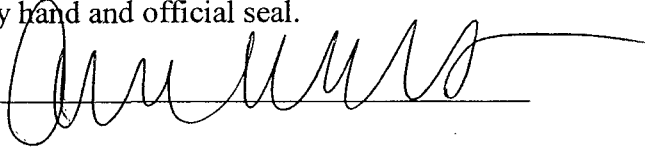


EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 1 of 5

OK
WBC
8/23/06

PROJECT: PM34088

DATE: 05/05/06
PREPARED BY: Anitra Holt

STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Roadway Excavation	0	C.Y.	20.00	0
A.B. Class II	0	Thickness (ft.)		
	0	S.F.	55.00	0
A.C.	0	Thickness (ft.)		
	0	S.F.	90.00	0
A.B. Class II	0	Thickness (ft.)		
	0	S.F.	55.00	0
A.C.	0	Thickness (ft.)		
	0	S.F.	90.00	0
A.C. Cap	0	Ton	90.00	0
A.C. Overlay	0	Ton	90.00	0
Grind & Pave 0.15'	280	S.F.	3.25	910
Curb and Gutter - 6"	0	L.F.	22.00	0
Curb and Gutter - 8"	0	L.F.	25.00	0
Curb Only - 6"	0	L.F.	18.00	0
Curb Only - 8"	0	L.F.	20.00	0
Cross Gutter and Spandrel	0	S.F.	15.00	0
Sidewalk	608	S.F.	7.00	4,256
Driveway Approach - 6"	0	S.F.	14.00	0
Driveway Approach - 8"	960	S.F.	16.00	15,360
Alley Approach - 8"	0	S.F.	16.00	0
P.C.C. Paving - 6"	0	S.F.	14.00	0
P.C.C. Paving - 8"	0	S.F.	16.00	0
A.C. Berm - 6"	0	L.F.	10.00	0
A.C. Berm - 8"	0	L.F.	15.00	0
Slurry Seal (Based on \$150/Ton Type II)	0	S.Y.	2.25	0
Redwood Header	0	L.F.	6.00	0
Sawcut	135	L.F.	1.50	203
Trench Repaving	0	S.F.	12.00	0
Utility Trench	0	L.F.	17.00	0
Wheelchair Ramp	0	EA.	1,200.00	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Barricade	0	L.F.	100.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Signs and Posts	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Bus Bay	0	EA.	20,000.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Signal (Includes Interconnect, Controller, Software, I	0	EA.	272,000.00	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Relocate Trees	0	EA.	2,500.00	0
1/2 Alley Apron	0	S.F.	16.00	0
Street Lights (9500 lumen)	0	EA.	4,000.00	0
Street Lights (22000 lumen)	0	EA.	5,000.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	400.00	0
Erosion Control	0	Ac.	10,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Electrical Utility Infrastructure	0	EA.		
Electrical Utility Line Extension	1	L.F.	135.00	
			SUBTOTAL:	20,729
Landscaping	0	S.F.	6.00	0
Water Quality Basins	0	S.F.	6.00	0
			SUBTOTAL:	0

Monuments:

0.00 EA.

100.00

\$0

VBS6

PROJECT: PM34088

DATE: 05/05/06
 PREPARED BY: Anitra Holt

VBC

STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
50" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	5500.00	0
Manhole No. 3	0	EA.	6500.00	0
Manhole No. 4	0	EA.	7000.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21')	0	EA.	12500.00	0
Local Depressions	0	S.F.	535.00	0
Grated Catch Basin	0	EA.	6000.00	0
Transition Structure	0	EA.	5500.00	0
Inlet Structure (drop)	0	EA.	5000.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Junction Structure	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0
Rip Rap	0	TON	60.00	0
Parkway Drain	0	EA.	3500.00	0
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
SUBTOTAL:				0

PROJECT: PM34088

DATE: 05/05/06

PREPARED BY: Anitra Holt

WATER SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
20" Water Pipe	0	L.F.	180.00	0
18" Water Pipe	0	L.F.	135.00	0
16" Water Pipe	0	L.F.	90.00	0
12" Water Pipe	0	L.F.	60.00	0
10" Water Pipe	0	L.F.	55.00	0
8" Water Pipe	0	L.F.	50.00	0
6" Water Pipe	0	L.F.	40.00	0
4" Water Pipe	0	L.F.	30.00	0
16" Gate Valve	0	EA.	5,000.00	0
12" Gate Valve	0	EA.	2,000.00	0
10" Gate Valve	0	EA.	1,200.00	0
8" Gate Valve	0	EA.	1,000.00	0
6" Gate Valve	0	EA.	800.00	0
4" Gate Valve	0	EA.	600.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
10" Butterfly Valve	0	EA.	1,000.00	0
8" Butterfly Valve	0	EA.	800.00	0
6" Butterfly Valve	0	EA.	520.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Fire Hydrants	0	EA.	2,800.00	0
6" Super Fire Hydrants	0	EA.	3,000.00	0
Misc. Fittings (Teas, Crosses, Etc.) L/S				
4"	0	EA.	120.00	0
6"	0	EA.	160.00	0
8"	0	EA.	200.00	0
10"	0	EA.	240.00	0
12"	0	EA.	750.00	0
Blow Off 6"	0	EA.	2,500.00	0
Blow Off 4"	0	EA.	2,000.00	0
Air Vac & Release 2"	0	EA.	3,000.00	0
Air Vac & Release 1"	0	EA.	2,000.00	0
Meter 2" W/O Service	0	EA.	455.00	0
Meter 1 1/2" W/O Service	0	EA.	360.00	0
Meter 1" W/O Service	0	EA.	270.00	0
Meter 5/8" W/O Service	0	EA.	200.00	0
Service Connections 2"	0	EA.	1,600.00	0
Service Connections 1 1/2"	0	EA.	1,100.00	0
Service Connections 1"	0	EA.	500.00	0
Hot Tap 8"	0	EA.	2,800.00	0
Hot Tap Water Service	0	EA.	330.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Thrust Block	0	CY	150.00	0
SUBTOTAL:				0

VBC

PROJECT: PM34088

DATE: 05/05/06

PREPARED BY: Anitra Holt

SEWER SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
36" V.C. Pipe	0	L.F.	185.00	0
33" V.C. Pipe	0	L.F.	165.00	0
30" V.C. Pipe	0	L.F.	150.00	0
27" V.C. Pipe	0	L.F.	135.00	0
24" V.C. Pipe	0	L.F.	120.00	0
21" V.C. Pipe	0	L.F.	105.00	0
18" V.C. Pipe	0	L.F.	90.00	0
15" V.C. Pipe	0	L.F.	75.00	0
12" V.C. Pipe	0	L.F.	50.00	0
10" V.C. Pipe	0	L.F.	40.00	0
8" V.C. Pipe	0	L.F.	30.00	0
6" V.C. Pipe	0	L.F.	25.00	0
4" V.C. Pipe	0	L.F.	20.00	0
15" SDR - 35	0	L.F.	60.00	0
12" SDR - 35	0	L.F.	50.00	0
10" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	19.00	0
4" SDR - 35	0	L.F.	13.00	0
Standard Manhole 48"	0	EA.	3,000.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,000.00	0
Tie Into Existing Manhole	0	EA.	1,500.00	0
Raise Manhole to Grade	0	EA.	300.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	600.00	0
Join Existing 12" Pipe	0	EA.	800.00	0
Clean-outs	0	EA.	700.00	0
Clean Out Lateral	0	EA.	120.00	0
Wyes	0	EA.	90.00	0
Pavement Replacement	0	S.F.	3.00	0
Concrete Encasement	0	L.F.	20.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	0	S.F.	5.00	0
SUBTOTAL:				0

VRG

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: PM34088

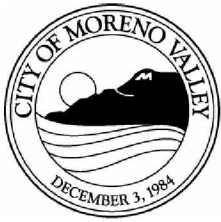
DATE: 05/05/06
PREPARED BY: Anitra Holt

IMPROVEMENT TYPE:

ROADWORK	:	\$20,729
STORM DRAIN	:	\$0
WATER SYSTEM	:	\$0
SEWER SYSTEM	:	\$0
SURVEY MONUMENTS	:	\$0
LANDSCAPING:		\$0
WATER QUALITY BASINS:		\$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		\$20,729
+20% CONTINGENCY:		\$4,146
<u>GRAND TOTAL:</u>		\$24,874

BOND AMOUNT:

\$25,000



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RAH</i>
CITY MANAGER	<i>WAB</i>

Report to City Council

TO: Mayor and Members of the City Council; and Mayor and City Council, acting in their respective capacities as the 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 9, 2010

TITLE: TRACT MAPS 32834 AND 32835 – ADOPT THE RESOLUTION FOR A SUMMARY VACATION OF THE OFFER OF DEDICATION FOR RECREATIONAL USE AND PUBLIC SAFETY PURPOSES OVER LOTS C AND CC OF TRACT MAP 32834 AND OVER A PORTION OF TRACT MAP 32835; ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE MULTI-USE TRAIL AND LOT EE (COLD CREEK TRAIL HEAD) OF TRACT MAP 32834 AS COMPLETE AND INTO THE COMMUNITY SERVICES DISTRICT'S MAINTAINED SYSTEM; AND ACCEPTANCE OF EASEMENTS, AS DESCRIBED IN THE ATTACHED EASEMENT DEEDS WITHIN TRACT MAPS 32834 AND 32835, FOR MULTI-USE TRAIL PURPOSES.

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. 2010-100, summarily vacating the offer of dedication for recreational use and public safety purposes, over Lots C and CC of Tract Map 32834 and the trail easement described as Easement Note No. 5 over a portion of Tract Map 32835 and direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recordation.

Staff recommends that the Board of Directors:

2. Adopt Resolution No. CSD 2010-24 authorizing the acceptance of the public improvements, related to the multi-use trail for Tract Map 32834 and Tract Map 32835 and public improvements related to Lot EE (Cold Creek Trail Head) for Tract Map 32834, as complete and into the Community Services District's maintained system.
3. Authorize the President of the Board of Directors of the Community Services District (CSD) to accept the easements for multi-use trail purposes within Tract Map 32834 and Tract Map 32835, as described in the attached easement deeds.
4. Authorize the City Clerk to execute the Acceptance Certificate for multi-use trail purposes and to transmit the easement deeds with Acceptance Certificates to the County Recorder's office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On April 14, 2005, the City Council of the City of Moreno Valley approved Tract Maps 32384 and 32835. Both tracts were conditionally approved requiring the construction of certain public improvements related to trail and recreational use purposes for the multi-use trail and trail head. The public improvements included, but were not limited to grading, concrete, curb and gutter, asphalt paving, storm drain, landscaping, and fence work. Those improvements received on-going inspection during the construction process.

On September 28, 2010, the City Council approved the 90% reduction to the Faithful Performance Bond, but, did not accept the public improvements of the multi-use trail and trail head into the CSD Maintained System. Prior to the 90% reduction, the Public Works and the Parks and Community Services Departments performed an inspection upon completion of the improvements and a punch list was generated. The required corrective actions were completed and the improvements are now eligible for acceptance into the CSD's Maintained System.

DISCUSSION

Tract Map 32834 dedicated trail easements to the City, for recreational and public safety purposes, over Lots C and CC as part of the final map for Tract 32834 and Tract Map 32835 dedicated a trail easement (Easement Note No. 5) to the City, for trail purposes, as part of the final map for Tract 32835. Due to the adverse topography in the project areas, the multi-use trail was realigned in a manner conducive to construction and public use of the multi-use trail. City staff from the Public Works (Land Development Division), Parks and Community Services, Community Development (Planning Division), and Fire (Fire Prevention) Departments approved the realignment

of the multi-use trail. Subsequently, revised improvement plans for the realignment of the multi-use trail were submitted by the developer and approved by the City.

The developer has obtained and submitted new easement deeds for the realignment of the multi-use trail. The new multi-use trail easements will replace the trail easements as dedicated on the final maps of Tracts 32834 and 32835. Therefore, a summary vacation of the easements, as dedicated on the final maps of Tract 32834 and 32835, is appropriate and in accordance with Section 8330 of the Streets and Highways Code.

Also as part of the conditions of approval, Tract Map 32834 dedicated Lot EE (Cold Creek Trail Head), for public and recreational use, to the Moreno Valley Community Services District. The completed improvements for both the multi-use trail and Cold Creek Trail Head have received a final inspection. The improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Government Code, Section 61100, (e), the CSD has authority to acquire, maintain and operate recreation facilities, including, but not limited to, parks and open space, such as the trail head and multi-use trail.

ALTERNATIVES

1. Approve and adopt the proposed resolution summarily vacating the offer of dedication for recreational use and public safety purposes, over Lots C and CC of Tract Map 32834 and the trail easement described as Easement Note No. 5 over a portion of Tract Map 32835; direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recordation; approve and adopt the proposed resolution authorizing the acceptance of the public improvements, related to the multi-use trail for Tract Map 32834 and Tract Map 32835 and public improvements related to Lot EE (Cold Creek Trail Head) for Tract Map 32834, as complete and into the Community Services District's maintained system; authorize the President of the Board of Directors of the Community Services District (CSD) to accept the easements for multi-use trail purposes within Tract Map 32834 and Tract Map 32835, as described in the attached easement deeds; and authorize the City Clerk to execute the Acceptance Certificate for multi-use trail purposes and to transmit the easement deeds with Acceptance Certificates to the County Recorder's office for recordation. *This alternative would allow the CSD to accept the multi-use trail and trail head into the CSD's Maintained System and would allow the public use of the completed improvements.*
2. Do not approve and adopt the proposed resolution summarily vacating the offer of dedication for recreational use and public safety purposes, over Lots C and CC of Tract Map 32834 and the trail easement described as Easement Note No. 5 over a portion of Tract Map 32835; do not direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recordation; do not approve and adopt the proposed resolution authorizing the acceptance of the public improvements, related to the multi-use trail for Tract Map 32834 and Tract Map 32835 and public improvements related to Lot EE (Cold Creek Trail Head) for Tract Map 32834, as complete and into the

Community Services District's maintained system; do not authorize the President of the Board of Directors of the Community Services District (CSD) to accept the easements for multi-use trail purposes within Tract Map 32834 and Tract Map 32835, as described in the attached easement deeds; and do not authorize the City Clerk to execute the Acceptance Certificate for multi-use trail purposes and to transmit the easement deeds with Acceptance Certificates to the County Recorder's office for recordation. *This alternative would not allow the CSD to accept the multi-use trail and trail head into the CSD's Maintained System and would not allow the public use of the completed improvements.*

FISCAL IMPACT

The acceptance of these improvements into the CSD's maintained park system will create an additional fiscal impact to the park maintenance program of the City (Fund #161 and #184).

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.

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

NOTIFICATION

Publication of agenda

EXHIBITS

- Attachment 1 – Vicinity Map
- Attachment 2 – Proposed Resolution for Summary Vacation
- Attachment 3 – Proposed Resolution for Acceptance of Public Improvements
- Attachment 4 – Easement Deed: APN 488-140-009
- Attachment 5 – Easement Deed: APN 488-140-010
- Attachment 6 – Easement Deed: Tract 32834
- Attachment 7 – Easement Deed: Tract 32835

Prepared By
 Vince Giron
 Associate Engineer

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

Concurred By
 Clement Jimenez, P.E.
 Senior Engineer

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

Concurred By
 Tony Hetherman
 Parks Projects Coordinator

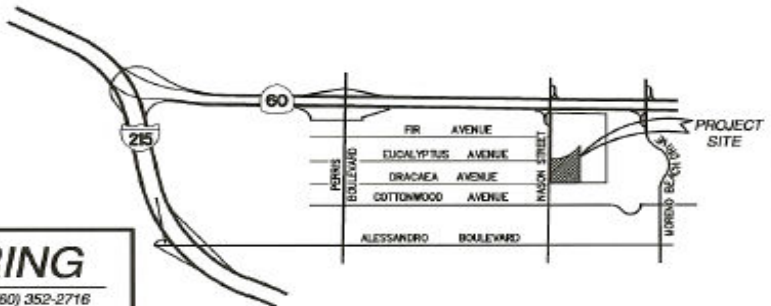
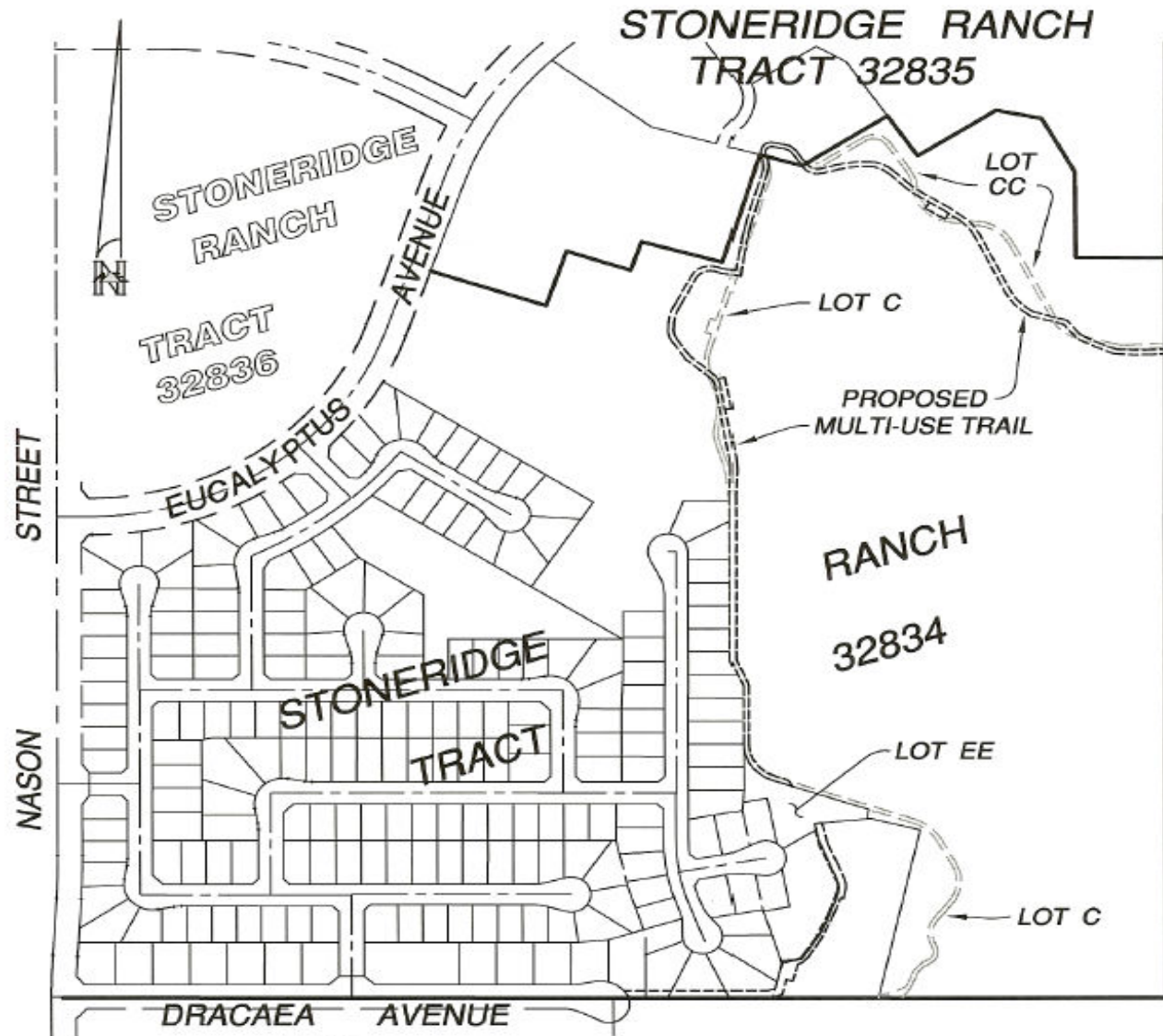
Department Head Approval
 Mike McCarty
 Parks & Community Services Director

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

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\11-09-10 TR 32834 Parks Improvements - Acceptance.doc

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VICINITY MAP
NO SCALE



HALE ENGINEERING

7910 CONVOY COURT (858) 715-1420 242 N. 8TH STREET (760) 352-2716
 SAN DIEGO, CA 92111 (858) 715-1424 FAX EL CENTRO, CA 92244 (760) 352-2917 FAX

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

Attachment 1

Tracts 32834 and 32835

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RESOLUTION NO. 2010-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE SUMMARY VACATION OF TRAIL EASEMENTS OVER LOTS C AND CC OF TRACT MAP 32834, IN BOOK 401, PAGES 46 THROUGH 61 AND THE TRAIL EASEMENT, DESCRIBED AS EASEMENT NOTE NO. 5, WITHIN TRACT MAP 32835, IN BOOK 409, PAGES 24 THROUGH 30, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

WHEREAS, the City Council of the City of Moreno Valley, California, was offered certain trail easements for public use located within Tract Maps 32834 and 32835; and

WHEREAS, these certain trail easements were never accepted by the City of Moreno Valley and are obsolete due to the relocation of a multi-use trail being constructed per an alternate alignment within Tract Maps 32834 and 32835; and

WHEREAS, no public money was expended for maintenance of said easements

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

Section 1

That pursuant to the provisions of Chapter 4, Part 3, of Division 9 of the Streets and Highways Code of the State of California, designated the "Public Streets, Highways, and Service Easements Vacation Law," the following described trail easements are summarily vacated and abandoned:

That said trail easements are located in the City of Moreno Valley, County of Riverside, State of California described as trail easements over Lots C and CC of Tract Map 32834 and the trail easement, as described in the Easement Note No. 5, located on Lot A of Tract Map 32835 as illustrated on Exhibits 'A' and 'B' and made a part hereof.

Excepting and reserving from the vacation any easement for existing public utilities and public service facilities, together with the right to maintain, operate, replace, remove or renew such facilities, pursuant to Section 8340 of the Streets and Highway Code.

Attachment 2

Section 2

That pursuant to the provisions of Sections 831 of Title 3 and 1112 of Title 4, Part 2, Division 2 of the California Civil Code of the State of California, title to the above-described trail easements revert to the owner of the underlying fee thereof, free from use as an easement for trail purposes except as noted in Section 1.

Section 3

That the City Clerk of the City of Moreno Valley, California, shall cause a certified copy of this Resolution to be recorded in the office of the Recorder for the County of Riverside, California.

APPROVED AND ADOPTED this 9th day of November, 2010.

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.]

EXHIBIT 'A'
VACATION - LEGAL DESCRIPTION

BEING ALL OF LOTS C AND CC OF TRACT 32834, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED, APRIL 21, 2006 AS FILE NO. 2006-0289931, IN BOOK 401 AT PAGES 46 THROUGH 61.

TOGETHER WITH ALL OF THAT CERTAIN EASEMENT OF TRACT 32835, DESIGNATED AS EASEMENT 5, DEDICATED TO THE CITY OF MORENO VALLEY FOR TRAIL PURPOSES, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED AUGUST 28, 2006 AS FILE NO. 2006-0634320, IN BOOK 409 AT PAGES 24 THROUGH 30.

PREPARED BY ME OR UNDER MY DIRECTION

DALE C GROSS
PLS 7632

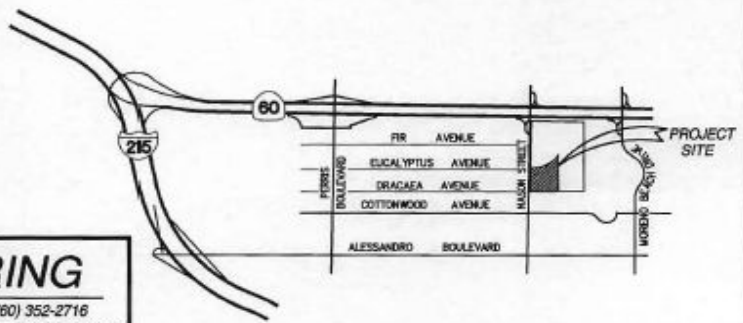
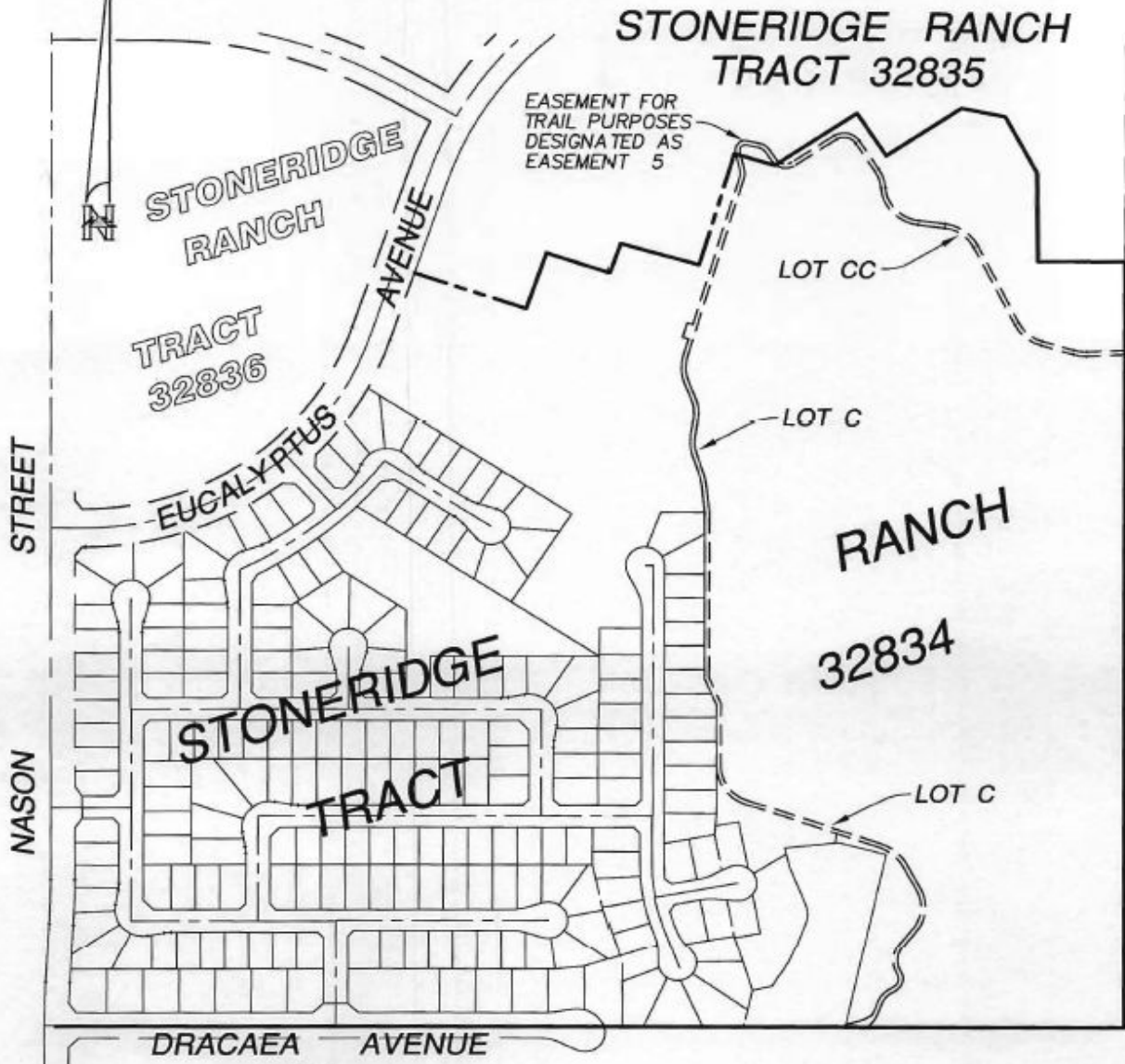


Sheet 1 of 1

NO SCALE

EXHIBIT 'B'
VACATION

SHEET 1 OF 1 SHEETS



HALE ENGINEERING

7910 CONVOY COURT (858) 715-1420 242 N. 8TH STREET (760) 352-2716
 SAN DIEGO, CA 92111 (858) 715-1424 FAX EL CENTRO, CA 92244 (760) 352-2917 FAX

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RESOLUTION NO. CSD 2010-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING IN THEIR RESPECTIVE CAPACITY AS THE BOARD OF DIRECTORS OF THE COMMUNITY SERVICES DISTRICT, AUTHORIZING THE PUBLIC IMPROVEMENTS, RELATED TO THE MULTI-USE TRAIL FOR TRACT MAP 32834 AND TRACT MAP 32835 AND PUBLIC IMPROVEMENTS RELATED TO LOT EE (COLD CREEK TRAIL HEAD) FOR TRACT MAP 32834, AS COMPLETE AND INTO THE COMMUNITY SERVICES DISTRICT'S MAINTAINED SYSTEM.

WHEREAS, the City Engineer has determined that the public improvements, constructed by Beazer Homes Holdings Corp., of the multi-use trail located within Tract Maps 32834 and 32835 and Lot EE improvements located within Tract Map 32834 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 acting in their respective capacity as the Board of Directors of the Community Services District, authorize the acceptance of said public improvements as complete within Tract Maps 32834 and 32835, and that the multi-use trail located within Tract Maps 32834 and 32835 and Lot EE improvements located within Tract Map 32834, be accepted into the Community Services District's Maintained System, and

WHEREAS, it is in accordance with the Government Code, Section 61100, (e), for the Community Services District to perform this action,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley acting in their capacity as the Board of Directors of the Community Services District that the public improvements within Tract Maps 32834 and 32835 are complete, and the multi-use trail located within Tract Maps 32834 and 32835 and Lot EE improvements located within Tract Map 32834 are accepted into the Community Services District's Maintained System.

APPROVED AND ADOPTED this 9th day of November, 2010.

ATTEST:

City Clerk

Mayor

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.]

Recording requested by and when recorded, mail to:

City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
A.P.N. 488 - 140 - 009

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

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

SPENCER L. HULL AND HOLLY HULL

GRANTOR(S) hereby grant(s) and convey(s) to the **MORENO VALLEY COMMUNITY SERVICES DISTRICT**, a district formed pursuant to California Community Services District Law, a perpetual easement for multi-use trail purposes over, under, upon, and across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plat attached hereto and marked Exhibits "A" and "B" respectively. IN WITNESS WHEREOF, this instrument has been executed this 6th day of August, ~~2009~~ 2010

Grantor(s)
Signature(s)

[Signature]
Holly Hull

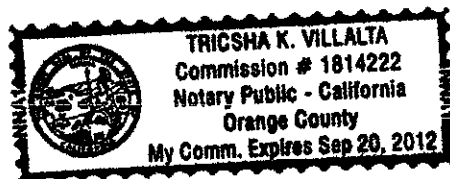
STATE OF CALIFORNIA)
County of Orange)ss.

On August 6, 2010 before me, Trishak Villalta, a Notary Public in and for said State, personally appeared Spencer Hull & Holly Hull, 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 [Signature]
Signature of Notary Public



Place Notary Seal Above

EXHIBIT "A"
LEGAL DESCRIPTION
CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT ACCESS EASEMENT

THAT CERTAIN STRIP OF LAND SITUATED IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, BEING THE SOUTHEASTERLY 5 FEET OF LOT 97 OF TRACT NO. 32834 AS SHOWN ON A MAP FILED IN BOOK 401 PAGES 46 THROUGH 61, INCLUSIVE, OF MAPS IN THE OFFICE OF THE RIVERSIDE COUNTY RECORDER.

SAID STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED SO AS TO TERMINATE SOUTHWESTERLY AT THE NORTHERLY LINE OF THAT CERTAIN EXISTING ACCESS EASEMENT WITHIN SAID LOT 97, AND NORTHEASTERLY AT THE NORTHEASTERLY LINE OF SAID LOT 97.

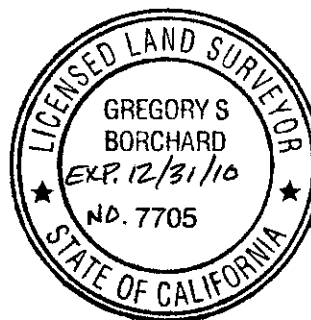
CONTAINING: 111 SQUARE FEET MORE OR LESS

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

SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RIGHT OF WAY AND EASEMENTS OF RECORD.

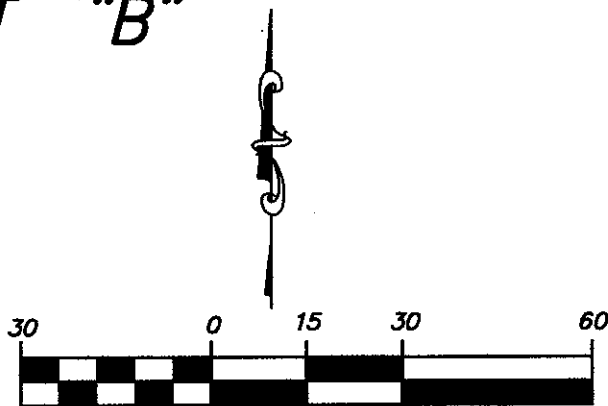
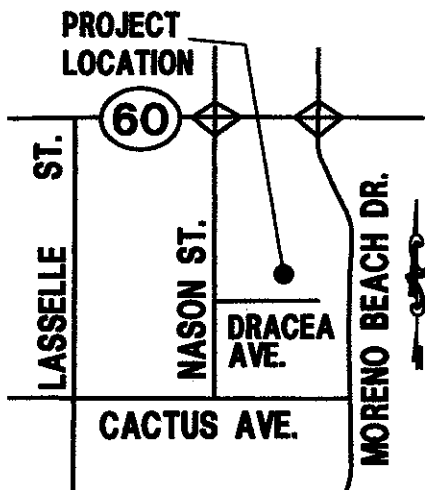
PREPARED UNDER THE SUPERVISION OF:


GREGORY S. BORCHARD, LS 7705
MY REGISTRATION EXPIRES: 12/31/10



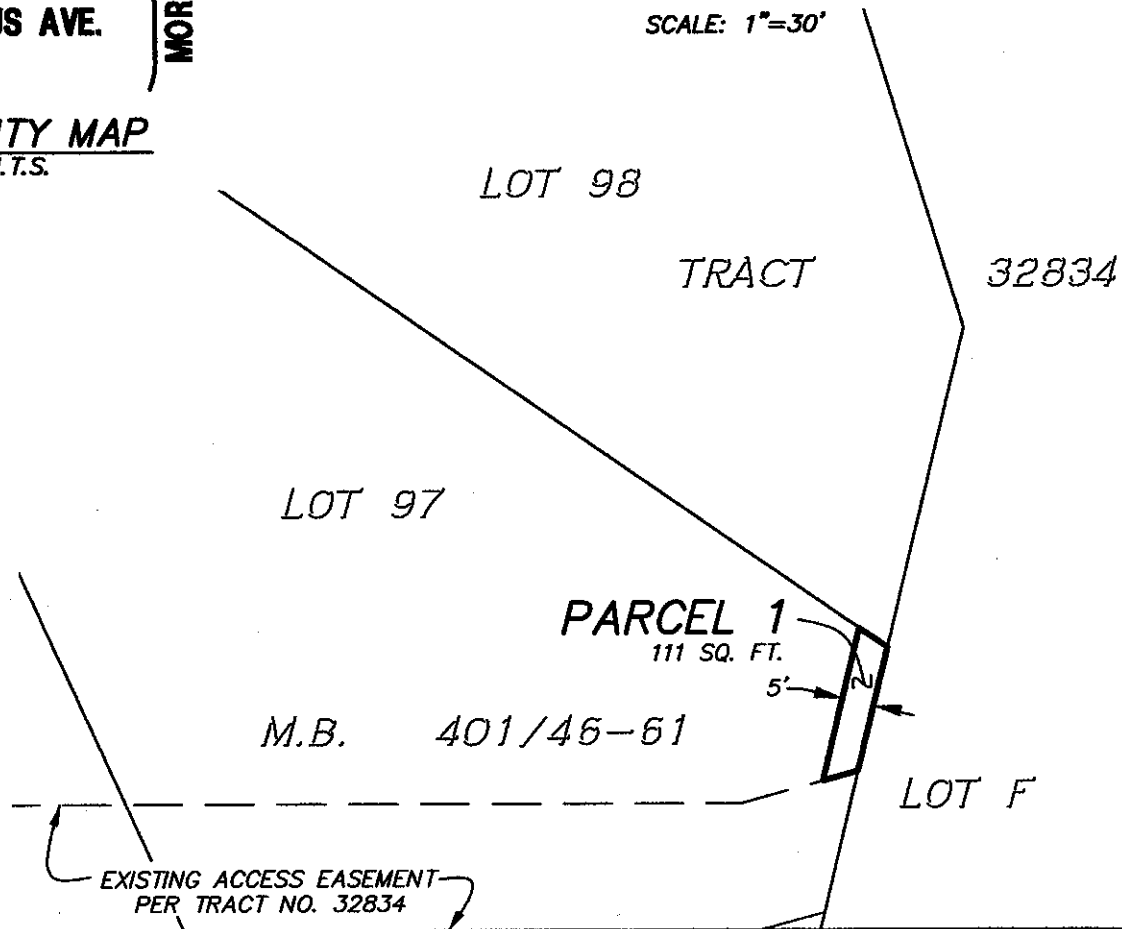
SHEET 1 OF 1

EXHIBIT "B"



SCALE: 1"=30'

VICINITY MAP
N.T.S.



LEGEND:

- EXISTING LOT LINE _____
- EXISTING ACCESS EASEMENT _____
- EASEMENT _____

CITY OF MORENO VALLEY COMMUNITY SERVICE DISTRICT
ACCESS EASEMENT
PARCEL 1
CONTAINING: 111 SQ. FT. ±



BORCHARD SURVEYING & MAPPING, INC.
815 CALLE PUENTE, SAN CLEMENTE, CA.
(949)439-4682

SHEET 1 OF 1 SHEET
SEPTEMBER 23, 2009 UR101002

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Recording requested by and when recorded, mail to:

City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
A.P.N. 488 - 140 - 010

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

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

ANGEL CHAVIRA AND ADRIANA CARRILLO DE CHAVIRA

GRANTOR(S) hereby grant(s) and convey(s) to the **MORENO VALLEY COMMUNITY SERVICES DISTRICT**, a district formed pursuant to California Community Services District Law, a perpetual easement for multi-use trail purposes over, under, upon, and across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plat attached hereto and marked Exhibits "A" and "B" respectively. IN WITNESS WHEREOF, this instrument has been executed this 11 day of June, 2010.

Grantor(s)
Signature(s)

Angel Chavira
Adriana de Chavira

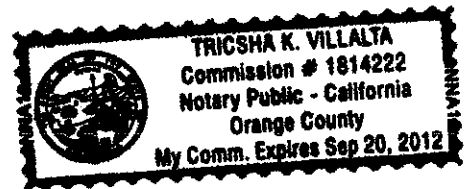
STATE OF CALIFORNIA)
County of Orange)ss.

On June 11, 2010 before me, Trisha K. Villalta, a Notary Public in and for said State, personally appeared Angel Chavira & Adriana Carrillo de Chavira, 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 Trisha K. Villalta
Signature of Notary Public



Place Notary Seal Above

EXHIBIT "A"
LEGAL DESCRIPTION
CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT ACCESS EASEMENT

THAT CERTAIN STRIP OF LAND SITUATED IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, BEING THE SOUTHEASTERLY 5 FEET OF LOT 98 OF TRACT NO. 32834 AS SHOWN ON A MAP FILED IN BOOK 401 PAGES 46 THROUGH 61, INCLUSIVE, OF MAPS IN THE OFFICE OF THE RIVERSIDE COUNTY RECORDER.

SAID STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED SO AS TO TERMINATE SOUTHWESTERLY AT THE SOUTHWESTERLY LINE OF SAID LOT 98, AND NORTHEASTERLY AT THE NORTHEASTERLY LINE OF SAID LOT 98.

CONTAINING: 275 SQUARE FEET MORE OR LESS

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

SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RIGHT OF WAY AND EASEMENTS OF RECORD.

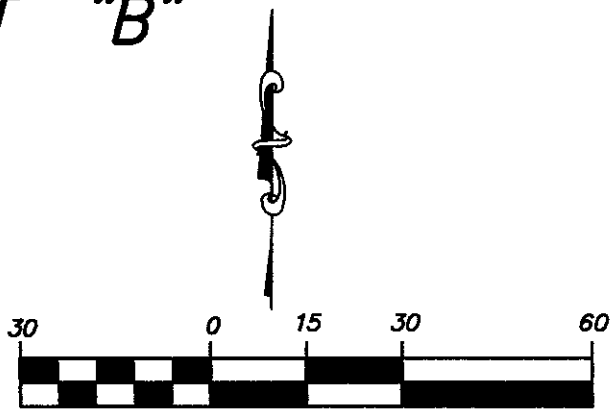
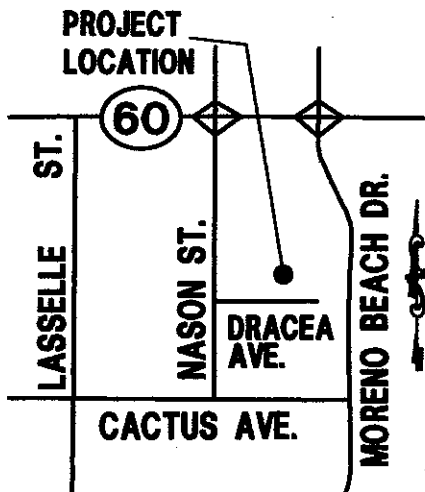
PREPARED UNDER THE SUPERVISION OF:


GREGORY S. BORCHARD, LS 7705
MY REGISTRATION EXPIRES: 12/31/10



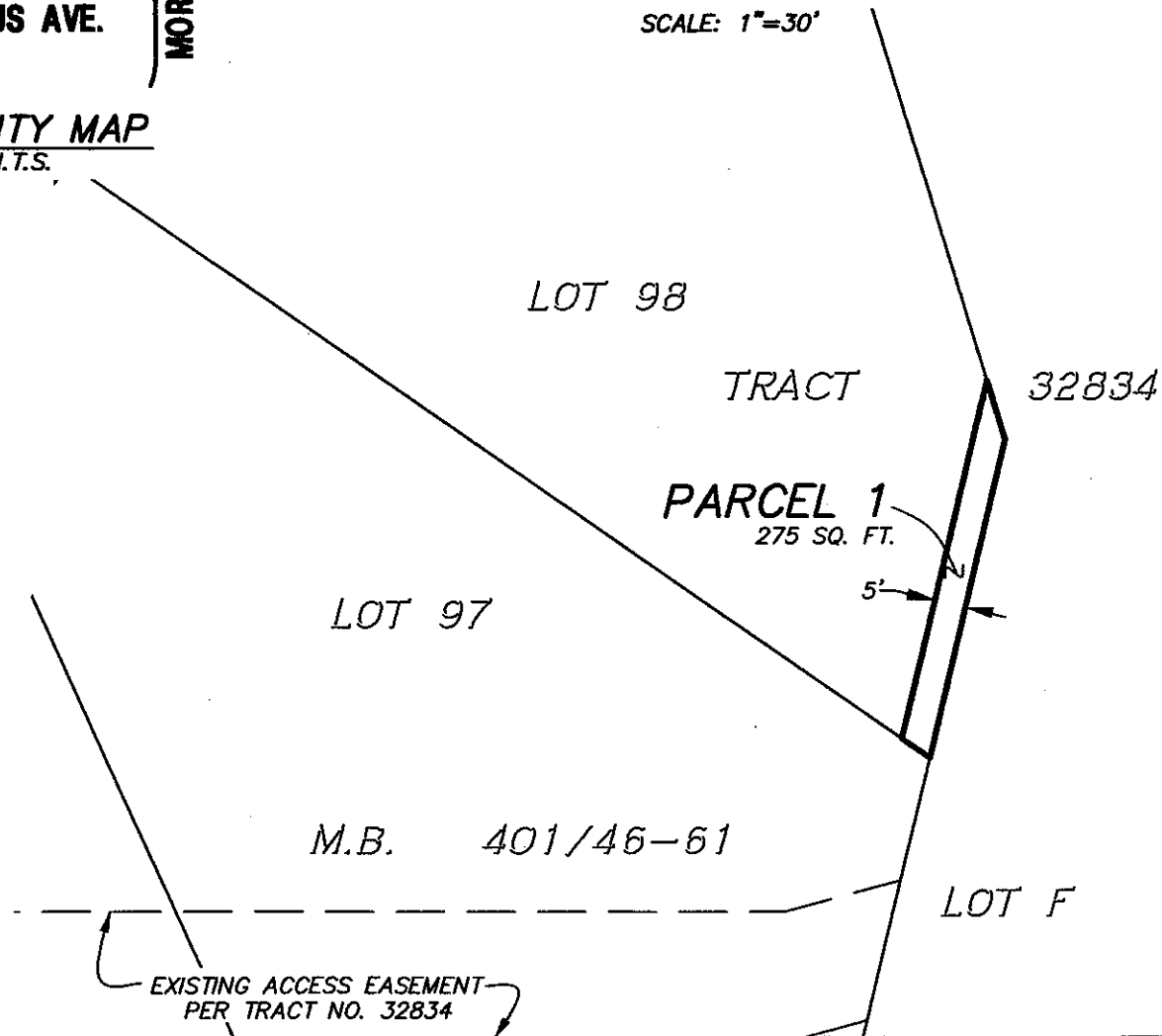
SHEET 1 OF 1

EXHIBIT "B"



SCALE: 1"=30'

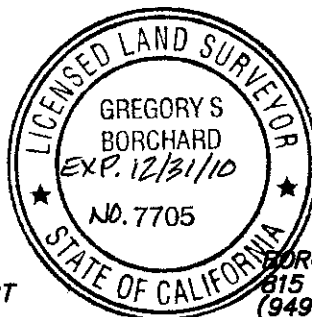
VICINITY MAP
N.T.S.



LEGEND:

- EXISTING LOT LINE —————
- EXISTING ACCESS EASEMENT — — — —
- EASEMENT —————

CITY OF MORENO VALLEY COMMUNITY SERVICE DISTRICT
ACCESS EASEMENT
PARCEL 1
CONTAINING: 275 SQ. FT. ±



BORCHARD SURVEYING & MAPPING, INC.
615 CALLE PUENTE, SAN CLEMENTE, CA.
(949) 439-4682

SHEET 1 OF 1 SHEET
SEPTEMBER 23, 2009 UR101002

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Recording requested by and when recorded, mail to:

City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
A.P.N. 488 - 140 - 009

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

EASEMENT DEED


FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Beazer Homes Holdings Corporation

GRANTOR(S) hereby grant(s) and convey(s) to the **MORENO VALLEY COMMUNITY SERVICES DISTRICT**, a district formed pursuant to California Community Services District Law, a perpetual easement for multi-use trail purposes over, under, upon, and across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plat attached hereto and marked Exhibits "A" and "B" respectively. IN WITNESS WHEREOF, this instrument has been executed this 9TH day of AUGUST, 2010.

Grantor(s)
Signature(s)



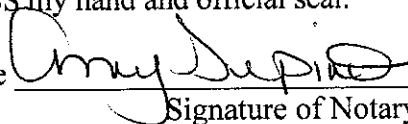
DARIUS FATAKIA, P.E.
VICE PRESIDENT-DEVELOPMENT
ORANGE DIVISION

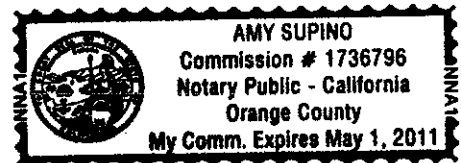
STATE OF CALIFORNIA)
County of Orange)ss.

On August 9, 2010 before me, Amy Supino, a Notary Public in and for said State, personally appeared Darius Fatakia, 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 
Signature of Notary Public



Place Notary Seal Above

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

THOSE PORTIONS OF STONERIDGE RANCH TRACT 32834, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED, APRIL 21, 2006 AS FILE NO. 2006-0289931, IN BOOK 401 AT PAGES 46 THROUGH 61. DESCRIBED AS FOLLOWS:

PARCEL A:

A STRIP OF LAND, 20.00 FEET IN WIDTH, BEING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF LOT 48 OF SAID STONERIDGE RANCH TRACT 32834, SAID POINT BEING AN INTERSECTION OF THE SOUTHERLY SUBDIVISION BOUNDARY AND THE EASTERLY RIGHT OF WAY OF DRACAEA AVENUE, SAID POINT ALSO BEING ON THE ARC OF A 50.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, A RADIAL LINE TO WHICH BEARS NORTH 70°46'30" EAST;

THENCE LEAVING SAID SOUTHERLY SUBDIVISION BOUNDARY, ALONG SAID SOUTHERLY LINE OF LOT 48 AND SAID EASTERLY RIGHT OF WAY OF DRACAEA AVENUE, NORTHWESTERLY ALONG THE ARC OF SAID 50.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 06°06'10" , AN ARC DISTANCE OF 5.33 FEET TO A POINT OF COMPOUND CURVATURE , OF A 72.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL LINE TO WHICH BEARS NORTH 64°40'20" EAST;

THENCE CONTINUING ALONG SAID SOUTHERLY LINE OF LOT 48 AND SAID EASTERLY RIGHT OF WAY OF DRACAEA AVENUE, NORTHWESTERLY ALONG THE ARC OF SAID 72.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 04°33'39" , AN ARC DISTANCE OF 5.73 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID SOUTHERLY LINE OF LOT 48 AND SAID EASTERLY RIGHT OF WAY OF DRACAEA AVENUE, SOUTH 89°57'41" EAST , 335.38 FEET;

THENCE NORTH 74°37'01" EAST , 26.09 FEET;

THENCE NORTH 13°24'48" EAST , 60.87 FEET TO **POINT 'A'** OF THESE DESCRIPTIONS;

THENCE CONTINUING, NORTH 13°24'48" EAST , 27.33 FEET TO **POINT 'B'** OF THESE DESCRIPTIONS, AND TERMINUS OF THE CENTERLINE OF PARCEL 'A'.

THE SIDELINES OF SAID EASEMENT ARE TO BE PROLONGED OR SHORTENED, AS TO TERMINATE IN THE WEST, ON SAID SAID SOUTHERLY LINE OF LOT 48 AND SAID EASTERLY RIGHT OF WAY OF DRACAEA AVENUE AND IN THE EAST, ON THE SOUTHERLY LINE OF LOT E OF SAID STONERIDGE RANCH TRACT 32834..

(CONTINUED)

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

PARCEL B:

A STRIP OF LAND, 13.00 FEET IN WIDTH, BEING 6.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT THE AFOREMENTIONED POINT 'B';

THENCE SOUTH 13°24'48" WEST , 6.74 FEET;

THENCE SOUTH 88°01'45" WEST , 11.01 FEET TO A POINT ON THE WESTERLY LINE OF LOT E OF SAID STONERIDGE RANCH TRACT 32834 AND TRUE POINT OF BEGINNING;

THENCE NORTH 88°01'45" EAST , 28.66 FEET TO THE BEGINNING OF A 33.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 01°58'15" EAST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID 33.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 48°10'34" , AN ARC DISTANCE OF 27.75 FEET;

THENCE NORTH 39°51'11" EAST , 6.10 FEET;

THENCE NORTH 32°47'16" EAST , 57.47 FEET;

THENCE NORTH 24°27'43" EAST , 67.81 FEET;

THENCE NORTH 21°16'07" EAST , 23.51 FEET;

THENCE NORTH 19°46'52" EAST , 32.96 FEET TO POINT 'C' OF THESE DESCRIPTIONS AND TERMINUS OF THE CENTERLINE OF PARCEL 'B'.

THE SIDELINES OF SAID EASEMENT ARE TO BE PROLONGED OR SHORTENED AS TO TERMINATE, IN THE SOUTH ON THE SOUTHERLY AND WESTERLY LINES OF SAID LOT E AND IN THE NORTH, PERPENDICULAR TO THE HEREIN DESCRIBED CENTERLINE.

(CONTINUED)

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

PARCEL C:

A STRIP OF LAND, 20.00 FEET IN WIDTH, BEING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT THE AFOREMENTIONED POINT 'C';

THENCE SOUTH 70°13'08" EAST , 3.56 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 13°18'53" EAST , 22.16 FEET TO THE BEGINNING OF A 40.00 FOOT RADIUS CURVE, CONCAVE WESTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 76°41'07" EAST;

THENCE NORTHERLY ALONG THE ARC OF SAID 40.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 34°37'35" , AN ARC DISTANCE OF 24.17 FEET;

THENCE NORTH 21°18'42" WEST , 42.68 FEET;

THENCE NORTH 23°11'39" WEST , 65.14 FEET;

THENCE NORTH 13°38'00" WEST , 60.02 FEET TO THE NORTHERLY LINE OF LOT F OF SAID STONERIDGE RANCH TRACT 32834, AND TERMINUS OF THE CENTERLINE OF PARCEL 'C'.

THE SIDELINES OF SAID EASEMENT ARE TO BE PROLONGED OR SHORTENED AS TO TERMINATE, IN THE SOUTH, PERPENDICULAR TO THE HEREIN DESCRIBED CENTERLINE, AND IN THE NORTH, ON THE NORTHERLY LINES OF LOT E AND F OF SAID STONERIDGE RANCH TRACH 32834.

(CONTINUED)

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

PARCEL D:

A STRIP OF LAND, 13.00 FEET IN WIDTH, BEING 6.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT THE NORTHEAST CORNER OF LOT EE OF SAID STONERIDGE RANCH TRACT 32834, SAID CORNER BEING ON THE SOUTHERLY LINE OF LOT C OF SAID STONERIDGE RANCH TRACT 32834;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT EE, AND SAID SOUTHERLY LINE OF SAID LOT C, NORTH 70°56'54" WEST , 202.91 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID NORTHERLY LINE OF LOT EE AND SAID SOUTHERLY LINE OF LOT C, NORTH 33°07'52" WEST , 10.60 FEET;

THENCE NORTH 70°56'54" WEST , 31.00 FEET TO THE BEGINNING OF A 98.50 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 19°03'06" WEST;

THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID 98.50 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 70°58'41" , AN ARC DISTANCE OF 122.02 FEET;

THENCE NORTH 00°01'47" EAST , 160.78 FEET;

THENCE NORTH 23°01'57" WEST , 75.46 FEET;

THENCE NORTH 00°01'47" EAST , 446.44 FEET;

THENCE NORTH 02°22'47" EAST , 73.14 FEET TO THE BEGINNING OF A 143.000 FOOT RADIUS CURVE, CONCAVE WESTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 87°37'13" EAST;

THENCE NORTHERLY ALONG THE ARC OF SAID 143.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 12°09'27" , AN ARC DISTANCE OF 30.34 FEET;

THENCE NORTH 09°46'40" WEST , 178.48 FEET TO **POINT 'D'** OF THESE DESCRIPTIONS;

THENCE CONTINUING NORTH 09°46'40" WEST , 23.73 FEET TO THE BEGINNING OF A 51.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL LINE TO WHICH BEARS NORTH 80°13'20" EAST;

(CONTINUED)

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

PARCEL D: (CONTINUED)

THENCE NORTHWESTERLY ALONG THE ARC OF SAID 51.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 39°31'09" , AN ARC DISTANCE OF 35.18 FEET;

THENCE NORTH 49°17'49" WEST , 71.61 FEET;

THENCE NORTH 33°57'37" WEST , 60.45 FEET TO THE BEGINNING OF A 43.25 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 56°02'23" WEST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID 43.25 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 37°13'30" , AN ARC DISTANCE OF 28.10 FEET;

THENCE NORTH 03°15'53" EAST , 19.65 FEET TO THE BEGINNING OF A 101.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, A RADIAL LINE TO WHICH BEARS NORTH 86°44'07" WEST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID 101.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 24°00'29" , AN ARC DISTANCE OF 42.32 FEET;

THENCE NORTH 27°16'22" EAST , 26.67 FEET;

THENCE NORTH 26°43'18" EAST , 66.13 FEET TO THE BEGINNING OF A 45.25 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, A RADIAL LINE TO WHICH BEARS NORTH 63°16'42" WEST;

THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID 45.25 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 82°24'52" , AND ARC DISTANCE OF 65.09 FEET;

THENCE SOUTH 70°51'50" EAST , 16.21 FEET;

THENCE SOUTH 80°23'10" EAST , 34.24 FEET;

THENCE NORTH 08°04'23" EAST , 54.95 FEET;

THENCE NORTH 10°23'55" EAST , 42.36 FEET;

THENCE NORTH 12°18'49" EAST , 25.68 FEET;

THENCE NORTH 13°26'51" EAST , 27.10 FEET;

(CONTINUED)

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

PARCEL D: (CONTINUED)

THENCE NORTH 15°19'28" EAST , 36.16 FEET;

THENCE NORTH 16°22'23" EAST , 49.86 FEET;

THENCE NORTH 16°24'21" EAST , 46.15 FEET TO THE BEGINNING OF A 49.75 FOOT RADIUS CURVE, CONCAVE WESTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 73°35'39" EAST;

THENCE NORTHERLY ALONG THE ARC OF SAID 49.75 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 20°29'40" , AN ARC DISTANCE OF 17.80 FEET;

THENCE NORTH 04°05'19" WEST , 26.54 FEET TO THE BEGINNING OF A 27.25 FOOT RADIUS CURVE, CONCAVE EASTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 85°54'41" WEST;

THENCE NORTHERLY ALONG THE ARC OF SAID 27.25 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 02°59'13" , AN ARC DISTANCE OF 1.42 FEET TO A POINT ON THE NORTHERLY SUBDIVISION BOUNDARY OF SAID STONERIDGE RANCH TRACT 32834 AND TERMINUS OF THE CENTERLINE OF PARCEL 'D', SAID NORTHERLY BOUNDARY BEING COURSE NORTH 73°38'18" WEST , 105.71 FEET ON SAID TRACT 32834, SAID POINT BEING SOUTH 73°38'18" EAST , 12.54 FROM THE NORTHERLY TERMINUS OF SAID COURSE.

THE SIDELINES OF SAID EASEMENT ARE TO BE PROLONGED OR SHORTENED AS TO TERMINATE, IN THE SOUTH ON SAID NORTHERLY LINE OF LOT EE AND SAID SOUTHERLY LINE OF LOT C AND IN THE NORTH ON SAID NORTHERLY SUBDIVISION BOUNDARY.

(CONTINUED)

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

PARCEL E:

A STRIP OF LAND, 13.00 FEET IN WIDTH, BEING 6.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT THE SOUTHERLY TERMINUS OF THAT COURSE, NORTH 56°24'27" EAST , 245.72 FEET OF THE NORTHERLY SUBDIVISION BOUNDARY OF STONERIDGE RANCH TRACT 32834;

THENCE ALONG SAID SUBDIVISION BOUNDARY, NORTH 56°24'27" EAST , 5.87 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID SUBDIVISION BOUNDARY, SOUTH 36°09'46" EAST , 5.97 FEET TO THE BEGINNING OF A 35.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 53°50'14" WEST;

THENCE SOUTHEASTELY ALONG THE ARC OF SAID 35.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 69°20'18" , AN ARC DISTANCE OF 42.36 FEET;

THENCE NORTH 74°29'56" EAST , 37.53 FEET TO THE BEGINNING OF A 251.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, A RADIAL LINE TO WHICH BEARS NORTH 15°30'04" WEST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID 251.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 18°55'34" , AN ARC DISTANCE OF 82.91 FEET TO A POINT OF COMPOUND CURVATURE OF A 76.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL LINE TO WHICH BEARS NORTH 03°25'30" EAST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID 76.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 39°37'36" , AN ARC DISTANCE OF 52.56 FEET;

THENCE SOUTH 46°56'54" EAST , 57.51 FEET TO THE BEGINNING OF A 185.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 43°03'06" WEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID 185.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 10°48'39" , AN ARC DISTANCE OF 34.91 FEET;

THENCE SOUTH 57°45'33" EAST , 60.64 FEET TO **POINT 'E'** OF THESE DESCRIPTIONS;

THENCE CONTINUING, SOUTH 57°45'33" EAST , 14.79 FEET;

THENCE SOUTH 53°55'02" EAST , 40.44 FEET TO THE BEGINNING OF A 135.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL LINE TO WHICH BEARS NORTH 36°04'58" EAST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID 135.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 28°17'53" , AN ARC DISTANCE OF 66.68 FEET;

(CONTINUED)

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

PARCEL E: (CONTINUED)

THENCE SOUTH 25°37'09" EAST , 167.78 FEET TO THE BEGINNING OF A 133.50 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 64°22'51" WEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID 133.50 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 29°44'12" , AN ARC DISTANCE OF 69.29 FEET;

THENCE SOUTH 55°21'21" EAST , 17.67 FEET;

THENCE SOUTH 74°07'50" EAST , 82.11 FEET;

THENCE SOUTH 38°10'15" EAST , 35.38 FEET TO THE BEGINNING OF A 70.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 51°49'45" WEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID 70.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 25°47'08" , AN ARC DISTANCE OF 31.50 FEET;

THENCE SOUTH 63°57'23" EAST , 34.81 FEET;

THENCE SOUTH 66°46'42" EAST , 38.73 FEET TO THE BEGINNING OF A 30.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 23°13'18" WEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID 30.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 18°10'31" , AN ARC DISTANCE OF 9.52 FEET TO A POINT OF COMPOUND CURVATURE OF A 600.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY, A RADIAL LINE TO WHICH BEARS SOUTH 05°02'47" WEST;

THENCE EASTERLY ALONG THE ARC OF SAID 600.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 07°55'16" , AN ARC DISTANCE OF 82.95 FEET;

THENCE NORTH 87°07'31" EAST , 35.91 FEET TO A POINT ON THE EASTERLY SUBDIVISION BOUNDARY OF SAID STONERIDGE RANCH TRACT 32834 AND TERMINUS OF THE CENTERLINE OF PARCEL 'E', SAID POINT BEING SOUTH 00°03'59" WEST , 256.31 FEET FROM THE NORTHEAST CORNER OF SAID SUBDIVISION BOUNDARY.

THE SIDE LINES OF SAID EASEMENT ARE TO BE PROLONGED OR SHORTENED AS TO TERMINATE IN THE WEST, ON SAID NORTHERLY SUBDIVISION BOUNDARY AND IN THE EAST, ON SAID EASTERLY SUBDIVISION BOUNDARY.

(CONTINUED)

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

PARCEL F:

A STRIP OF LAND, 48.00 FEET IN WIDTH, BEING 24.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT THE AFOREMENTIONED POINT 'A';

THENCE SOUTH 75°48'18" EAST , 27.00 FEET TO THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES OF SAID EASEMENT ARE TO BE PROLONGED OR SHORTENED AS TO TERMINATE ON THE SIDELINES OF THE AFOREMENTIONED PARCEL 'A' AND PARCEL 'B'.

PARCEL G:

A STRIP OF LAND, 86.00 FEET IN WIDTH, BEING 43.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT THE AFOREMENTIONED POINT 'D';

THENCE NORTH 80°13'20" EAST , 21.00 FEET TO THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES OF SAID EASEMENT ARE TO BE PROLONGED OR SHORTENED AS TO TERMINATE ON THE EASTERLY SIDELINE OF THE AFOREMENTIONED PARCEL 'D'.

PARCEL H:

A STRIP OF LAND, 56.00 FEET IN WIDTH, BEING 28.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT THE AFOREMENTIONED POINT 'E';

THENCE SOUTH 32°14'27" WEST , 26.00 FEET TO THE TERMINUS OF SAID CENTERLINE.

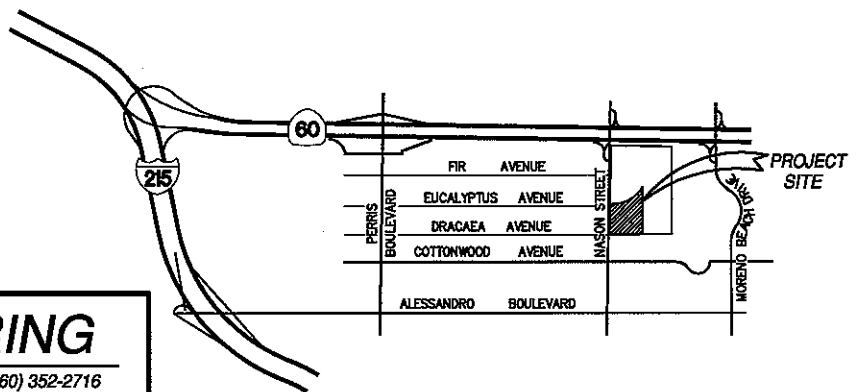
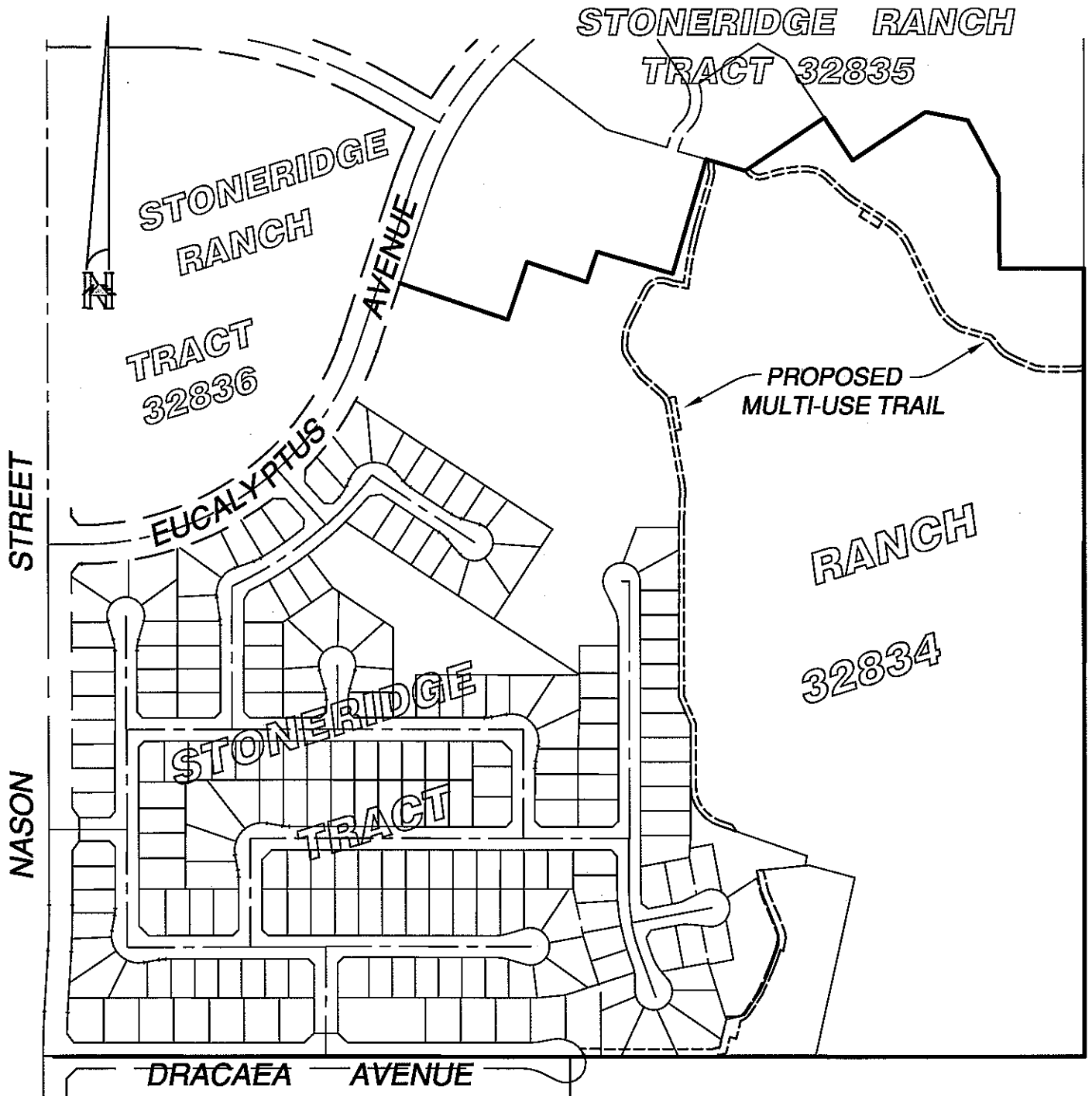
THE SIDELINES OF SAID EASEMENT ARE TO BE PROLONGED OR SHORTENED AS TO TERMINATE ON THE SOUTHERLY SIDELINE OF THE AFOREMENTIONED PARCEL 'E'.

TOTAL ACREAGE FOR ALL PARCELS: 0.35 (15,410 SQ FT)

PREPARED BY ME OR UNDER MY SUPERVISION

DALE C. GROSS
PLS 7632

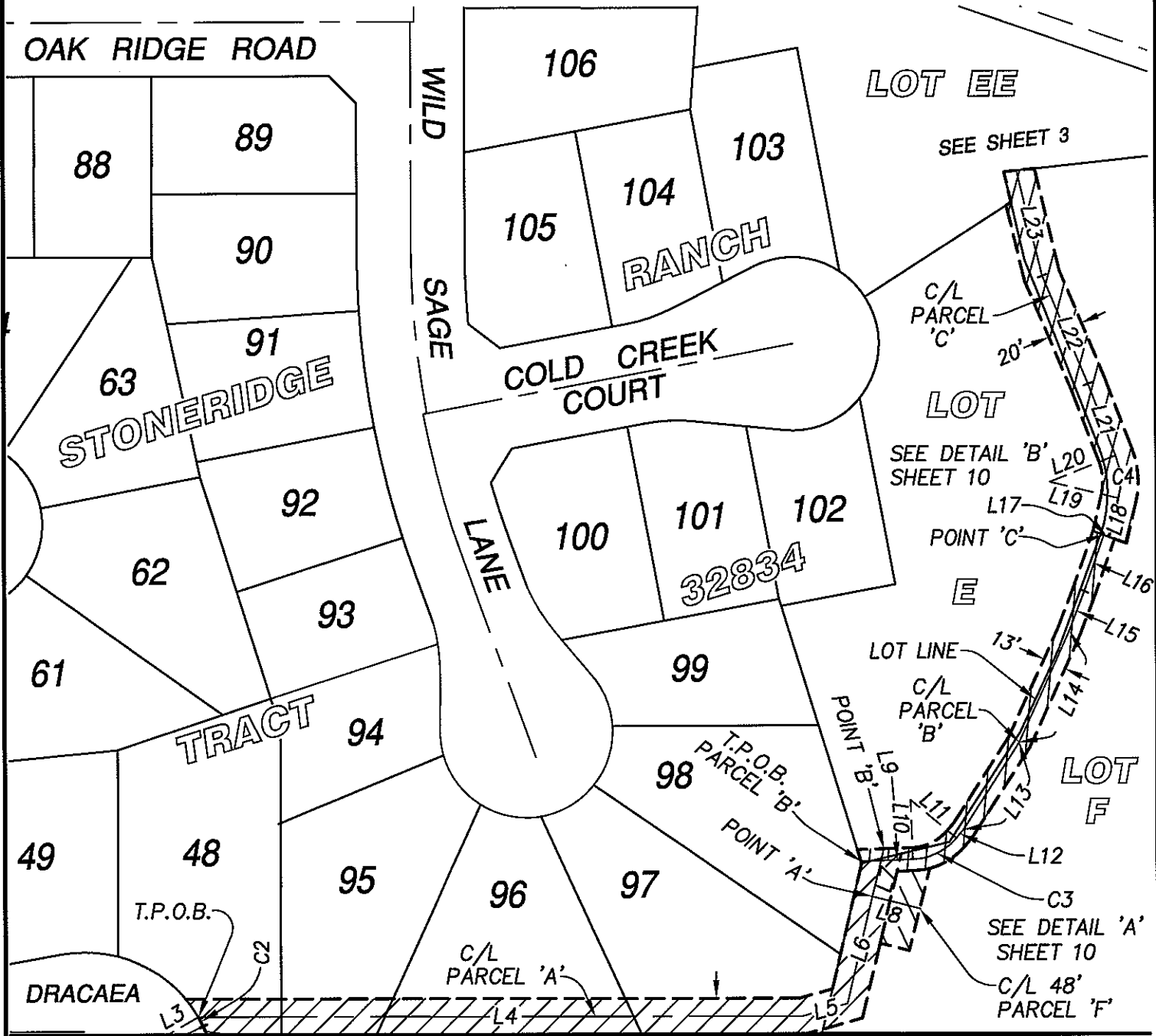




HALE ENGINEERING
 7910 CONVOY COURT (858) 715-1420 242 N. 8TH STREET (760) 352-2716
 SAN DIEGO, CA 92111 (858) 715-1424 FAX EL CENTRO, CA 92244 (760) 352-25

EXHIBIT 'B'

SHEET 2 OF 10 SHEETS



N 89°57'41" W 1325.57'
TO SUB BDY CORNER

LEGEND

- LOT LINE
- CENTERLINE
- MULTI-USE TRAIL EASEMENT

SEE SHEET 9 FOR LINE / CURVE DATA



HALE ENGINEERING

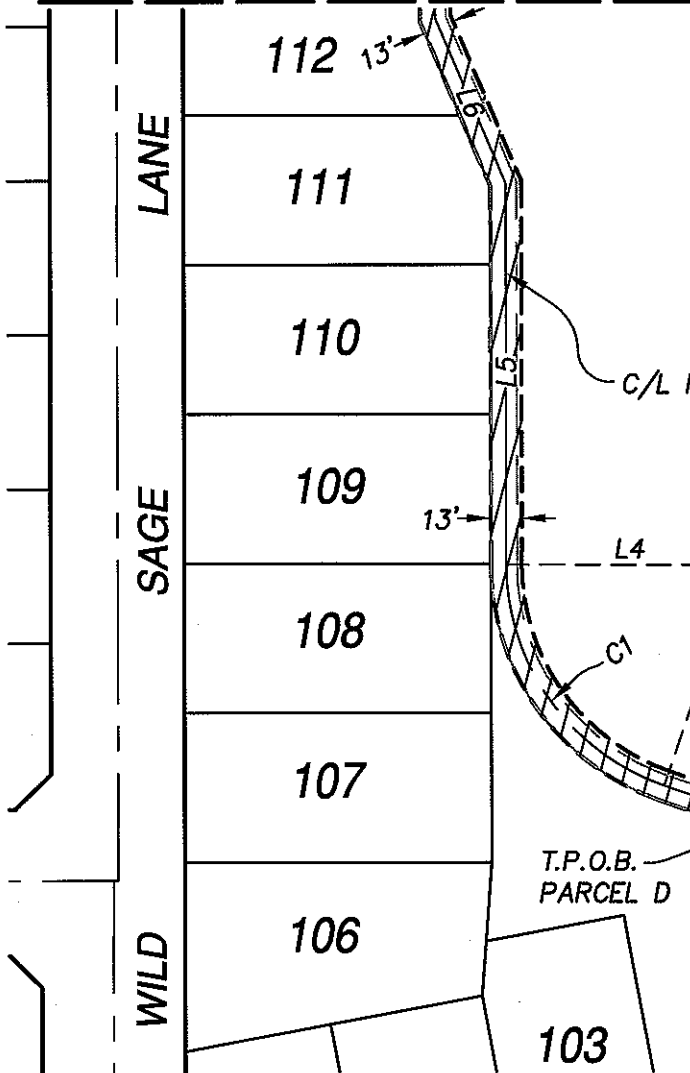
7910 CONVOY COURT (858) 715-1420 242 N. 8TH STREET (760) 352-2716
 Item No. A.8 (715) 1424 FAX EL CENTRO, CA 92244 (760) 352-25

STONERIDGE

RANCH

LOT D

MATCH LINE SEE SHEET 4



LINE DATA

NO.	BEARING	DISTANCE
L1	N33°07'52"W	10.60'
L2	N70°56'54"W	31.00'
L3	S19°03'06"W	98.50'
L4	N89°58'13"W	98.50'
L5	N00°01'47"E	160.78'
L6	N23°01'57"W	75.46'

CURVE DATA

NO.	DELTA	RADIUS	LENGTH
C1	70°58'41"	98.50'	122.02'

SEE SHEET 2

TRACT

32834



HALE ENGINEERING

7910 CONVOY COURT (858) 715-1420
SAN DIEGO, CA 92111 (858) 715-1424 FAX

242 N. 8TH STREET (760) 352-2716
EL CENTRO, CA 92244 (760) 352-2

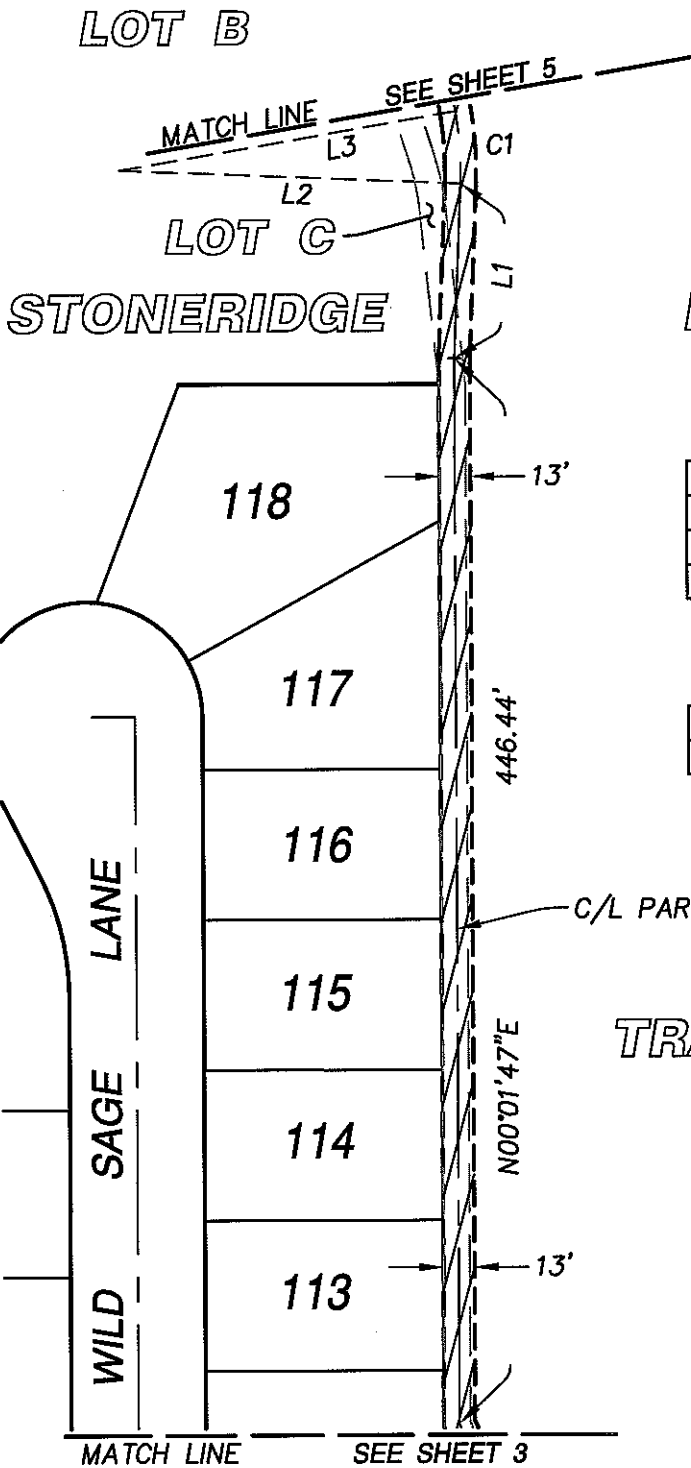
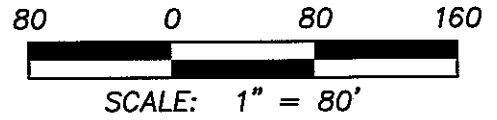
80 0 80 160



SCALE: 1" = 80'



EXHIBIT 'B'



RANCH

LINE DATA

NO.	BEARING	DISTANCE
L1	N02°22'47"E	73.14'
L2	S87°37'13"E	143.00'
L3	N80°13'20"E	143.00'

CURVE DATA

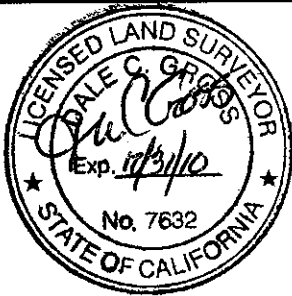
NO.	DELTA	RADIUS	LENGTH
C1	12°09'27"	143.00'	30.34'



HALE ENGINEERING

7810 COMINY COURT (RR) 715-1420 242 N. 8TH STREET (760) 352-2716
 EL CENTRO, CA 92244 (760) 352-2716

EXHIBIT 'B'

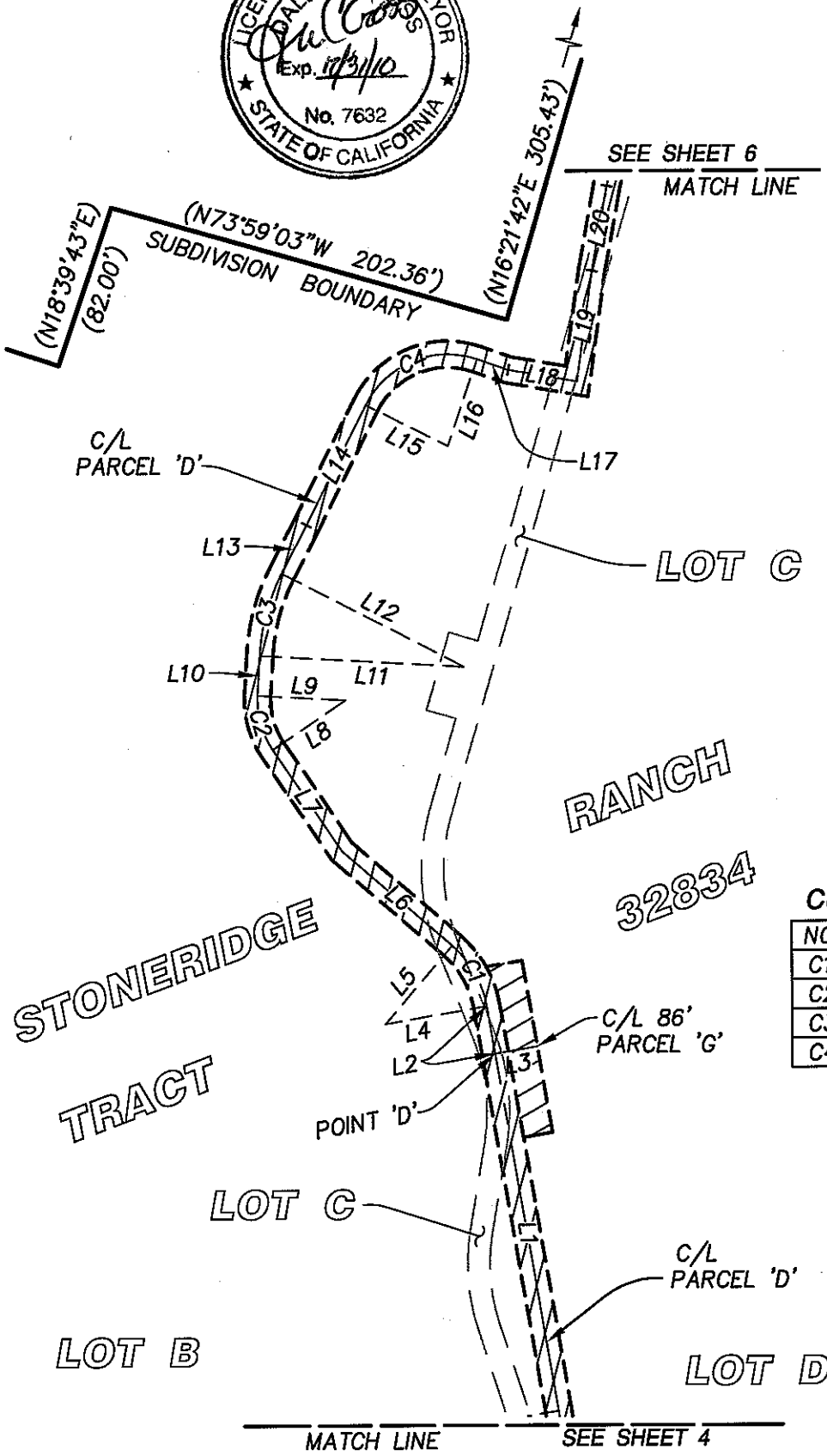


LINE DATA

NO.	BEARING	DISTANCE
L1	N09°46'40"W	178.48'
L2	N09°46'40"W	23.73'
L3	N80°13'20"E	21.00'
L4	N80°13'20"E	51.00'
L5	N40°42'11"E	51.00'
L6	N49°17'49"W	71.61'
L7	N33°57'37"W	60.45'
L8	S56°02'23"W	43.25'
L9	N86°44'07"W	43.25'
L10	N03°15'53"E	19.65'
L11	N86°44'07"W	101.00'
L12	N62°43'38"W	101.00'
L13	N27°16'22"E	26.67'
L14	N26°43'18"E	66.13'
L15	N63°16'42"W	45.25'
L16	N19°08'10"E	45.25'
L17	S70°51'50"E	16.21'
L18	S80°23'10"E	34.24'
L19	N08°04'23"E	54.95'
L20	N10°23'55"E	42.36'

CURVE DATA

NO.	DELTA	RADIUS	LENGTH
C1	39°31'09"	51.00'	35.18'
C2	37°13'30"	43.25'	28.10'
C3	24°00'29"	101.00'	42.32'
C4	82°24'52"	45.25'	65.09'



SCALE: 1" = 80'



HALE ENGINEERING

7910 CONVOY COURT (858) 715-1420
SAN DIEGO, CA 92111 (858) 715-1424 FAX

242 N. 8TH STREET (760) 352-2716
EL CENTRO, CA 92244 (760) 352-2716

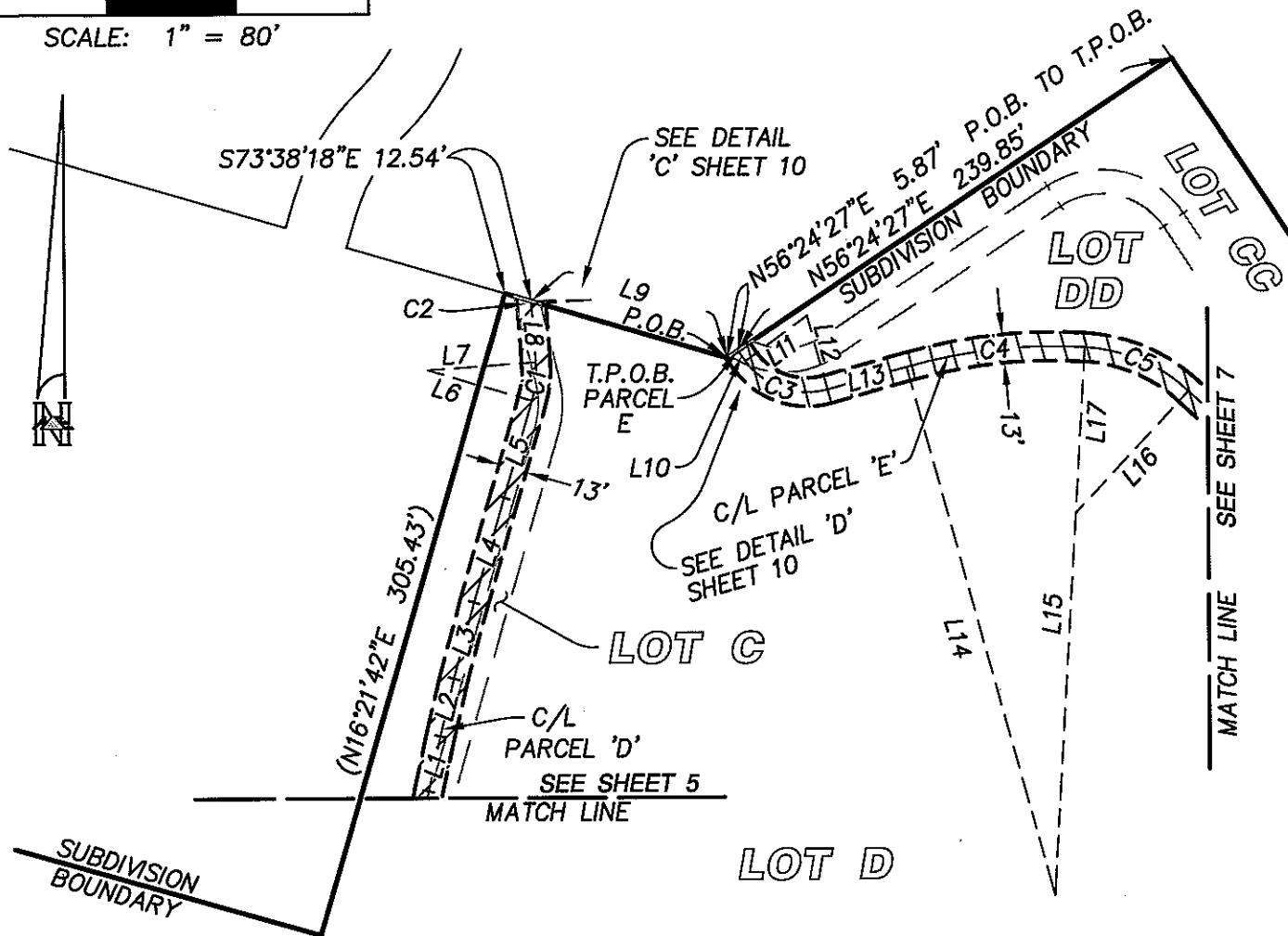
80 0 80 160

EXHIBIT 'B'

SHEET 6 OF 10 SHEETS



SCALE: 1" = 80'



STONERIDGE RANCH

TRACT 32834

LINE DATA

NO.	BEARING	DISTANCE
L1	N12°18'49"E	25.68'
L2	N13°26'51"E	27.10'
L3	N15°19'28"E	36.16'
L4	N16°22'23"E	49.86'
L5	N16°24'21"E	46.15'
L6	S73°35'39"E	49.75'
L7	N85°54'41"E	49.75'
L8	N04°05'19"W	26.54'
L9	S73°38'18"E	93.17'
L10	S36°09'46"E	5.97'
L11	S53°50'14"W	35.00'
L12	S15°30'04"E	35.00'

LINE DATA

NO.	BEARING	DISTANCE
L13	N74°29'56"E	37.53'
L14	N15°30'04"W	251.00'
L15	N03°25'30"E	251.00'
L16	N43°03'06"E	76.00'
L17	N03°25'30"E	76.00'



CURVE DATA

NO.	DELTA	RADIUS	LENGTH
C1	20°29'40"	49.75'	17.80'
C2	02°59'13"	27.25'	1.42'
C3	69°20'18"	35.00'	42.36'
C4	18°55'34"	251.00'	82.91'
C5	39°37'36"	76.00'	52.56'

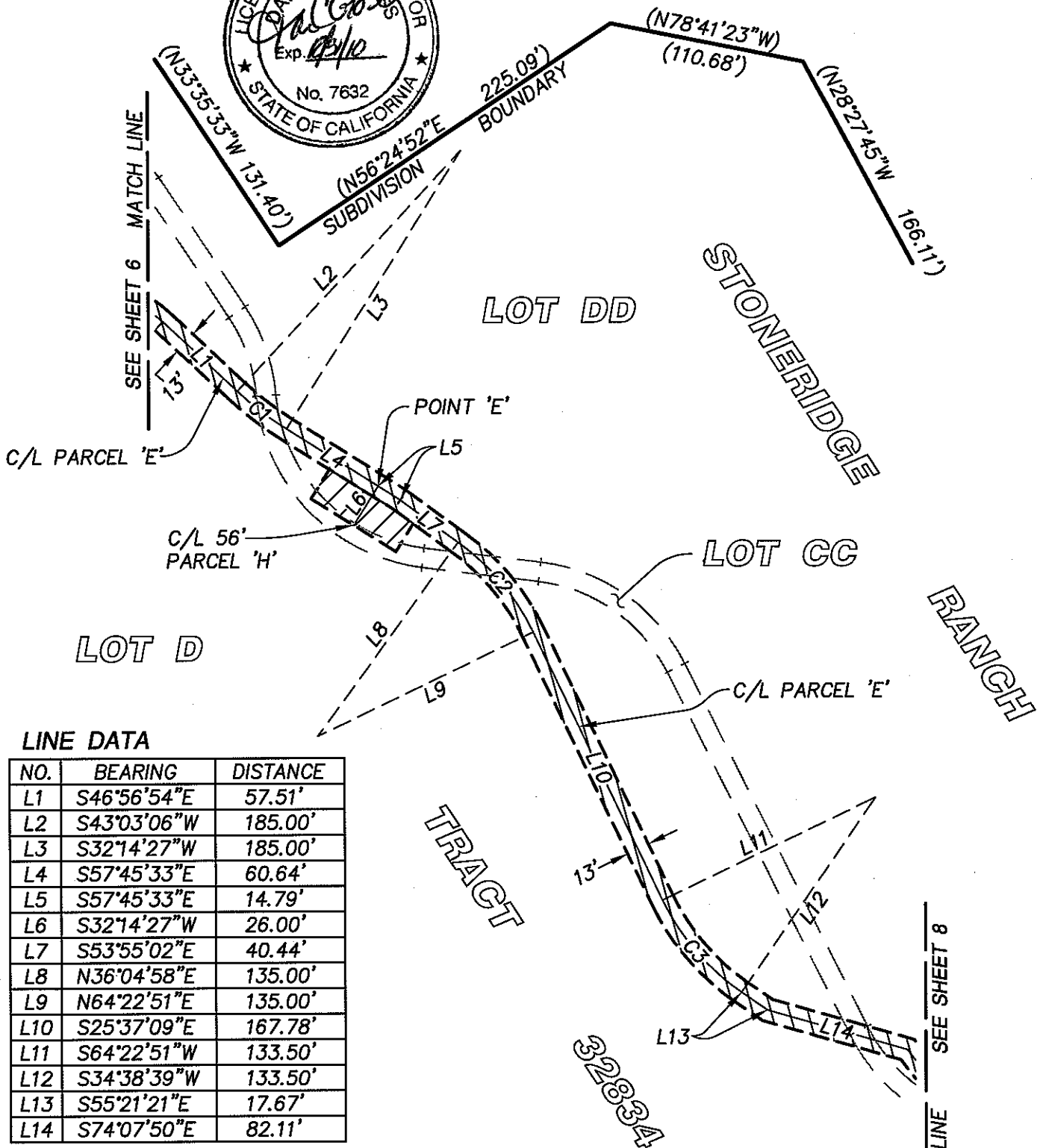
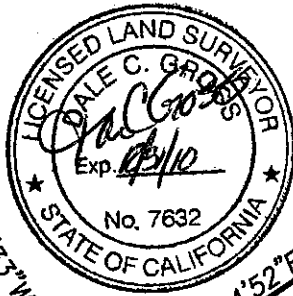


HALE ENGINEERING

715-1420 242 N. 8TH STREET (760) 352-2716

Item No. A.8 715-1424 FAX EL CENTRO, CA 92244 (760) 352-94

EXHIBIT 'B'



LINE DATA

NO.	BEARING	DISTANCE
L1	S46°56'54"E	57.51'
L2	S43°03'06"W	185.00'
L3	S32°14'27"W	185.00'
L4	S57°45'33"E	60.64'
L5	S57°45'33"E	14.79'
L6	S32°14'27"W	26.00'
L7	S53°55'02"E	40.44'
L8	N36°04'58"E	135.00'
L9	N64°22'51"E	135.00'
L10	S25°37'09"E	167.78'
L11	S64°22'51"W	133.50'
L12	S34°38'39"W	133.50'
L13	S55°21'21"E	17.67'
L14	S74°07'50"E	82.11'

CURVE DATA

NO.	DELTA	RADIUS	LENGTH
C1	10°48'39"	185.00'	34.91'
C2	28°17'53"	135.00'	66.68'
C3	29°44'12"	133.50'	69.29'



HALE ENGINEERING

7910 CONVOY COURT (858) 715-1420
SAN DIEGO, CA 92111 (858) 715-1424 FAX

242 N. 8TH STREET (760) 352-2716
EL CENTRO, CA 92244 (760) 352-2716



SCALE: 1" = 80'



(N00°29'59"E
SUBDIVISION BOUNDARY
234.10')

(N89°52'59"W 217.09')

NORTHEAST CORNER
STONERIDGE RANCH
TRACT 32834

STONERIDGE

LOT DD

RANCH

SEE SHEET 7 MATCH LINE

L8

L7

256.31'

S00°03'59"W

LOT CC

LINE DATA

NO.	BEARING	DISTANCE
L1	S38°10'15"E	35.38'
L2	S51°49'45"W	70.00'
L3	S26°02'37"W	70.00'
L4	S63°57'23"E	34.81'
L5	S66°46'42"E	38.73'
L6	S23°13'18"W	30.00'
L7	S05°02'47"W	30.00'
L8	S05°02'47"W	600.00'
L9	S02°52'29"E	600.00'
L10	N87°07'31"E	35.91'

C/L PARCEL 'E'

C2

13'

LOT D

SUBDIVISION BOUNDARY

CURVE DATA

NO.	DELTA	RADIUS	LENGTH
C1	25°47'08"	70.00'	31.50'
C2	18°10'31"	30.00'	9.52'
C3	07°55'16"	600.00'	82.95'

TRACT 32834



HALE ENGINEERING

SHEET 2 LINE DATA

NO.	BEARING	DISTANCE
L1	N70°46'30"E	50.00'
L2	N64°40'20"E	72.00'
L3	N60°06'41"E	72.00'
L4	S89°57'41"E	335.38'
L5	N74°37'01"E	26.09'
L6	N13°24'48"E	60.87'
L7	N13°24'48"E	27.33'
L8	S75°48'18"E	27.00'
L9	N88°01'45"E	17.65'
L10	S01°58'15"E	33.00'
L11	S50°08'49"E	33.00'
L12	N39°51'11"E	6.10'
L13	N32°47'16"E	57.47'
L14	N24°27'43"E	67.81'
L15	N21°16'07"E	23.51'
L16	N19°46'52"E	32.96'
L17	S70°13'08"E	3.56'
L18	N13°18'53"E	22.16'
L19	S76°41'07"E	40.00'
L20	N68°41'18"E	40.00'
L21	N21°18'42"W	42.68'
L22	N23°11'39"W	65.14'
L23	N13°38'00"W	60.02'
L24	S13°24'48"W	6.74'
L25	S88°01'45"W	11.01'

SHEET 2 CURVE DATA

NO.	DELTA	RADIUS	LENGTH
C1	06°06'10"	50.00'	5.33'
C2	04°33'39"	72.00'	5.73'
C3	48°10'34"	33.00'	27.75'
C4	34°37'35"	40.00'	24.17'

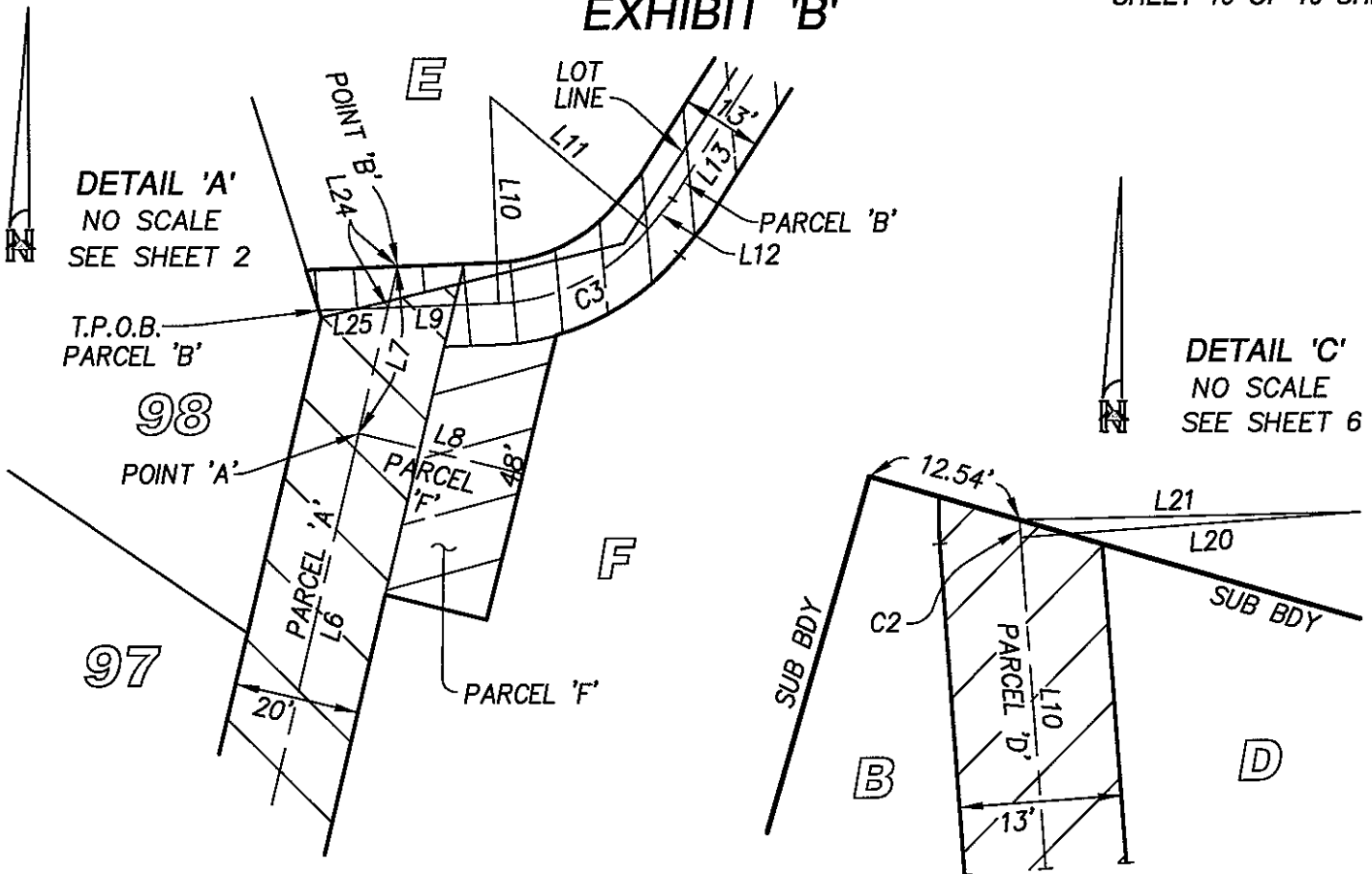


HALE ENGINEERING

7910 CONVOY COURT (858) 715-1420
 SAN DIEGO, CA 92111 (858) 715-1424 FAX

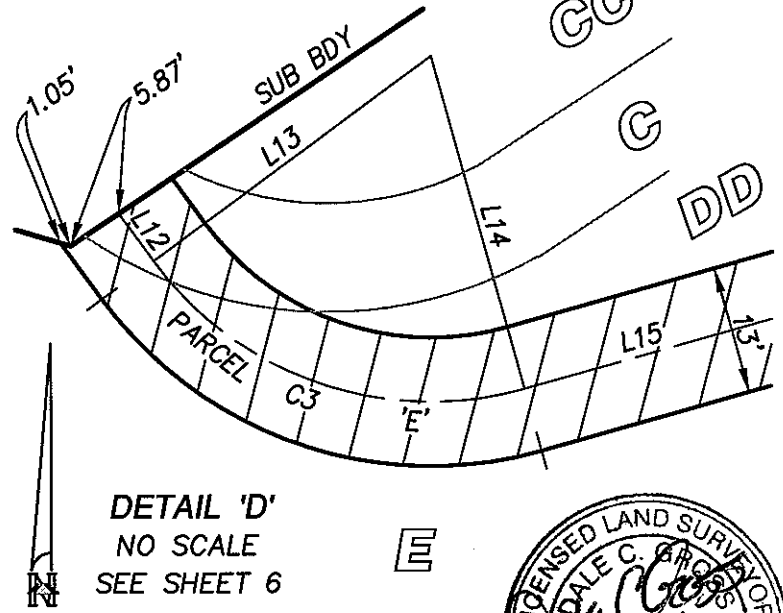
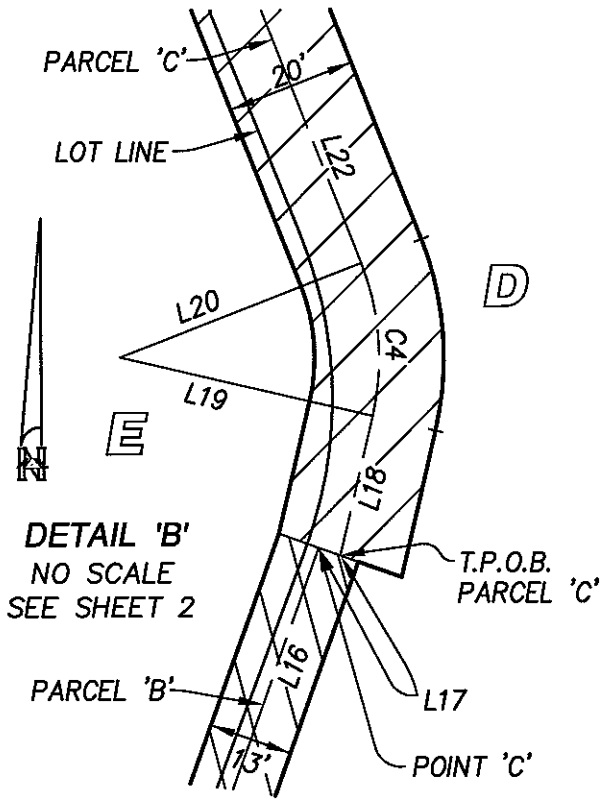
242 N. 8TH STREET (760) 352-2716
 EL CENTRO, CA 92244 (760) 352-26

EXHIBIT 'B'



DETAIL 'A'
NO SCALE
SEE SHEET 2

DETAIL 'C'
NO SCALE
SEE SHEET 6



DETAIL 'B'
NO SCALE
SEE SHEET 2

DETAIL 'D'
NO SCALE
SEE SHEET 6



Recording requested by and when recorded, mail to:

City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
A.P.N. 488 - 140 - 009

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

EASEMENT DEED


FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Beazer Homes Holdings Corporation

GRANTOR(S) hereby grant(s) and convey(s) to the **MORENO VALLEY COMMUNITY SERVICES DISTRICT**, a district formed pursuant to California Community Services District Law, a perpetual easement for multi-use trail purposes over, under, upon, and across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plat attached hereto and marked Exhibits "A" and "B" respectively. IN WITNESS WHEREOF, this instrument has been executed this 9TH day of AUGUST, 2010.

Grantor(s)
Signature(s)


DARIUS FATAKIA, P.E.
VICE PRESIDENT-DEVELOPMENT
ORANGE DIVISION

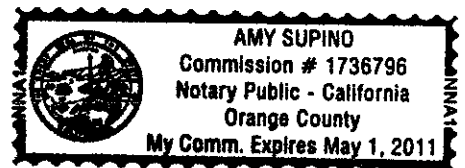
STATE OF CALIFORNIA)
County of Orange)ss.

On August 9, 2010 before me, Amy Supino, a Notary Public in and for said State, personally appeared Darius Fatakia, 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 Amy Supino
Signature of Notary Public



Place Notary Seal Above

Attachment 7

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

BEING PORTIONS OF LOT A OF TRACT 32835, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED, AUGUST 28, 2006 AS FILE NO. 2006-0634320, IN BOOK 409 AT PAGES 24 THROUGH 30. DESCRIBED AS FOLLOWS:

PARCEL A:

A STRIP OF LAND, 13.00 FEET IN WIDTH, BEING 6.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT A;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT A, SOUTH 73°38'18" EAST , 88.04 FEET TO A POINT ON THE ARC OF A 27.25 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, A RADIAL LINE TO WHICH BEARS SOUTH 88°53'54" WEST, SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID SOUTHWESTERLY LINE OF LOT A , NORTHEASTERLY ALONG THE ARC OF SAID 27.25 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 92°20'56" , AN ARC DISTANCE OF 43.92 FEET TO A POINT OF COMPOUND CURVATURE OF A 64.25 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, A RADIAL LINE TO WHICH BEARS NORTH 01°27'56" WEST;

THENCE EASTERLY ALONG THE ARC OF SAID 64.25 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 20°58'05", AN ARC DISTANCE OF 23.51 FEET TO A POINT OF COMPOUND CURVATURE OF A 40.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL LINE TO WHICH BEARS NORTH 19°07'22" EAST, SAID POINT OF COMPOUND CURVATURE BEING **POINT 'A'** OF THESE DESCRIPTIONS AND TERMINUS OF THE CENTERLINE OF PARCEL A;

THE SIDELINES OF SAID EASEMENT ARE TO BE PROLONGED OR SHORTENED, AS TO TERMINATE IN THE SOUTH, ON SAID SOUTHWESTERLY LINE OF LOT A, AND IN THE EAST, PERPENDICULAR TO TO THE HEREIN DESCRIBED CENTERLINE.

EXHIBIT 'A'
MULTI-USE TRAIL – LEGAL DESCRIPTION

PARCEL B:

A STRIP OF LAND, 15.00 FEET IN WIDTH, BEING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

BEGINNING AT THE AFOREMENTIONED **POINT 'A'**;

THENCE SOUTHEASTERLY ALONG THE ARC OF THE AFOREMENTIONED 40.50 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 34°42'52" , AN ARC DISTANCE OF 24.54;

THENCE SOUTH 36°09'46" EAST , 40.55 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT A, AND TERMINUS OF THE CENTERLINE OF PARCEL B.

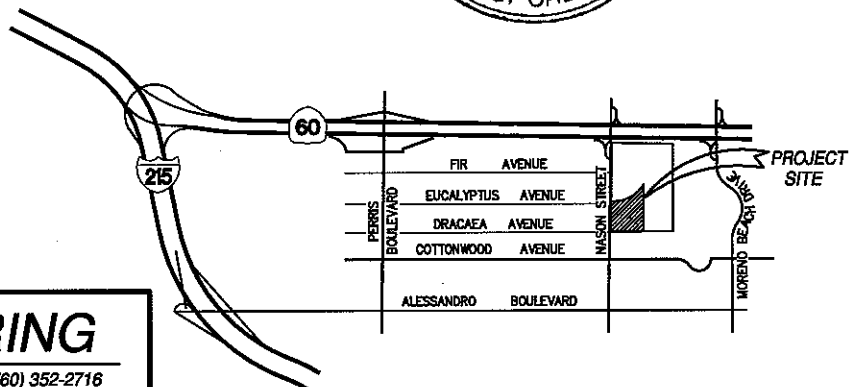
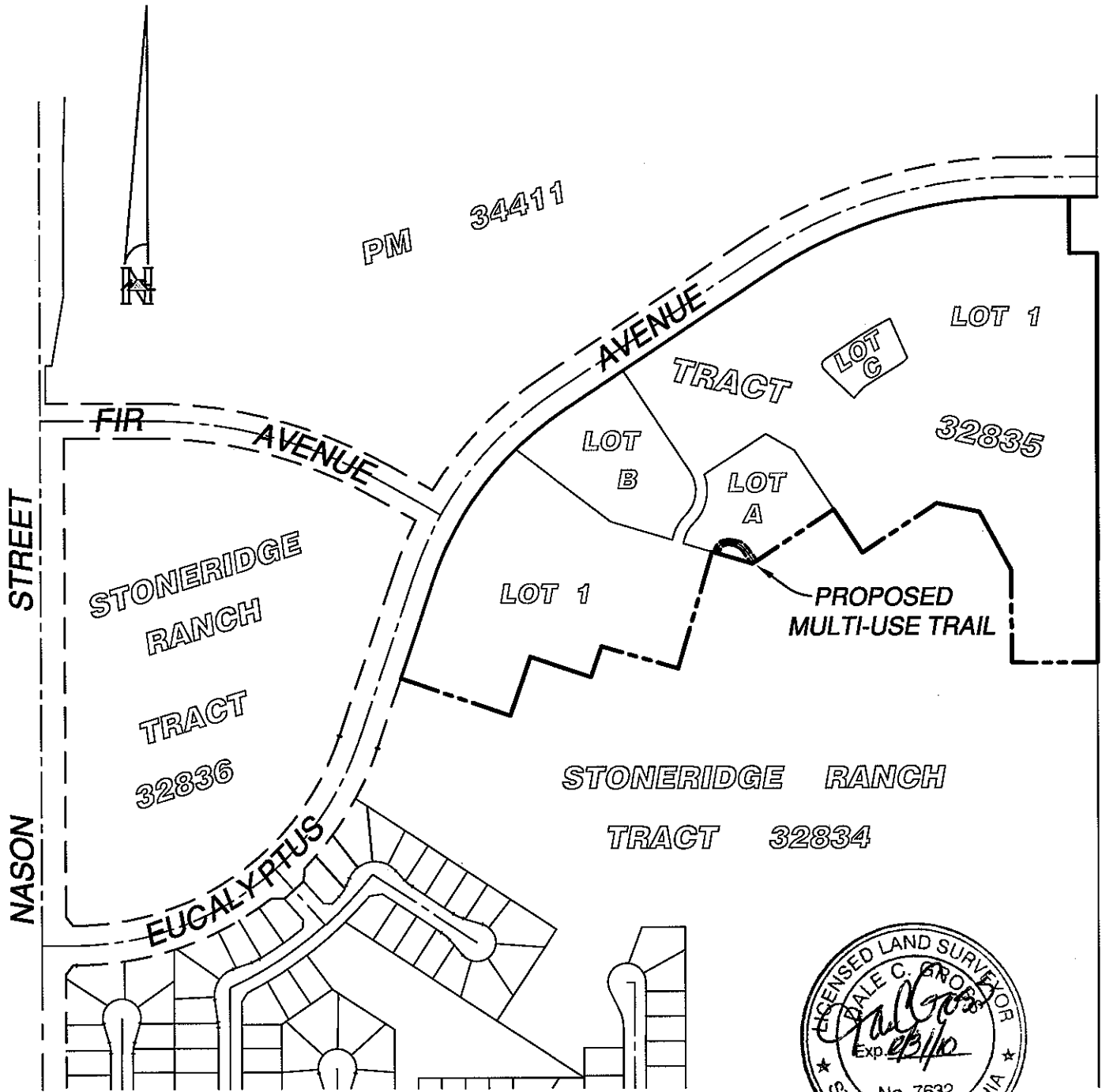
THE SIDELINES OF SAID EASEMENT ARE TO BE PROLONGED OR SHORTENED AS TO TERMINATE, IN THE WEST, PERPENDICULAR TO THE HEREIN DESCRIBED CENTERLINE, AND IN THE SOUTH ON SAID SOUTHEASTERLY LINE OF LOT A.

TOTAL ACREAGE FOR BOTH PARCELS: 0.04 ACRES (1851 SQ FT)

PREPARED BY ME OR UNDER MY DIRECTION

DALE C GROSS
PLS 7632





HALE ENGINEERING

7010 CONVOY COURT (858) 715-1420

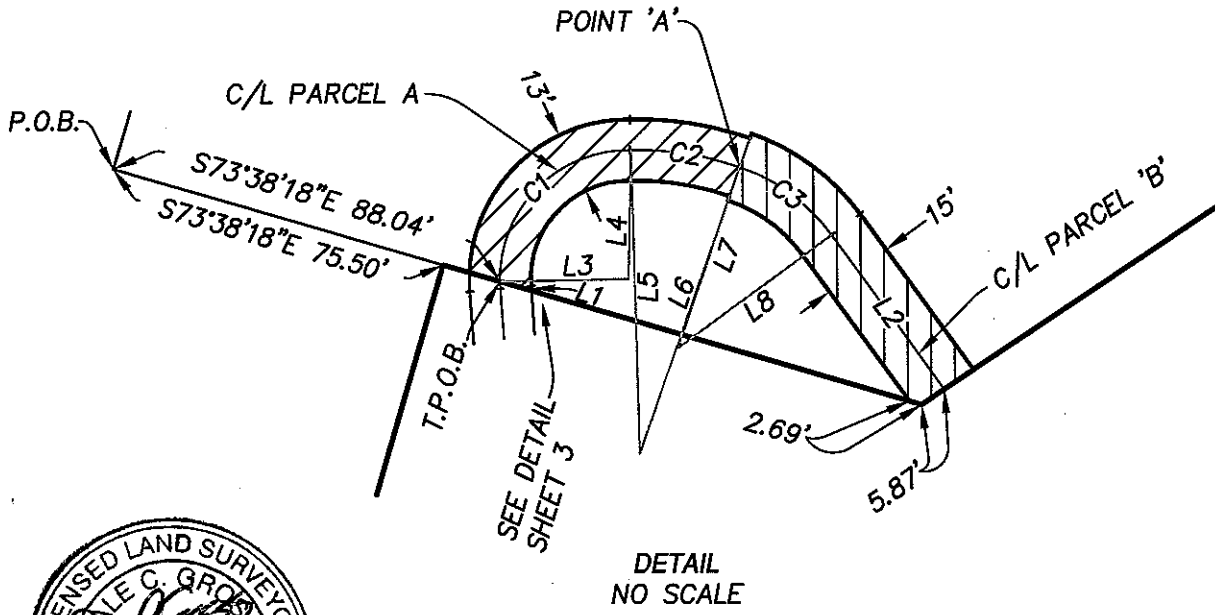
242 N. 8TH STREET (760) 352-2716

Item No. A.8

8) 715-1424 FAX

EL CENTRO, CA 92244 (760) 352-

EXHIBIT 'B'



DETAIL
NO SCALE



LOT A
TRACT 32835

SOUTHWEST CORNER
LOT A
P.O.B.

TRAIL EASEMENT
PER MAP 409/24

(N56°24'27\"/>

LOT DD

LINE DATA

NO.	BEARING	DISTANCE
L1	N04°05'19\"/>	
L2	S36°09'46\"/>	
L3	S88°53'54\"/>	
L4	N01°14'50\"/>	
L5	N01°27'56\"/>	
L6	N19°30'09\"/>	
L7	N19°07'22\"/>	
L8	N53°50'14\"/>	

SEE
DETAIL
(N73°38'18\"/>

LOT D

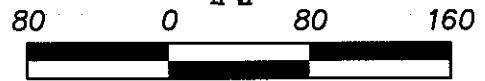
STONERIDGE RANCH
TRACT 32834

(N16°21'42\"/>

LOT C

CURVE DATA

NO.	DELTA	RADIUS	LENGTH
C1	92°20'56\"/>		
C2	20°58'05\"/>		
C3	34°42'52\"/>		



SCALE: 1" = 80'

HALE ENGINEERING

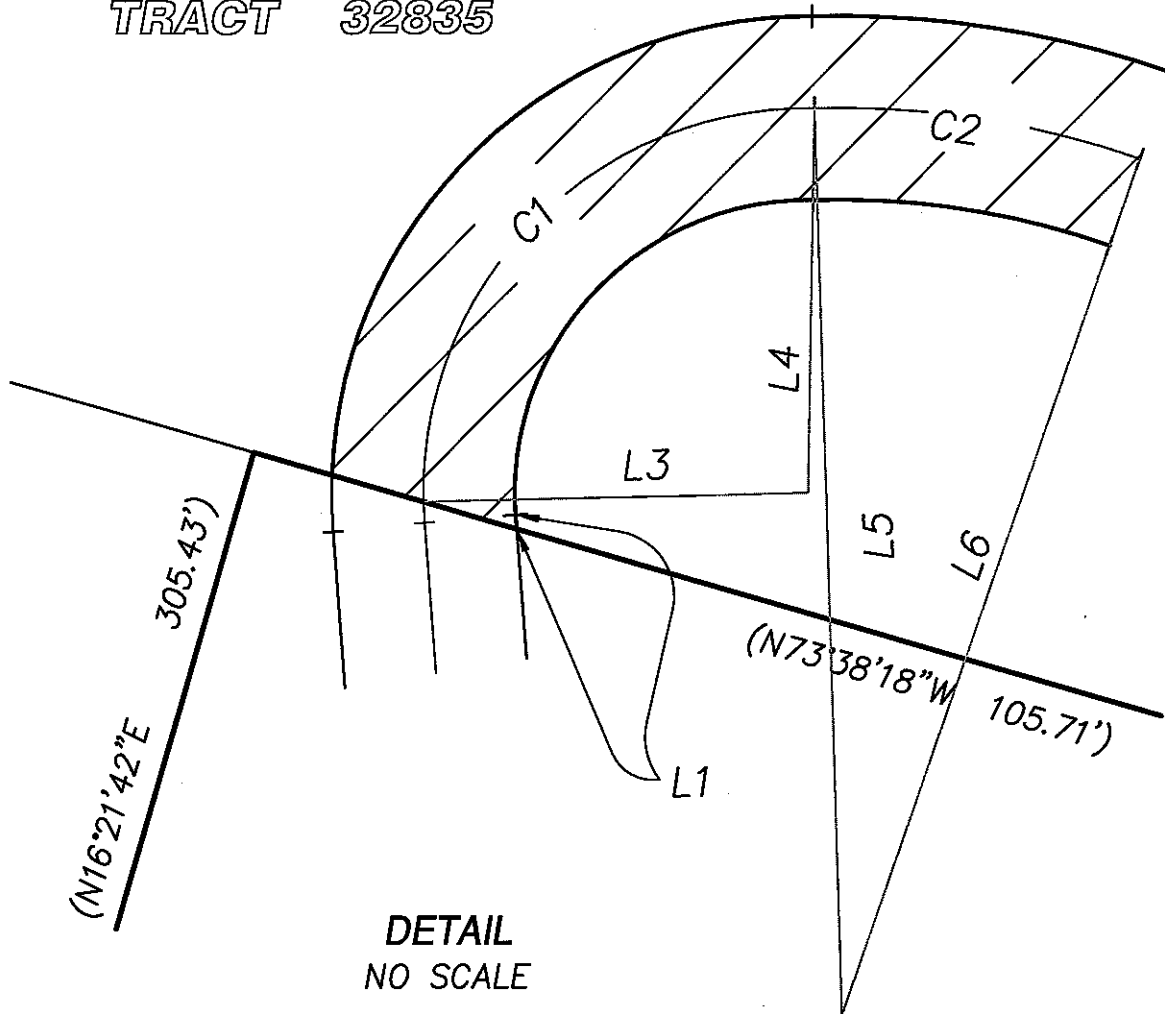
7910 CONVOY COURT (858) 715-1420
SAN DIEGO, CA 92111 (858) 715-1424 FAX

242 N. 8TH STREET (760) 352-2716
EL CENTRO, CA 92244 (760) 352-2917 FAX



SEE SHEET 2 FOR LINE & CURVE DATA

LOT A
TRACT 32835



DETAIL
NO SCALE

LOT D

STONERIDGE RANCH
TRACT 32834



HALE ENGINEERING

7910 CONVOY COURT (858) 715-1420 242 N. 8TH STREET (760) 352-2716
EL CENTRO, CA 92244 (760) 352-2917 FAX
8) 715-1424 FAX



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RA</i>
CITY MANAGER	<i>WJB</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: November 09, 2010

TITLE: AGREEMENT FOR THE MAINTENANCE AND OPERATION OF TRAFFIC SIGNALS AND HIGHWAY SAFETY LIGHTING SHARED BETWEEN THE CITIES OF RIVERSIDE AND MORENO VALLEY

RECOMMENDED ACTION

1. Enter into an agreement with the City of Riverside for the maintenance and operation of traffic signals and highway safety lighting jointly owned by the cities of Riverside and Moreno Valley.
2. Authorize the Mayor to execute said "Agreement" with the City of Riverside for the maintenance of traffic signals and highway safety lighting jointly owned by the cities of Riverside and Moreno Valley.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

In January, 1992, the cities of Moreno Valley and Riverside entered into an agreement for construction, operation, and maintenance of the traffic signals and highway safety lighting along Day Street. Based on this agreement, the City of Riverside was responsible for operation and maintenance of traffic signals and highway safety lighting along Day Street and Moreno Valley was responsible for 50% of all associated costs. Subsequent to this agreement, jurisdiction boundaries have changed, new locations have been constructed, and maintenance procedures have been updated.

DISCUSSION

This agreement defines the maintenance and operation responsibilities for all traffic signals and highway safety lighting installations jointly owned by Moreno Valley and Riverside at the location(s) shown on the attached Appendix "A". Additionally, this agreement supersedes the operation and maintenance provision contained in the Agreement between the cities of Riverside and Moreno Valley for design, construction, operation and maintenance of traffic signals and highway safety lighting for Day Street dated January 6, 1992. The terms of the new agreement will provide for the addition of future traffic signals and highway safety lighting into the agreement by simply revising Appendix "A".

This agreement has been reviewed and approved by the City of Riverside and will become effective upon approval by the City Council.

ALTERNATIVES

1. Entering into an agreement with the City of Riverside for the maintenance and operation of traffic signals and highway safety lighting jointly owned by the cities of Riverside and Moreno Valley, and authorize the Mayor to execute said "Agreement" with the City of Riverside for the maintenance of traffic signals and highway safety lighting jointly owned by the cities of Riverside and Moreno Valley. This alternative will allow the City to share the fiscal responsibility for the ongoing signal maintenance at the cited locations.
2. Do not enter into an agreement with the City of Riverside for the maintenance and operation of traffic signals and highway safety lighting jointly owned by the cities of Riverside and Moreno Valley, and do not authorize the Mayor to execute said "Agreement" with the City of Riverside for the maintenance of traffic signals and highway safety lighting jointly owned by the cities of Riverside and Moreno Valley. This alternative will not allow the City to share the fiscal responsibility for the ongoing signal maintenance at the cited locations.

FISCAL IMPACT

The associated cost sharing for operation and maintenance of the traffic signals and highway safety lighting between the City of Riverside and Moreno Valley is included in the annual Public Works budget for traffic signals (account number 010-53310).

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.

ADVOCACY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

NOTIFICATION

N/A

ATTACHMENTS

- A. Agreement for Maintenance and Operation of Traffic Signal and Highway Safety Lighting
- B. Location Map

Prepared By:
Alan Kashefi, P.E.
Senior Engineer

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

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer

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

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AGREEMENT FOR
MAINTENANCE AND OPERATION OF
TRAFFIC SIGNALS AND SAFETY LIGHTING

This AGREEMENT FOR MAINTENANCE AND OPERATION OF TRAFFIC SIGNALS AND SAFETY LIGHTING ("AGREEMENT") is made and entered into on this _____ day of _____, 2010, by and between the City of Moreno Valley, referred to herein as MORENO VALLEY, and the City of Riverside, a California charter city and municipal corporation, referred to herein as RIVERSIDE, collectively referred to herein as (the "PARTIES"):

This AGREEMENT is intended to define the maintenance and operation responsibilities for all traffic signal and highway safety lighting installations jointly owned by MORENO VALLEY and RIVERSIDE at the location(s) shown on the attached Appendix "A" ("LOCATIONS") and shall supersede the Operation and Maintenance provision contained in the Agreement Between the Cities of Riverside and Moreno Valley for Design, Construction, Operation and Maintenance of Traffic Signals on Day Street dated January 6, 1992.

IT IS AGREED:

1. RIVERSIDE, through its Traffic Engineering Division, will provide the following services:
 - a) Routine maintenance and operation on traffic signals, highway lighting, and other electrically operated traffic control or warning devices ("TRAFFIC CONTROL DEVICES") at the LOCATIONS so that said TRAFFIC CONTROL DEVICES remain in good operating condition and repair. Said routine maintenance work includes, but is not limited to:
 - i) Inspecting the signal system and cleaning the controller cabinet quarterly.

ii) Cleaning signal heads every two (2) years and replacing the light emitting diodes (LED) every five (5) years.

iii) Re-lamping and cleaning street lights every five (5) years.

The time periods for these services shall commence upon the effective date of this AGREEMENT.

- b) Emergency call-out service and/or repair of the TRAFFIC CONTROL DEVICES within two (2) hours following RIVERSIDE's receipt of notice (whether in person, in writing, by telephone, or otherwise) from MORENO VALLEY or other agencies or persons, that any TRAFFIC CONTROL DEVICE at the LOCATION is not functioning properly. In the event of substantial damage to a TRAFFIC CONTROL DEVICE that cannot be repaired within the two (2) hour period specified above, RIVERSIDE shall attempt to resolve all matters within a reasonable time (not to exceed seven (7) days unless extended by written notice to MORENO VALLEY) to make such repairs provided that RIVERSIDE provides alternative traffic control devices (i.e., portable "stop signs") to direct traffic at the LOCATION until repairs are complete.
2. RIVERSIDE shall provide, or contract to be provided from the local electric utility, electrical energy in an amount equal to the requirements to operate all TRAFFIC CONTROL DEVICES and RED LIGHT PHOTO ENFORCEMENT at the LOCATIONS.
3. In consideration of RIVERSIDE's performance of the services set forth herein, MORENO VALLEY shall pay RIVERSIDE a portion of the total cost of electrical energy, routine maintenance, repairs, and emergency service, including all of RIVERSIDE'S costs for wages, benefits, transportation, materials, and administrative

accounting in proportion to the percentage of the LOCATIONS owned by MORENO VALLEY as set forth in the attached Appendix "A". RIVERSIDE shall be responsible for that portion of the total aforementioned costs in proportion to the percentage of the LOCATION owned by RIVERSIDE, more particularly set forth in the attached Appendix "A".

4. Records for the work performed under this AGREEMENT shall be kept by RIVERSIDE in accordance with standard RIVERSIDE practices and shall include the costs of all services performed. RIVERSIDE shall, every six (6) months, submit to MORENO VALLEY, an itemized accounting of the costs of all services performed under this AGREEMENT (with adequate documentation) incurred by RIVERSIDE to date and which have not already been paid either by RIVERSIDE or MORENO VALLEY and a statement for MORENO VALLEY's proportionate share of said costs.
5. MORENO VALLEY shall pay to RIVERSIDE, on a reimbursement basis, an amount equal to the proportionate share of the costs described above within thirty (30) days after receipt of an itemized statement from RIVERSIDE as set forth in paragraph 4 above. In the event that MORENO VALLEY disputes the amounts stated on any itemized statement, MORENO VALLEY shall submit within the same thirty (30) day period, written notice of such dispute and the basis for the dispute. The PARTIES shall endeavor to resolve any such disputes within a reasonable time after RIVERSIDE receives a notice of dispute.
6. This AGREEMENT shall become effective thirty (30) calendar days following the date this AGREEMENT is approved by MORENO VALLEY City Council. MORENO VALLEY will provide RIVERSIDE written notice of the official MORENO VALLEY City Council action approving the AGREEMENT no later than two weeks following said

MORENO VALLEY City Council action. This AGREEMENT shall remain in force and effect until terminated by any of the parties upon thirty (30) days written notice to the other party.

7. If RIVERSIDE is of the reasonable opinion that any work RIVERSIDE has been directed to perform is beyond the scope of this AGREEMENT ("Extra Work"), RIVERSIDE shall promptly notify MORENO VALLEY in writing of that opinion and MORENO VALLEY shall have up to forty-eight (48) hours to approve or deny the "Extra Work". However, for purposes of RIVERSIDE proceeding to perform the same, this is not intended to deny MORENO VALLEY their civil legal remedies in the event of a dispute. In the event MORENO VALLEY agrees that such work does indeed constitute Extra Work and authorizes RIVERSIDE to perform the Extra Work, MORENO VALLEY shall provide extra compensation to RIVERSIDE upon fair and equitable basis in accordance with RIVERSIDE's standard rate and proportion to the percentage of the LOCATION owned by MORENO VALLEY, more particularly set forth in the attached Appendix "A".
8. This AGREEMENT may be amended to include or delete facilities within the definition of TRAFFIC CONTROL DEVICES or to include or delete other terms and conditions of this AGREEMENT by written amendment, signed by MORENO VALLEY's Public Works/City Engineer and RIVERSIDE's Public Works Director, without further review or approval of the MORENO VALLEY and RIVERSIDE City Councils. Any amendment or modification of this AGREEMENT requiring a supplemental appropriation by RIVERSIDE shall be subject to approval of the RIVERSIDE City Council.
9. RIVERSIDE shall indemnify, defend, and hold harmless MORENO VALLEY, its officers, agents, servants, volunteers, and employees from any and all liability, claims,

defends, debts, damages, suits, actions, and causes of actions of whatsoever kind, nature or sort, including, but not by way of limitation, wrongful death, personal injury or damage to property, the expenses of the defense of said PARTIES and payment of attorney's fees in any such manner connected with the actual or alleged negligent acts or omissions or willful misconduct of RIVERSIDE's officers, employees, agents, or volunteers in connection with RIVERSIDE performance of its obligations under this AGREEMENT.

MORENO VALLEY shall indemnify, defend, and hold harmless RIVERSIDE its officers, agents, servants, volunteers, and employees from any and all liability, claims, defends, debts, damages, suits, actions, and causes of actions of whatsoever kind, nature or sort, including, but not by way of limitation, wrongful death, personal injury or damage to property, the expenses of the defense of said PARTIES and payment of attorney's fees in any such manner connected with the actual or alleged negligent acts or omissions or willful misconduct of MORENO VALLEY officers, employees, agents, or volunteers in connection with MORENO VALLEY's performance of its obligations under this AGREEMENT.

In the event that MORENO VALLEY and/or RIVERSIDE are found to be comparatively at fault for any claim, action, loss or damage which results from their respective obligations under this AGREEMENT, MORENO VALLEY and/or RIVERSIDE shall indemnify the other to the extent of their comparative fault, as set forth in Government Code section 895, et. seq.

10. This AGREEMENT contains the entire agreement of the PARTIES with respect to the subject matter hereof, and supersedes all prior negotiations, understandings, or agreements pertaining to the LOCATIONS.

11. Any notice required or permitted to be sent to each party shall be sent by regular mail, addressed as follows:

CITY OF RIVERSIDE
City Traffic Engineer
3900 Main Street
Riverside, California 92522

CITY OF MORENO VALLEY
City Traffic Engineer
14177 Frederick Street
Moreno Valley, California 92335

12. This AGREEMENT shall be governed by the laws of the State of California. Any action or proceeding between RIVERSIDE and MORENO VALLEY concerning the interpretation or enforcement of this AGREEMENT, or which arises out of or is in any way connected with this AGREEMENT, shall be instituted and prosecuted in the appropriate state court in Riverside, California.
13. Time is of the essence for each and every provision of this AGREEMENT.
14. Since the PARTIES or their agents have participated fully in the preparation of this AGREEMENT, the language of this AGREEMENT shall be construed simply, accordingly to its fair meaning, and not strictly for any or against any party. Any term referencing time, days, or period for performance shall be deemed calendar days and not work days. The caption of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this AGREEMENT.
15. If a court competent jurisdiction declares any portion of this AGREEMENT invalid, illegal, or otherwise unenforceable, the remaining provisions shall continue in full force and effect, unless the purpose of this AGREEMENT is frustrated.
16. MORENO VALLEY acknowledges that RIVERSIDE and its hired contractors are required to pay the general prevailing wage rates of per diem wages and overtime and

holiday wages determined by the Director of the Department of Industrial Relations under Section 1720 et seq. of the California Labor Code and implemented by Resolution No. 13346 of the City Council of the City of Riverside for performance of the services, and that MORENO VALLEY's reimbursement obligation to RIVERSIDE set forth herein shall be subject to such costs. The Director's determination is available on-line at www.dir.ca.gov/dlsr/DPreWageDetermination.htm and is referred to and made a part hereof; the wage rates therein ascertained, determined, and specified are referred to and made a part hereof as though fully set forth herein.

17. During the PARTIES performance of this Agreement, the PARTIES shall not discriminate on the grounds of race, religious creed, color, national origin, ancestry, age, physical disability, mental disability, medical condition, including the medical condition of Acquired Immune Deficiency Syndrome (AIDS) or any condition related thereto, marital status, sex, or sexual orientation, in the selection and retention of employees and subcontractors and the procurement of materials and equipment, except as provided in Section 12940 of the California Government Code. Further, the PARTIES further agree to conform to the requirements of the Americans with Disabilities Act in the performance of this Agreement.
18. The PARTIES shall keep fully informed of federal, state and local laws and ordinances and regulations which in any manner affect those employed by the PARTIES, or in any way affect the performance of services by the PARTIES pursuant to this Agreement. The PARTIES shall at all times observe and comply with all such laws, ordinances and regulations, and shall be solely responsible for any failure to comply with all applicable laws, ordinances and regulations.

19. No action or failure to act by a party shall constitute a waiver of any right or duty afforded the other party under this Agreement, nor shall any such action or failure to act constitute approval of or acquiescence in any breach thereunder, except as may be specifically, provided in this Agreement or as may be otherwise agreed in writing.

IN WITNESS WHEREOF, the PARTIES hereto have caused this AGREEMENT to be executed by their duly authorized representatives on _____, 20____.

MORENO VALLEY

CITY OF RIVERSIDE, a California charter city and municipal corporation

By: _____
Mayor

By: Belenh J. DeShan
City Manager

Attest:

Attest:

By: _____
MORENO VALLEY Clerk

By: Col. [Signature]
RIVERSIDE City Clerk

Approved as to form:

Approved as to form:

By: _____
MORENO VALLEY
City Attorney's Office

By: [Signature]
RIVERSIDE
City Attorney's Office

APPROVED AS TO CONTENT

By: _____
MORENO VALLEY
Public Works Director/City Engineer

APPENDIX "A"

**MAINTENANCE AND OPERATION AGREEMENT FOR
TRAFFIC SIGNAL AND SAFETY LIGHTING LOCATIONS WITHIN THE CITIES OF
MORENO VALLEY AND RIVERSIDE**

<u>LOCATION</u>	<u>% OF OWNERSHIP</u>		
Day Street/Canyon Springs Parkway	Moreno Valley	=	50%
	Riverside *	=	50%
Day Street/Campus Parkway	Moreno Valley	=	50%
	Riverside *	=	50%
Day Street/Gateway	Moreno Valley	=	50%
	Riverside *	=	50%
Day Street/Eucalyptus Avenue	Moreno Valley	=	75%
	Riverside *	=	25%
Eucalyptus Avenue/Valley Springs	Moreno Valley	=	75%
	Riverside *	=	25%
Alessandro Boulevard/Old 215	Moreno Valley	=	75%
	Riverside *	=	25%

* Denotes maintenance Responsibility

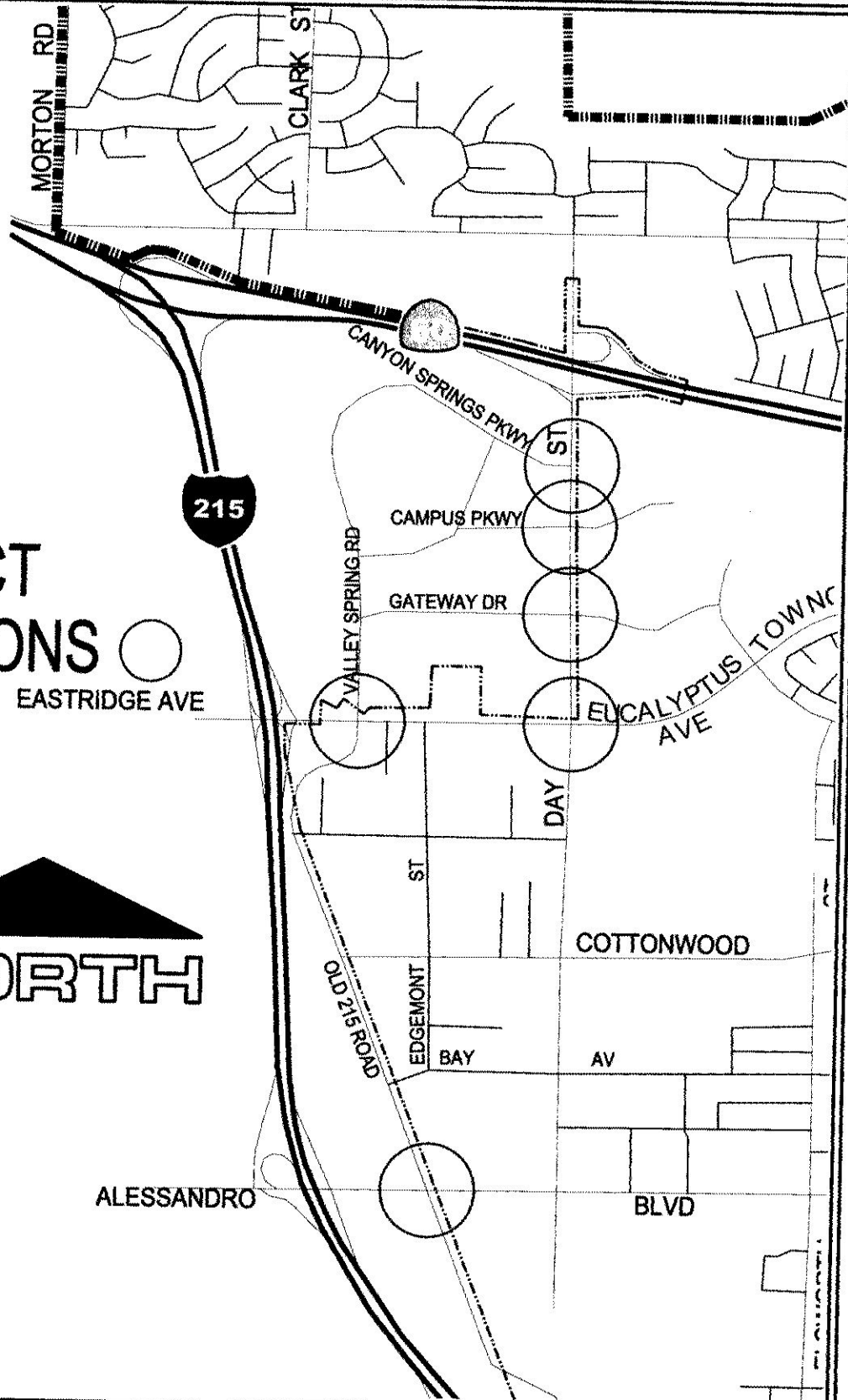
By: _____
 MORENO VALLEY
 Public Works Director/City Engineer

By:  _____
 RIVERSIDE
 Public Works Director

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PROJECT LOCATIONS

○ EASTRIDGE AVE



MORENO



VALLEY

LOCATION MAP

Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "B"

TRAFFIC SIGNALS AND HIGHWAY SAFETY LIGHTING SHARED BETWEEN THE CITIES OF RIVERSIDE AND MORENO VALLEY

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ORDINANCE NO. 816

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 AMENDING CHAPTER 8.14, REPEALING AND REPLACING CHAPTERS 8.20, 8.22, 8.24, 8.26, 8.36, AND ADDING CHAPTER 8.23 AND ADOPTING, AS MODIFIED, THE CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24: INCORPORATING THE 2009 INTERNATIONAL BUILDING CODE, THE 2009 UNIFORM MECHANICAL CODE, THE 2009 INTERNATIONAL RESIDENTIAL CODE, THE 2009 UNIFORM PLUMBING CODE, THE 2009 INTERNATIONAL FIRE CODE, AND THE 2008 NATIONAL ELECTRICAL CODE; AND ADOPTING OTHER REGULATIONS RELATING TO BUILDING AND FIRE PREVENTION REQUIREMENTS.

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

SECTION 1. PRIOR ENACTMENTS REPEALED:

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

SECTION 2. CONTINUING EFFECT:

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

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

SECTION 3. EFFECT OF ENACTMENT:

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

SECTION 4. FINDINGS:

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

4.2 The 2009 International Building Code, the 2009 International Fire Code, the California Building Standards Code, and the International Fire Code Standards published by said organization, are a nationally recognized compilation of proposed rules, regulations, and standards of said organization.

4.3 The International Building Code and the International Fire Code have been printed and published as a code in book form within the meaning of Section 50022.2 et seq., of the California Government Code and said code has been adopted and amended by the California Building Standards Commission into the California Code of Regulations (CCR) as Title 24, 2010 edition.

4.4 That one (1) copy of the 2010 California Building Code based on the 2009 International Building Code and one (1) copy of the 2010 California Fire Code based on the 2009 International Fire Code have been on file for use and examination by the public in the office of the Building Official prior to adoption of this Ordinance.

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

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

4.7 Pursuant to Section(s) 17958.5(a) and (b) as well as Section 17958.7 of the California Health and Safety Code, the Section contained herein shall be submitted as the "Findings of Need" with regard to the specific International Building Code and International Fire Code Ordinance Amendments adopted by the City of Moreno Valley and addressed herein in this Ordinance. That the additional requirements and standards herein are necessary to properly protect the health, safety and welfare of the existing and future residents as well as workers of the City of Moreno Valley. Under the provisions of Section 17958.7 of the Health and Safety Code, local amendments shall be based on climatic, geographical, or topographical conditions. The "Findings of Need" contained herein shall address each of these situations and shall present the local situation which singularly or in combination cause the established amendments to be adopted. Each such modification is identified as to which each such finding refers.

4.7.1 Life Safety: That the additional requirements and standard established herein are needed to properly protect the health, safety, life and limb, and welfare of existing and future residents, workers and guests of the City of Moreno Valley. (Finding 1 refers to amendments made to the International Building Code, California Code of Regulations, Title 24 as specified in this Ordinance).

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

Climatic Conditions:

4.7.2.1 The City of Moreno Valley receives relatively low amounts of precipitation, low humidity and high temperatures. Such climate conditions are conducive to the spread of fire (Information from the University of California, Riverside, Meteorological Weather Station). This finding refers to and supports modifications or changes to 304.1.2; 318; 319; 320; 321; 321.1; 322; 323; 324; 3301.2; 3301.3 of the California Fire Code, 2010 edition.

4.7.2.2 Strong winds, commonly referred to as the Santa Ana Winds, have reached speeds up to 57 miles per hour in Moreno Valley during various months of past years. Damage that can occur during such winds includes the creation of highly flammable conditions of brush, downed trees, utility poles, utility circuits, and power line (Wind speeds documented at March Air Reserve Base). This finding refers to and supports modifications or changes to Chapter 1, Division II, Section 105.2 of the California Building Code, 2010 edition and to Chapter 1, Division II, Section R105.2 of the California Residential Code, 2010 edition. This finding also refers to and supports modifications or changes to 304.1.2; 318; 319; 320; 321; 321.1; 322; 323; 324; 606.8; 606.10.2; 608.1; 608.10; 610.1; 3301.2; 3301.3; 4906.3; 4908; 4909 of the California Fire Code, 2010 edition.

4.7.2.3 Other areas within the City of Moreno Valley are subject to landslides, wind erosion, blown sand, flooding and wildfires. This finding refers to and supports modifications or changes to Chapter 1, Division II, Section 105.2 of the California Building Code, 2010 edition and to Chapter 1, Division II, Section R105.2 and Section 405.1 of the California Residential Code, 2010 edition. This finding also refers to and supports modifications or changes to 304.1.2; 318; 319; 320; 321; 321.1; 322; 323; 324; 3301.2; 3301.3; 4906.3; 4908; 4909 of the California Fire Code, 2010 edition.

Geological:

4.7.2.4 Within the city limits of Moreno Valley, there are two (2) earthquake faults; the San Jacinto Fault and the Casa Loma Fault. There are also

other faults in the immediate adjacent areas. In the event of a severe earthquake, these faults present the potential for catastrophic damage including fire, damage to roadways, and other impairments of emergency apparatus (Fault information from California Division of Mines and Geology). This finding refers to and supports modifications or changes to Chapter 1, Division II, Section 105.2 of the California Building Code, 2010 edition and to Chapter 1, Division II, Section R105.2 and Chapter 4, Section 403.1.3 and Section 405.1 of the California Residential Code, 2010 edition.

4.7.2.5 There is a lack of fire hydrants and water supply to new construction hillside areas in the City of Moreno Valley. This finding refers to and supports modifications or changes to Sections 304.1.2; 318; 319; 320; 321; 321.1; 322; 323; 324; 502.1; 503.1; 503.1.1; 503.1.4; 503.2.1; 503.2.2; 503.2.7; 901.3.1; 901.6; 903.2.10.1.1; 903.2; 903.4; 903.4.3; 905.3.11; 907.2.19.1; 9.12.2.1; 914.5; 4906.3; 4908; 4909 of the California Fire Code, 2010 edition.

4.7.2.6 In Moreno Valley there are known areas where the radio coverage is insufficient to ensure the life safety of emergency personnel due to the mountainous and hilly terrain at the City's northern and eastern boundaries. These areas include the Reche Vista area, the Hidden Springs area near Box Springs Mountain, and the entrance to San Timoteo Canyon off of both Moreno Beach Boulevard and Redlands Boulevard near the northern City limits. This finding refers to and supports modifications or changes to Sections 508.1.1; 508.1.2; 510.1.1 of the California Fire Code, 2010 edition.

Topographical:

4.7.2.7 Development has occurred and continues to occur in Moreno Valley at a rapid pace. Traffic congestion occurs during certain peak business hours, weekends, and on holidays along main thoroughfares such as Sunnymead Blvd, Perris Blvd., Alessandro Blvd., Heacock St., Pigeon Pass/Frederick St., and at some points along Indian St. and Cactus Ave. (Information provided by the Transportation Engineering Division of the Public Works Department). This finding refers to and supports modifications or changes to 502.1; 503.1; 503.1.1; 503.1.4; 503.2.1; 503.2.2; 503.2.7 of the California Fire Code, 2010 edition.

4.7.2.8 The distance between fire stations, and the response time in our City compared to the time when flashover generally occurs creates a need for on-site fire suppression capability in all structures, and also the need for specific turning radius and turnaround requirements for fire apparatus. This finding refers to and supports modifications or changes to Sections 502.1; 503.1; 503.1.1; 503.1.4; 503.2.1; 503.2.2; 503.2.7; 606.8; 606.10.2; 608.1; 608.10; 610.1; 901.3.1; 901.6; 903.2.10.1.1; 903.2; 903.4; 903.4.3; 905.3.11; 907.2.19.1; 907.4.1; 9.12.2.1; 914.5 of the California Fire Code, 2010 edition.

4.7.2.9 Moreno Valley has a number of different water companies serving the area, with varying capacity to deliver water flows for fire suppression purposes. This finding refers to and supports modifications or changes to Sections 507.1; 507.2.1; 507.5.7; 901.3.1; 901.6; 903.2.10.1.1; 903.2; 903.4; 903.4.3; 905.3.11; 907.2.19.1 of the California Fire Code, 2010 edition.

4.7.2.10 In order to accommodate fire equipment during emergency response, we find that fire apparatus roads, grades, turning radius and turnaround dimensions are required as set forth. This finding refers to and supports modifications or changes to Sections 502.1; 503.1; 503.1.1; 503.1.4; 503.2.1; 503.2.2; 503.2.7 of the California Fire Code, 2010 edition.

4.7.2.11 Radio communications and ability to access a breathing air supply can be hindered by topographical features in Moreno Valley as well as building design which can include subterranean structures. It is vital to ensure there is adequate radio coverage and breathing air throughout the City for the life safety of the emergency response personnel. This finding refers to and supports modifications or changes to Sections 508.1.1; 508.1.2; 510.1.1; 511 of the California Fire Code, 2010 edition.

SECTION 5. MUNICIPAL CODE AMENDED:

5.1 The list of chapters of Title 8 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

“Title 8

BUILDINGS AND CONSTRUCTION

<u>Chapter 8.04</u>	<u>STANDARDS AND PRACTICES</u>
<u>Chapter 8.12</u>	<u>FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM</u>
<u>Chapter 8.14</u>	<u>GENERAL</u>
<u>Chapter 8.20</u>	<u>CALIFORNIA BUILDING CODE</u>
<u>Chapter 8.21</u>	<u>GRADING REGULATIONS</u>
<u>Chapter 8.22</u>	<u>CALIFORNIA MECHANICAL CODE</u>
<u>Chapter 8.23</u>	<u>CALIFORNIA RESIDENTIAL CODE</u>
<u>Chapter 8.24</u>	<u>CALIFORNIA PLUMBING CODE</u>
<u>Chapter 8.26</u>	<u>CALIFORNIA ELECTRICAL CODE</u>
<u>Chapter 8.36</u>	<u>INTERNATIONAL FIRE CODE</u>
<u>Chapter 8.60</u>	<u>THREATENED AND ENDANGERED SPECIES”</u>

5.2 Chapter 8.14, Section 8.14.100 of Title 8 of the City of Moreno Valley Municipal Code is hereby repealed in its entirety.

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

“Chapter 8.20

California Building Code

Sections

8.20.010 Adopted

8.20.010 Adopted

The California Building Code, 2010 Edition, based on the 2009 International Building Code as published by the International Code Council, excluding Chapter 29 and Chapter 34 and including Appendix H and the Standards referred to therein, is adopted and made part of this title by reference with the following modifications:

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

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

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

C. Chapter 1, Division II, Section 103.2 is deleted.

D. Chapter 1, Division II, Section 105.1.1 and 105.1.2 are deleted.

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

Fences not over six (6) feet high, masonry concrete block walls under four (4) feet, or combination masonry concrete block walls with wrought iron under four (4) feet high.

F. Chapter 1, Division II, Section 105.2.3 is deleted.

G. Chapter 1, Division II, Section 105.3.2 is amended to read as follows:

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

- H. Chapter 1, Division II, Section 107.3.3 is deleted.
- I. Chapter 1, Division II, Section 113 is deleted.
- J. Chapter 3, Section 304.1 is amended to include (show in bold)

Motor Vehicle Showrooms
Police and Fire Stations
Post Office”

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

“Chapter 8.22

California Mechanical Code

Sections
8.22.010 Adopted

8.22.010 Adopted

The California Mechanical Code, 2010 Edition, including Appendices B, C and D thereto, based on the 2009 Uniform Mechanical Code and the Standards incorporated therein, as published by the International Association of Plumbing and Mechanical Officials, is adopted and made a part of this chapter by reference with the following modifications:

- A. Chapter 1, Division II Section 110.0 is deleted.
- B. Chapter 1, Division II Section 114.4 is amended to read as follows

Expiration. Every permit issued under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one-hundred and eighty (180) days

from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one-hundred and eighty (180) days. Before such work can be recommenced, a new permit must be first be obtained.

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

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

C. Chapter 1, Division II Section 115.0 is deleted.”

5.5 Chapter 8.23 of Title 8 of the City of Moreno Valley Municipal Code is hereby added to read as follows:

“Chapter 8.23

California Residential Code

Sections

8.23.010 Adopted

8.23.010 Adopted

The California Residential Code, 2010 Edition, based on the 2009 International Residential Code and the Standards referred to therein, as published by the International Code Council, is adopted and made part of this chapter by reference with the following modifications:

A. Chapter 1, Division II, Section R103.2 is deleted.

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

Fences not over six (6) feet high, masonry concrete block walls under four (4) feet, or combination masonry concrete block walls with wrought iron under four (4) feet high.
- C. Chapter 1, Division II, Section R105.2.3 is deleted.
- D. Chapter 1, Division II, Section R106.3.3 is deleted.
- E. Chapter 1, Division II, Section R112 is deleted.
- F. Chapter 3, Table R301.2(1) is revised to read:

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

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k		Weathering ^a	Frost line Depth ^b	Termite ^c					
Zero	85	No	D ₂ or E	Negligible	12"	Very Heavy	43	No	See Title 8	0	64

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

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. Temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

- G. Chapter 4, Section R403.1.3 is modified by deleting the exception for masonry stem walls:

In Seismic Design Categories D₀, D₁ and D₂ masonry stem walls without solid grout and vertical reinforcing are not permitted.

~~Exception: In detached one and two family dwellings which are three stories or less in height and constructed with stud bearing walls, plain concrete footings without longitudinal reinforcement supporting walls and isolated plain concrete footings supporting columns or pedestals are permitted.~~

- H. Chapter 4, Section R405.1 is modified to delete the exception as follows:

~~Exception: A drainage system is not required with the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group 1 Soils, as detailed in Table R405.1"~~

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

“Chapter 8.24

California Plumbing Code

Sections

8.24.010 Adopted

8.24.010 Adopted

The California Plumbing Code, 2010 Edition, including the Appendices thereto, based on the 2009 Uniform Plumbing Code and installation standards incorporated therein, as published by the International Association of Plumbing and Mechanical Officials, is adopted and made part of this chapter by reference with the following modifications:

A. Chapter 1, Division II Section 103.3.4 is amended to read as follows

Expiration. Every permit issued under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one-hundred and eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one-hundred and eighty (180) days. Before such work can be recommenced, a new permit must first be obtained.

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

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

B. Chapter 1, Division II Section 103.4 is deleted.”

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

“Chapter 8.26

California Electric Code

Sections

8.26.010 Adopted

8.26.010 Adopted

The California Electric Code, 2010 Edition, based on the 2008 National Electric Code as published by the National Fire Protection Association, is adopted and made a part of this chapter by reference.”

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

“Chapter 8.36

International Fire Code

Sections

8.36.010 Definitions
8.36.020 Adoption of the International Fire Code
8.36.030 California Fire Code Administration & Definitions
8.36.040 General Precautions Against Fire
8.36.050 Emergency Planning and Preparedness
8.36.060 Fire Service Features
8.36.070 Building Services and Systems
8.36.080 Fire-Resistance-Rated Construction
8.36.090 Interior Finish, Decorative Materials and Furnishings
8.36.100 Fire Protection Systems
8.36.110 Means of Egress
8.36.120 Aviation Facilities
8.36.130 Dry Cleaning
8.36.140 Combustible Dust-Producing Operations
8.36.150 Fire Safety During Construction and Demolition
8.36.160 Flammable Finishes
8.36.170 Fruit and Crop Ripening
8.36.180 Fumigation and Thermal Insecticidal Fogging

- 8.36.190 Semiconductor Fabrication Facilities
- 8.36.200 Lumber Yards and Woodworking Facilities
- 8.36.210 Manufacture of Organic Coatings
- 8.36.220 Industrial Ovens
- 8.36.230 Motor Fuel-Dispensing Facilities and Repair Garages
- 8.36.240 High Piled Combustible Storage
- 8.36.250 Tents and Other Membrane Structures
- 8.36.260 Tire Rebuilding and Tire Storage
- 8.36.270 Welding and Other Hot Work
- 8.36.280 Hazardous Materials – General Provisions
- 8.36.290 Aerosols
- 8.36.300 Combustible Fibers
- 8.36.310 Compressed Gases
- 8.36.320 Corrosive Materials
- 8.36.330 Cryogenic Fluids
- 8.36.340 Explosives and Fireworks
- 8.36.350 Flammable and Combustible Liquids
- 8.36.360 Flammable Gases and Flammable Cryogenic Fluids
- 8.36.370 Flammable Solids
- 8.36.380 Highly Toxic and Toxic Materials
- 8.36.390 Liquefied Petroleum Gases
- 8.36.400 Organic Peroxides
- 8.36.410 Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids
- 8.36.420 Pyrophoric Materials
- 8.36.430 Pyroxilin (Cellulose Nitrate) Plastics
- 8.36.440 Unstable (Reactive) Materials
- 8.36.450 Water-Reactive Solids and Liquids
- 8.36.460 Marinas
- 8.36.470 Construction Requirements for Existing Buildings
- 8.36.480 Referenced Standards
- 8.36.490 Motion Picture and Television Production Stages and Facilities
- 8.36.500 Requirements for Wildland-Urban Interface Fire Areas
- 8.36.510 Appendices
- 8.36.520 Designation of Fire Code
- 8.36.530 Severability

8.36.010 Definitions

The following definitions shall be added to the existing definition in the 2009 Edition of the International Fire Code and the California Fire Code 2010 Edition:

“Corporation Counsel” shall mean the city attorney.

“NFPA” shall mean National Fire Protection Association.

“Municipality” shall mean the City of Moreno Valley.

8.36.020 Adoption of the International Fire Code

A. The City Council of the City of Moreno Valley hereby adopts as amended, the 2009 Edition of the International Fire Code, California Fire Code 2010 Edition, California Code of Regulations Title 24 Part 9, Appendices Chapter 4, A, B, BB, C, CC, E, F, G, and H, the California Fire Code Standards and the body of code in its entirety, with the exception of appendix D, I, and J of the California Fire Code as compiled and adopted by the International Code Council.

8.36.030 California Fire Code Administration & Definitions

A. Section 101.4 of the California Fire Code is hereby amended to read as follows:

Section 101.4 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

B. Section 103.4 of the California Fire Code is hereby amended to read as follows:

Section 103.4 Liability. Any liability against the County of Riverside or any officer or employee shall be as provided for in California Government Code and case law.

Fire suppression, investigation and rescue or emergency medical costs are recoverable in accordance with California Health and Safety Code Sections 13009 and 13009.1.

Any person who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to, a traffic accident or spill of toxic or flammable fluids or chemicals, is liable for the costs of securing such emergency, including those costs set out in Government Code Section 53150, et seq. Any expense incurred by the fire department for securing such an emergency situation shall constitute a debt of such person and shall be collectable by the County of Riverside, or political subdivision thereof if incorporated, in the same manner as in the case of an obligation under contract, expressed or implied.

C. Section 104.1 of the California Fire Code is hereby amended at the end of existing paragraph to read as follows:

Section 104.1 Authority of the Fire Chief and the Fire Department. The chief is authorized to administer, interpret and enforce the California Fire Code. Under the chief's direction, the Riverside County Fire Department is authorized to enforce all ordinances of the County of Riverside pertaining to:

- (1) The prevention of fires.
- (2) The suppression or extinguishment of dangerous or hazardous fires.
- (3) The storage, use and handling of hazardous materials.
- (4) The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
- (5) The maintenance and regulation of fire escapes.
- (6) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction.
- (7) The maintenance of means of egress.
- (8) The investigation of the cause, origin and circumstance of fire and unauthorized releases of hazardous materials.

D. Section 104.1.1 of the California Fire Code is hereby added to read as follows:

Section 104.1.1 Authority of the Fire Chief. The chief is hereby given the authority to officially determine and publicly announce the closure of any hazardous fire area or portion thereof. However, any closure by the chief for a period of more than fifteen (15) days must be approved by the City Council within fifteen (15) days of the chief's original order of closure. No person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas therein during such time as the area is closed to entry. This section shall not prohibit residents or owners of private property within any closed area, or their invitees, from going in or being upon their lands. This section does not apply to any entry, in the course of duty by a peace officer or any other duly authorized public officer, member of any fire department, Riverside County Fire Department or member of the U.S. Forest Service or California Department of Forestry and Fire Protection nor does this section apply to National Forest Land in any respect. During periods of closure, the chief shall erect and maintain at all entrances to the closed area sufficient signs giving adequate notice of closure.

E. Section 104.3.2 of the California Fire Code is hereby added to read as follows:

Section 104.3.2 Fire Department Personnel and Peace Officers (1) The chief and his or her designees are authorized and directed to enforce all applicable State fire laws and the provisions of this code and he shall perform such related duties as may be fixed by the City Council, and for such purposes, he or she shall have the power of a peace officer.

(2) The chief is authorized to administer, interpret and enforce this code. Under the chief's direction, the fire department is authorized to enforce all ordinances of the jurisdiction pertaining to:

- (a) The prevention of fires,
- (b) The suppression or extinguishment of dangerous or hazardous fires,
- (c) The storage, use and handling of hazardous materials,
- (d) The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment,
- (e) The maintenance and regulation of fire escapes,
- (f) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction,
- (g) The maintenance of means of egress, and
- (h) The investigation of the cause, origin and circumstance of fire and unauthorized releases of hazardous materials.

(3) The following persons are hereby authorized to interpret and enforce the provisions of this Code (except as provided in Section 101.4) and to make arrests and issue citations as authorized by law:

- 1. The Unit Chief and peace officers and public officers of the California Department of Forestry and Fire Protection.
- 2. The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.
- 3. The City Fire Marshal and members of the Moreno Valley Fire Prevention Bureau.
- 4. The Riverside County Sheriff and any Deputy Sheriff.
- 5. The Police Chief and any Police Officer of any city served by the County Fire department.
- 6. Officers of the California Highway Patrol.
- 7. Peace Officers of the California Department of Parks and Recreation.
- 8. The law enforcement officers of the Federal Bureau of Land management.

F. Section 105.6.14 of the California Fire Code is hereby amended to read as follows:

105.6.14 Explosives. An operating permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive material, fireworks or pyrotechnic special effects. The determination of the Fire Chief with concurrence of Sheriff, or Chief of Police, shall be obtained and is final. The chief may impose conditions and procedures as to protect the public health and safety based upon the pyrotechnic or blasting operation. The chief, shall provide the pyrotechnic operator or blaster with the additional conditions or procedures in writing and the operator/blaster shall comply with them until the permit expires or the Sheriff is satisfied they are no longer required and cancels the additional requirements.

The blaster shall permit the chief or his designee, to inspect the pyrotechnic/blast site, blast materials, explosives or explosive storage magazines at any reasonable time.

G. Section 105.6.30 of the California Fire Code is hereby amended to read as follows:

105.6.30 Open burning An operational permit shall be required for the kindling or maintaining of an open fire or a fire on any public street, alley, road or other public or private ground. In instructions and stipulations of the permit shall be adhered to.

Exception: Recreational Fires

H. The following definitions of Section 202 of the California Fire Code are hereby amended to read as follows:

Section 202 General Definitions

HAZARDOUS FIRE AREA is land other than state designated fire hazard severity zone (FHSZ) and/or local designated FHSZ which is covered with grass, brush, or dense vegetation, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated on the maps entitled "Hazardous Fire Areas of Moreno Valley" on file in the office of the city clerk and in the office of the fire chief.

8.36.040 General Precautions Against Fire

Chapter 3 General Precautions Against Fire is adopted in its entirety with the following amendments:

A. **Section 304.1.2 (7) Vegetation** is hereby revised by adding Section "(E)" as follows:

(E) MVFD Vegetation Management Guideline.

B. **Section 318 Fuel Modification Requirements for New Construction** is hereby added as follows:

318 Fuel Modification Requirements for New Construction. All new buildings to be built or installed in areas containing combustible vegetation shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the fire code official concurrent with the submittal for approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
3. The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section of the Moreno Valley Fire Department Vegetation Management Guideline.
4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval by the fire code official.
5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

C. **Section 319 Clearance of brush or vegetation growth from roadways** is hereby added as follows:

319 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

D. **Section 320 Unusual Circumstances** is hereby added as follows:

320 Unusual circumstances. The fire code official may suspend enforcement of the vegetation management requirements and require reasonable alternative measures designed to advance the purpose of this code if determined that in any specific case that any of the following conditions exist:

- 1 Difficult terrain.
- 2 Danger of erosion.
- 3 Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
- 4 Stands or groves of trees or heritage trees.
- 5 Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

E. **Section 321 Use of Equipment** is hereby added as follows:

321 Use of equipment. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated, in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 321.1 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Exception:

1. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.
2. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition

F. **Section 321.1 Spark Arrestors** is hereby added as follows:

321.1 Spark arrestors. Spark arrestors shall comply with the following:

1. A spark arrester is a device constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58 mm) in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.
2. Spark arresters affixed to the exhaust system of engines or vehicles subject to Section 321 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

G. **Section 322 Restricted Entry** is hereby added as follows:

322 Restricted Entry. The fire chief shall determine and publicly announce when hazardous fire areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of hazardous fire areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the hazardous fire area is closed to entry, is prohibited.

Exception:

1. Residents and owners of private property within hazardous fire areas and their invitees and guests going to or being upon their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

H. **Section 323 Trespassing on posted property** is hereby added as follows:

323 Trespassing on posted property. When the fire chief determines that a specific area within a hazardous fire area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

1. Signs. Approved signs prohibiting entry by unauthorized persons and referring to applicable fire code chapters shall be placed on every closed area.
2. Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

I. **Section 324 Outdoor fires** is hereby added as follows:

324 Outdoor fires. Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas, except by permit from the fire code official.

Exception: Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from a grass, grain, brush, or forest-covered area. Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

8.36.050 Emergency Planning and Preparedness

Chapter 4: Emergency Planning and Preparedness Adopt only the Sections listed below:

1. **Section 401**
2. **Section 402**
3. **Section 403**
4. **Section 407**

8.36.060 Fire Service Feature

Chapter 5 Fire Service Features is adopted in its entirety with the following amendments:

A. The following definitions of Section 502.1 of the California Fire Code are hereby amended to read as follows:

FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as public street, private street, parking lot lane and access roadway.

FIRE LANE. A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus. A fire lane shall be distinguished from a fire apparatus access road in that a fire lane shall be the road or passage that is located directly adjacent to the exterior walls and main entrance of the building.

B. Section 503.1 of the California Fire Code is hereby amended to read as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Section 503.1.1 through 503.1.3. The fire chief or his/her designee shall be the only authority authorized to designate fire lanes.

C. Section 503.1.1 of the California Fire Code is hereby amended to read as follows:

503.1.1 Exception. Remove item #3 from the Exception clause.

D. Section 503.1.4 of the California Fire Code is hereby added to read as follows:

503.1.4 Other obstructions to access. When other obstructions are installed that cause the distances from an approved fire department access road or exceed the maximum distance allowed in Section 503, the fire chief or his/her designee is authorized to require additional fire protection as specified in Section 901.4.3.

E. Section 503.2.1 of the California Fire Code is hereby amended to read as follows:

503.2.1 Fire Lane Dimensions. Fire lanes shall have an unobstructed width of not less than 24 feet when the height of a building does not exceed 35 feet. Buildings with heights in excess of 35 feet will require an unobstructed fire lane to be at least 30 feet in width. All roof height dimensions shall be measured on a vertical plane from the lowest level of vehicular access to the highest point of the roofs edge, or to the top of the parapet, whichever is higher.

F. Section 503.2.2 of the California Fire Code is hereby amended to read as follows:

503.2.2 Authority. The fire code official shall have the authority to modify the minimum fire lane access widths where they are inadequate for fire or rescue operations, or otherwise modify the conditions when the minimum fire lane access widths are not practical. The fire code official is authorized to approve alternate, methods, and materials as means of mitigating practical difficulties and require additional fire protection where applicable as specified in Section 901.4.3.

G. Section 503.2.7 of the California Fire Code is hereby amended to read as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire chief or his/her designee based on the fire department's apparatus, however, no grade will exceed twelve (12) percent. Grade transitions shall not exceed Moreno Valley Fire Department apparatus maximum approach and departure angles as determined by the fire chief or his/her designee.

H. Section 503.3 of the California Fire Code is hereby amended to add the following information at the end of the first paragraph:

Fire apparatus access lanes and roads shall be identified by curbs painted red on both the top and face along the entire length of the fire apparatus access road. Where no curb exists or a rolled curb is installed, a six (6) inch wide red strip or approved posted signs applied the full length of the fire apparatus access road shall be installed.

Exception: On school grounds to be implemented as approved by the fire chief or his/her designee.

I. Section 507.1 of the California Fire Code is hereby amended to add the following information at the end of the first paragraph:

An approved permanent water supply capable of supplying the required fire flow for fire protection, shall be provided by the developer prior to the commencement of construction to all premises upon which buildings or portion of buildings are hereafter constructed or moved into or within the jurisdiction. Water supplies for fire protection and hydrants shall be in accordance with Appendix B and C.

J. Section 507.2.1 of the California Fire Code is hereby amended to read as follows:

507.2.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24, and the applicable provisions of NFPA 13, Chapter 10.

K. Section 508.5.7 is hereby added to the California Fire Code:

508.5.7 Fire hydrant size and outlets. Fire hydrant size and outlets shall be required as determined by the fire code official

1. Residential Standard – one (1) four (4) inch outlet, and one (1) two and one half (2 ½) inch outlet.
2. Super Hydrant Standard – one (1) four (4) inch outlet, and two (2) two and one half (2 ½) inch outlet.
3. Super Hydrant Enhanced - two (2) four (4) inch outlet, and one (1) two and one half (2 ½) inch outlet.

L. Section 508.1.1 of the California Fire Code is hereby amended to read as follows:

508.1.1 Location and access The fire command center shall be located adjacent to the main lobby and shall be accessible from fire department vehicular access or as approved by the fire code official. The room shall have direct access from the building exterior at the lowest level of fire department access

M. Section 508.1.2 of the California Fire Code is hereby amended to read as follows:

508.1.2 Separation The fire command center shall be separated from the remainder of the building by not less than a two (2) hour fire barrier constructed and in accordance with Section 707 of the California Building Code, or horizontal assembly constructed in accordance with section 712 of the California Building Code, or both.

N. Section 508.1.6 is hereby added to the California Fire Code:

508.1.6 Fire command center identification. The fire command center shall be identified by permanent easily visible sign stating “Fire Dept. Command Center”, located on the door to the fire command center.

O. Section 510.1.1 is hereby added to the California Fire Code:

510.1.1 The appropriate Communications and Technology Units that support the Moreno Valley Fire Department and the Moreno Valley Police Department, at the time the building permit is issued, shall determine the frequency range or ranges that must be supported. For the purpose of this Section, adequate radio coverage shall constitute a successful communications test between the building and the

communications centers for all appropriate emergency service providers for the building.

P. Section 511 is hereby added to the California Fire Code:

511 Fire breathing apparatus air systems. All buildings having floors used for human occupancy located 75 feet or more above or below the lowest level of fire department vehicular access shall be equipped with an approved breathing apparatus air refilling system. Such systems shall provide an adequate pressurized air supply through permanent piping system for the replenishment of self contained breathing apparatus carried by fire suppression, rescue and other personnel in the performance of their duties. Location and specification of access stations, and the installation of such breathing apparatus air refilling system shall be made in accordance with the requirements and standards of the Fire Chief.

8.36.070 Building Services and Systems

Chapter 6 Building Service and Systems is adopted in its entirety with the following amendments

A. **Section 606.8 Refrigerant Detector** is hereby amended as follows:

606.8 Refrigerant Detector. Machinery rooms shall contain a refrigerant detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in the California Mechanical Code for the refrigerant classification. Detectors and alarms shall be placed in approved locations. Emergency shutoff shall also be automatically activated when the concentration of refrigerant vapor exceeds 25 percent of LFL. The detector shall transmit a signal to an approved location.

B. **Section 606.10.1.2 Manual Operation** is hereby amended as follows:

606.10.2 Manual operation. When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent and marked as Emergency Controls.

C. **Section 608.1 Scope** is hereby amended as follows:

608.1 Scope. Stationary storage battery systems having an electrolyte capacity of more than 50 gallons (189 L) for flooded lead acid, nickel cadmium (Ni-Cd) and valve-regulated lead acid (VRLA), or 1,000 pounds (454 kg) for lithium-ion and lithium metal polymer, used for facility standby power, emergency power or, uninterrupted power supplies, shall comply with this section and Table 608.1.

Indoor charging of electric carts/cars with more than 50 gallons (189 L) shall comply with Section 608.10,

D. **Section 608.10 Indoor charging of electric carts/cars** is hereby added as follows:

608.10 Indoor charging of electric carts/cars. Indoor charging of electric carts/cars where the combined volume of all electric/cars battery electrolyte exceeds 50 gallons shall comply with following:

1. Spill control and neutralization shall be provided and comply with Section 608.5.
2. Room ventilation shall be provided and comply with Section 608.6.1
3. Signage shall be provided and comply with Section 608.7
4. Smoke detection shall be provided and comply with Section 907.2

E. **Section 610 Photovoltaic Systems** is hereby added as follows:

SECTION 610 - PHOTOVOLTAIC SYSTEMS

Section 610.1 General is hereby added as follows:

610.1 Manual operation. Photovoltaic systems shall comply with the Moreno Valley Fire Department Guideline for Fire Safety Elements of Solar Photovoltaic Systems.

8.36.080 Fire-Resistance-Rated Construction

Chapter 7 Fire-Resistance-Rated Construction is hereby adopted in its entirety without amendments.

8.36.090 Interior Finish, Decorative Materials and Furnishings

Chapter 8 Interior Finish, Decorative Materials and Furnishings adopt only the Sections and Subsections listed below:

1. **Section 801**
2. **Section 802**
3. **Section 803**
4. **Section 804**
5. **Subsection 806.2**
6. **Subsection 807.1**
7. **Subsection 807.1.2**
8. **Subsection 807.4.5.1**
9. **Subsection 807.4.2.4.1**

- 10. Subsection 807.4.5
- 11. Subsection 807.4.2.4
- 12. Table 803.3

8.36.100 Fire Protection Systems

Chapter 9 Fire Protection Systems is adopted in its entirety with the following amendments

- A. Section 901.3.1 is hereby added to the California Fire Code:

901.3.1 Modifications. No person shall remove or modify any fire protection system installed or maintained under the provisions of the California Fire Code without approval by the fire marshal and the building official.

- B. Section 901.6 of the California Fire Code is hereby amended to read as follows:

901.6 Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. It shall be the responsibility of the owner to ensure that these requirements are met. Non required fire protection systems and equipment shall be inspected, tested and maintained or removed. Prior to the removal of any fire protection system approval shall be obtained from the fire marshal or building official.

- C. Section 903.2.10.1.1 of the California Fire Code is hereby amended to read as follows:

903.2.10.1.1 Opening dimension and access. Openings shall have a minimum dimension of not less than 36 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that the fire fighter or rescue cannot be accomplished from the exterior.

- D. Section 903.2 of the California Fire Code is hereby amended as follows:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided when one of the following conditions exists

1. New buildings: Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.12, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 3,600 square feet (465 m²) as defined in Section 202, regardless of fire areas or allowable area.

Exception: Group R-3 occupancies. Group R-3 occupancies shall comply with Section 903.2.8.

2. Existing Buildings: Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 3,600 square feet (465 m²) as defined in Section 202; or
 - b. When an addition exceeds 1500 square feet (186 m²) and the resulting building area exceeds 3,600 square feet (465 m²) as defined in Section 202.

E. Section 903.4 of the California Fire Code is hereby amended to read as follows:

903.4 Sprinkler Monitoring and alarms. All valves controlling the water supply for automatic sprinkler systems, fire pumps, booster pumps, water supply tanks, water levels and temperatures, critical air pressures, and water-flow switches on all sprinkler systems shall be electrically supervised in accordance with NFPA 72, regardless of the number of sprinklers in 13 and 13R systems.

Exception:

1. Automatic sprinkler systems protecting one- and two-family dwellings.
2. Limited area systems serving fewer than 20 sprinklers.
3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

F. Section 903.4.3 of the California Fire Code is hereby amended to read as follows:

903.4.3 Floor control valves. Approved supervised indication control valves shall be provided at the point of connection to the riser on each floor in buildings five (5) or more stories in height unless otherwise approved by the fire chief or his/her designee. Valve locations will be determined and approved by the fire chief or his/her designee.

G. Section 905.3.11 is hereby added to the California Fire Code:

905.3.11 High-rise building fire department connections. Two (2), four (4) – way, fire department connections serving single or combination systems shall be separated from each other and located at opposite sides of the building or as determined by the fire chief or his/her designee. At least one (1) of the fire department connections shall be connected to risers above a riser isolation valve.

H. Section 907.2.19.1 of the California Fire code is hereby added to read as follows:

907.2.19.1 Underground buildings. All underground buildings shall be equipped throughout with a manual fire alarm system, including an emergency voice/alarm communication system installed in accordance with Section 907.2.12.3

I. Section 907.4.1 of the California Fire Code is hereby amended as follows:

907.4.1 Duct smoke detectors. Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm control unit when a fire alarm system is installed. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the California Mechanical Code. Duct smoke detectors shall not be used as a substitute for required open area detection.

Exception:

1. In occupancies not required to be equipped with a fire alarm system, actuation of a smoke detector shall activate a visible and an audible signal in an approved location. Smoke detector trouble conditions shall activate a visible or audible signal in an approved location and shall be identified as air duct detector trouble.

J. Section 910.3.2.2 of the California Fire Code is hereby amended as follows:

910.3.2.2 Sprinklered Buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically by actuation of a heat-responsive device rated at least 100° F above the operating temperature of the sprinkler, unless otherwise approved.

K. Section 912.2.1 of the California Fire Code is hereby amended to read as follows:

9.12.2.1 Visible locations. Fire department connections shall be located on the front access side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire chief or his/her designee. The location of fire department connections shall be approved and installed as follows:

1. Within 40 feet of an approved roadway or driveway and arranged so that hose lines can be readily attached to the inlets without interference from any nearby objects including buildings, fences, posts, plantings, or other fire department connections or otherwise approved by the fire chief or his/her designee.
2. Within 50 feet of an approved hydrant.
3. So that the inlet height shall not be less than 18 inches or more than 48 inches above grade.
4. Guard posts or other approved means shall be required to protect fire department inlet connections from vehicular damage.

L. Section 914.5 of the California Fire Code is hereby amended to read as follows:

914.5 Underground and windowless buildings. Underground buildings shall comply with sections 914.5.1 through 914.5.6 and windowless buildings with a total floor area that exceeds 5000 square feet shall comply with Section 914.5.2 through 914.5.6.

Exception: This section shall not apply to one and two-family residential dwellings.

8.36.110 Means of Egress

Chapter 10 Means of Egress is adopted in its entirety without amendments

8.36.120 Aviation Facilities

Chapter 11 Aviation Facilities is adopted in its entirety without amendments

8.36.130 Dry Cleaning

Chapter 12 Dry Cleaning is adopted in its entirety without amendments.

8.36.140 Combustible Dust –Producing Operations

Chapter 13 Combustible Dust-Producing Operations is adopted in its entirety without amendments.

8.36.150 Fire Safety During Construction and Demolition

Chapter 14 Fire Safety During Construction and Demolition is adopted in its entirety without amendments.

8.36.160 Flammable Finishes

Chapter 15 Flammable Finishes is adopted in its entirety without amendments.

8.36.170 Fruit and Crop Ripening

Chapter 16 Fruit and Crop Ripening is adopted in its entirety without amendments.

8.36.180 Fumigation and Thermal Insecticidal Fogging

Chapter 17 Fumigation and Thermal Insecticidal Fogging is adopted in its entirety without amendments.

8.36.190 Semiconductor Fabrication Facilities

Chapter 18 Semiconductor Fabrication Facilities is adopted in its entirety without amendments

8.36.200 Lumber Yards and Woodworking Facilities

Chapter 19 Lumber Yards and Woodworking Facilities is adopted in its entirety without amendments:

8.36.210 Manufacture of Organic Coatings

Chapter 20 Manufacture of Organic Coatings is adopted in its entirety without amendments.

8.36.220 Industrial Ovens

Chapter 21 Industrial Ovens is adopted in its entirety without amendments.

8.36.230 Motor Fuel-Dispensing Facilities and Repair Garages

Chapter 22 Motor Fuel-Dispensing Facilities and Repair Garages is adopted in its entirety without amendments.

8.36.240 High –Piled Combustible Storage

Chapter 23 High-Piled Combustible Storage is adopted in its entirety without amendments.

8.36.250 Tents, and Other Membrane Structures

Chapter 24 Tents and Other Membrane Structures is adopted in its entirety without amendments.

8.36.260 Tire Rebuilding & Tire Storage

Chapter 25 Tire Rebuilding & Tire Storage is adopted in its entirety without amendments.

8.36.270 Welding and Other Hot Work

Chapter 26 Welding and Other Hot Work is adopted in its entirety without amendments.

8.36.280 Hazardous Materials – General Provisions

Chapter 27 Hazardous Materials – General Provisions is adopted in its entirety with the following amendments.

8.36.290 Aerosols

Chapter 28 Aerosols is adopted in its entirety without amendments.

8.36.300 Combustible Fibers

Chapter 29 Combustible Fibers is adopted in its entirety without amendments.

8.36.310 Compressed Gases

Chapter 30 Compressed Gases is adopted in its entirety without amendments.

8.36.320 Corrosive Materials

Chapter 31 Corrosive Materials is adopted in its entirety without amendments.

8.36.330 Cryogenic Fluids

Chapter 32 Cryogenic Fluids is adopted in its entirety without amendments.

8.36.340 Explosives and Fireworks

Chapter 33 Explosives and Fireworks California Fire Code Chapter 33 is adopted in its entirety with the following amendments.

A. **Section 3301.2 Retail Fireworks** is hereby added as follows:

3301.2 Retail Fireworks. The storage, use, sale, possession, and handling of fireworks 1.4G (commonly referred to as Safe & Sane) and fireworks 1.3G is prohibited.

Exception – Fireworks 1.4G and fireworks 1.3G may be part of an electrically fired public display when permitted and conducted by a licensed pyrotechnic operator

B. **Section 3301.3 Seizure of Fireworks** is hereby added as follows:

3301.3 Seizure of Fireworks. The fire chief shall have the authority to seize, take, remove all fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19 CCR, Chapter 6. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory, constitutional, and decisional law.

C. **Section 3308.1 General** is hereby amended as follows:

3308.1 GENERAL. Outdoor fireworks displays, use of pyrotechnics before proximity audience and pyrotechnic special effects in theatrical, and group entertainment productions, shall comply with California Code of Regulations, Title 19 , Division 1, Chapter 6 – Fireworks, the Moreno Valley Fire Department Guideline for Public Fireworks Displays, and with the conditions of the permit as approved by the fire code official.

8.36.350 Flammable and Combustible Liquids

Chapter 34 Flammable and Combustible Liquids is adopted in its entirety without amendments.

8.36.360 Flammable Gases

Chapter 35 Flammable Gases is adopted in its entirety without amendments.

8.36.370 Flammable Solids

Chapter 36 Flammable Solids is adopted in its entirety without amendments.

8.36.380 Highly Toxic and Toxic Materials

Chapter 37 Highly Toxic and Toxic Materials is adopted in its entirety without amendments.

8.36.390 Liquefied Petroleum Gases

Chapter 38 Liquefied Petroleum Gases is adopted in its entirety without amendments.

8.36.400 Organic Peroxides

Chapter 39 Organic Peroxides is adopted in its entirety without amendments.

8.36.410 Oxidizers

Chapter 40 Oxidizers is adopted in its entirety without amendments.

8.36.420 Pyrophoric Materials

Chapter 41 Pyrophoric Materials is adopted in its entirety without amendments.

8.36.430 Pyroxylin Plastics

Chapter 42 Pyroxylin Plastics is adopted in its entirety without amendments.

8.36.440 Unstable (Reactive) Materials

Chapter 43 Unstable (Reactive) Materials is adopted in its entirety without amendments.

8.36.450 Water-Reactive Solids and Liquids

Chapter 44 Water-Reactive Solids and Liquids is adopted in its entirety without amendments.

8.36.460 Marinas

Chapter 45 Marinas is adopted in its entirety without amendments.

8.36.470 Construction Requirements for Existing Buildings

Chapter 46 Construction Requirements for Existing Buildings is adopted by only those Sections and Subsections listed below:

1. **Subsection 4603.6**
2. **Subsection 4603.6.3**
3. **Subsection 4603.6.3.1**

- 4. Subsection 4603.6.8 through 4603.6.8.2
- 5. Subsection 4603.6.9 through 4603.6.9.10
- 6. Subsection 4603.7 through 4603.7.5.3
- 7. Section 4606

8.36.480 Referenced Standards

Chapter 47 Referenced Standards is adopted in its entirety without the amendments:

8.36.490 Motion Picture and Television Production Studio Sound Stages, Approved Production Facilities, and Production Locations

Chapter 48 Motion Picture and Television Production Studio Sound Stages, Approved Production Facilities, and Production Locations is adopted in its entirety without amendments.

8.36.500 Requirements for Wildland-Urban Interface Fire Areas

Chapter 49 Requirements for Wildland-Urban Interface Fire Areas is adopted in its entirety with the following amendments:

A. **Section 4906.3 Vegetation** is hereby revised by adding Section “(5)” as follows:

(5) MVFD Vegetation Management Guideline.

B. **Section 4908 Fuel Modification Requirements for New Construction** is hereby added as follows:

4908 Fuel Modification Requirements for New Construction. All new buildings to be built or installed in hazardous fire areas shall comply with the following:

- 1. Preliminary fuel modification plans shall be submitted to and approved by the fire code official concurrent with the submittal for approval of any tentative map.
- 2. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
- 3. The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section of the Orange County Fire Authority Vegetation Management Guidelines.
- 4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approved by the fire code official.
- 5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

C. **Section 4909 Explosives and Blasting** is hereby added as follows:

4909 Explosives and Blasting. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas, or hazardous fire areas except by permit from the fire code official.

8.36.510 Appendices

Appendix 4, A, B, BB, C, CC, E, F, G, H are adopted in their entirety without amendment.

8.36.520 Designation of Fire Code

The provisions of this Chapter, together with the provisions of Chapter 8.36 of this Title may be known collectively as "The Fire Code of the City of Moreno Valley."

8.36.530 Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the meaning portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsection, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 6. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the meaning portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsection, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 7. NOTICE OF ADOPTION:

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

SECTION 8. EFFECTIVE DATE:

This ordinance shall take effect on January 1, 2011.

APPROVED AND ADOPTED this _____ day of _____, 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

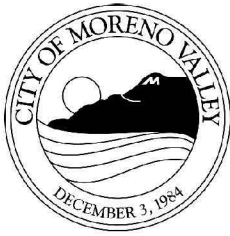
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

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

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>SPB</i>
CITY MANAGER	<i>wls</i>

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: November 9, 2010

TITLE: REVISIONS TO THE NSP GUIDELINES FOR THE SINGLE-FAMILY RESIDENTIAL ACQUISITION, REHABILITATION AND RESALE PROGRAM

RECOMMENDED ACTION

Staff recommends the City Council approve a revision to the NSP Guidelines for the Single-Family Residential Acquisition, Rehabilitation and Resale program.

BACKGROUND

In the fall of 2008, the City of Moreno Valley was awarded an allocation of \$11,390,116 as part of the Neighborhood Stabilization Program (NSP). On November 25, 2008, the City Council approved Moreno Valley's NSP and it was submitted to the U.S. Housing and Urban Development Department (HUD) for certification. Moreno Valley's NSP established the following three programs to adhere to HUD requirements, along with addressing the housing foreclosure challenges in the community.

- Acquisition, Rehabilitation and Resale (ARR) Program for Single-Family Residential
- Acquisition, Rehabilitation and Rental (ARR) Program for Multi-Family Rental Apartments
- Down Payment Home Buyer Assistance Program

In order to implement the NSP, on July 14, 2009, the City Council approved retaining Development Partners to work with the City in operating the NSP activities, along with establishing guidelines for the ARR programs. Four Single-Family and two Multi-Family Development Partners were authorized for Moreno Valley's NSP.

DISCUSSION

The City of Moreno Valley adhered to all HUD requirements for NSP and successfully obligated all of its \$11.39 million allocation by HUD's required deadline of September 5, 2010. As part of that commitment Moreno Valley's NSP has already or will soon acquire a total of 44 single-family homes that were foreclosed and bank-owned properties. Additionally, through the NSP, two foreclosed apartment buildings—with a total of 27 multi-family units were purchased and will be rehabilitated and rented as affordable housing opportunities.

As NSP properties are resold, the City reinvests the proceeds from the sale into rehabilitating additional foreclosures in Moreno Valley. So far, many of the single-family homes acquired as part of Moreno Valley's NSP have been rehabilitated and are being marketed for resale to owner-occupied homebuyers meeting the NSP's established income and homebuyer qualifications. Five homes have already been sold to new home buyers and ten more properties are currently in escrow. Ten additional homes have been completely rehabilitated and have been marketed for resale, but remain unsold. Several of these properties have already had multiple price adjustments downward because of a lack of buyer interest.

During the past six months the residential resale market has slowed in Southern California and especially in the Inland Region—including Moreno Valley. Overall, the number of resale transactions has decreased and pricing has become very important to move product. To properly adjust to the changing local real estate market and avoid having homes that have been rehabilitated sitting on the market for long period of time. City staff is recommending that the City's NSP Guidelines be adjusted to increase the amount of the 'maximum subsidy' per property. Presently the established City's NSP Guidelines have a maximum subsidy limit of \$20,000 per home. Most of the ten homes that have been sitting on the market unsold have already had price adjustments that have taken them to the maximum subsidy limit and under existing Guidelines can not be adjusted downward anymore. Development Partners and City staff are concerned that having homes sitting vacant for long periods of time will bring on vandalism problems that could have negative effects on neighborhoods where the houses are located.

The following represents the recommendation for a revised maximum subsidy limit for NSP Single-Family Residential:

- The subsidy limit shall be increased from \$20,000 to \$25,000 per property.
- Development Partners may request that the City Manager approve an additional \$10,000 per property subsidy increase for homes that have been marketed and remain unsold for at least 60-days. In seeking the request, Development Partners must provide real estate information including comparable sales in the area supporting a price decrease and subsidy increase.
- Development Partners may also request the City Manager consider a subsequent \$5,000 per property subsidy increase for any property that has been marketed and remains unsold for a 90-day period or more. Again, Development

Partners must provide real estate data supporting a further price decrease and subsidy increase.

Staff believes the recommended revision to the subsidy limit is warranted because of the changing real estate market. Please note that HUD and NSP requirements have no established subsidy limit. The revised subsidy limit presented for Moreno Valley provides for a fair and effective way to work with Development Partners in reselling NSP homes in a timely manner.

ALTERNATIVES

1. Alternative 1. Authorize the revision to the City’s NSP Guidelines to increase the Single-Family Residential subsidy limit. This alternative adheres to HUD’s requirements, as well as best reflecting the current real estate market and allowing for the timely resale of NSP properties.
2. Alternative 2. Reject or modify the proposed revision for NSP Guidelines for Single-Family Residential subsidy. This alternative could hinder Development Partners ability to properly price homes for resale and cause NSP properties to sit vacant and unsold for longer periods of time.

FISCAL IMPACT

The NSP program is fully funded by the federal grant and has NO impact on the City’s General Fund. The proposed subsidy limit adjustment has NO fiscal impact on the NSP grant, but does potentially impact the total number of houses to be rehabilitated. Any price adjustments and subsidy increase for NSP properties will be accounted for with program income.

<u>Fund</u>	<u>Business Unit No./Name</u>	<u>Estimated Amount</u>
00197	19710	No change

Prepared By:
Barry Foster
Economic Development Director

Concurred By:
Michele Patterson
Redevelopment & Neighborhood Programs Administrator

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

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

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: November 9, 2010

TITLE: CONSIDERATION OF A REQUEST FROM COMMUNITY HEALTH SYSTEMS, INC. TO SPONSOR ITS 3RD ANNUAL HOLIDAY CELEBRATION HEALTH FAIR

RECOMMENDED ACTION

Staff recommends that the City Council consider the request of Community Health Systems, Inc. to sponsor its 3rd Annual Holiday Celebration Health Fair, in the amount of \$2,500.

BACKGROUND

Council Member William H. Batey II requested, and Mayor Pro Tem Robin N. Hastings seconded, to agendize City Council consideration of sponsorship of Community Health Systems, Inc. 3rd Annual Holiday Celebration Health Fair.

On October 27, 2010, Community Health Systems, Inc., submitted a Sponsorship Application Request for its 3rd Annual Holiday Celebration Health Fair. The Celebration is planned for Saturday, December 11, 2010, from 10 a.m. to 2 p.m. The purpose of the event is to provide information about community services and resources available for families who may not be able to afford traditional healthcare services. Free onsite medical, dental, and optometry screenings will be offered. Donations are being accepted for a toy distribution to 1,000 children. Community Health Systems, Inc. estimates the attendance to be 3,500.

DISCUSSION

Community Health Systems, Inc. is a non-profit organization existing pursuant to Internal Revenue Section 501(c)(3) and complies with "City Sponsorship" Policy 2.36. The event, as described above, meets with the event eligibility criteria. Community

Health Systems, Inc. would be eligible for the requested \$2,500 sponsorship based upon the projected attendance, and the sponsorship amount does not exceed fifty percent of the funds raised for the event.

ALTERNATIVES

1. Approve the Sponsorship Application Request for the Community Health Systems, Inc. 3rd Annual Holiday Celebration Health Fair, in the amount of \$2,500.
2. Deny the Sponsorship Application Request for the Community Health Systems, Inc. 3rd Annual Holiday Celebration Health Fair, in the amount of \$2,500.

FISCAL IMPACT

In Fiscal Year 2010/2011, \$5,000 was budgeted for Special Events in the City Council's Business Unit - Line Item 010.11110.6236 as set forth in "City Sponsorship" Policy 2.36.

SUMMARY

Community Health Systems, Inc. is planning its 3rd Annual Holiday Celebration Health Fair and is requesting the City Council approve a Sponsorship Request Application to offset the cost to provide the community event. The City Council is guided by "City Sponsorship" Policy 2.36 that sets forth criteria of aiding eligible organizations in providing worthwhile community events by paying a portion of the costs.

NOTIFICATION

Publication of Agenda.

Staff notified Community Health Systems, Inc. of the pending action before the City Council.

ATTACHMENTS/EXHIBITS

1. Sponsorship Application Request
2. "City Sponsorship" Policy 2.36

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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City of Moreno Valley
Sponsorship Application Request - Local Events - Regional Events

Applications must be filed at least 60 days prior to the event. All applications must be accompanied by a Special Event Permit and Application.

Application Information

- 1. Organization Name (if any): Community Health Systems Inc. (Moreno Valley Family Hlth Ctr)
2. Non-Profit Federal Tax Identification Number: 33-0056551
3. Event Title: Community Holiday Celebration
4. Event Description:
5. Event Date: 12-11-2010 Start Time: 10am End Time: 2pm
6. Event will take place: [] City Park [] City Facility [] On a Public Street [X] Other: moreno valley family health center parking lot
7. Is this a fund-raising event? [] Yes [X] No
8. Provide information on the budget for this event:
Expected Income: \$
Expected Expenses: \$ 12,850.00
Expected Net Profit: \$
Expected Attendance: 3500
Entry Cost Charged to Participant: \$
9. Funding Sources:
10. Amount of Funding:

- Attach a detailed copy of your event budget.
Attach a list of the organization's Board Members including telephone numbers.
Attach a copy of your organization's non-profit IRS tax status.
Request for parade must include a proposed parade route.
Request for park use must include a detailed diagram of park site.

I certify that all statements on this request are true and complete to the best of my knowledge.

Signature: Tiffany Steward Title: Community Outreach Coordinator
Individual Name: Tiffany Steward Daytime Phone: (951) 571-2354
Mailing Address: 82675 Alessandro Blvd. Evening Phone: (951) 255-2918
E-Mail Address: t.steward@chsica.org Fax Number: (951) 571-2370

To be Completed by the City of Moreno Valley

Received by: Cindy A. Miller Date Received: Oct. 27, 2010
Authorized by: Date Authorized:

3rd Annual Holiday Celebration

Expenses

	Estimated	Actual
Total Expenses	\$12,850.00	\$0.00

	Estimated	Actual
Refreshments for Vendors		
Food/Drinks	\$550.00	
Totals	\$550.00	\$0.00

	Estimated	Actual
Entertainment		
DJ/ Music	\$500.00	
Face Painting	\$1,000.00	
Totals	\$1,500.00	\$0.00

	Estimated	Actual
Totals	\$0.00	\$0.00

	Estimated	Actual
Site		
Permits/ TUP	\$300.00	
Equipment	\$500.00	
Tables and chairs	\$1,000.00	
Totals	\$1,800.00	\$0.00

	Estimated	Actual
Decorations		
Snow/North Pole	\$3,000.00	
Santa Clause	\$200.00	
Paper Supplies	\$200.00	
Totals	\$3,400.00	\$0.00

	Estimated	Actual
Publicity		
Radio Ads	\$3,500.00	
Postage	\$100.00	
Totals	\$3,600.00	\$0.00

	Estimated	Actual
Miscellaneous		
Emergency	\$1,000.00	
Gifts	\$1,000.00	
Totals	\$2,000.00	\$0.00

COMMUNITY HEALTH SYSTEMS, INC.

BOARD MEMBER CONTACT INFORMATION

Name	Draymond Crawford - May 82
Board position	Chair
Occupation	Retired Banker
Address	7939 Sewell Avenue Fontana, CA 92336
DOB:	3/31/1931
Home #	909-822-4213
Cell #	
Work #	909-355-8522
Fax #	909-355-8595
Email	scnrise@jaeproperties.com
Term Begin	05.26.09
Term End	05.26.12

Name	William Gonzales - Feb 99
Board position	Vice Chair
Occupation	Retired
Address	7957 Sewell Avenue Fontana, CA 92335
DOB:	6/24/1934
Home #	909-823-9614
Cell #	909-275-1397
Work #	
Fax #	
Email	no email
Term Begin	02.24.08
Term End	02.24.11

Name	Amber Horspool
Board position	
Occupation	Florist
Address	33428 Somerset Road Yucaipa, CA 92399
DOB:	1/22/1980
Home #	909-790-2384
Cell #	909-709-8384
Work #	
Fax #	
Email	ambezandmikr@gmail.com
Term Begin	4.27.10
Term End	4.27.13

Name	Ulric Jones
Board position	Treasurer
Occupation	CFO
Address	6449 Escena Street San Bernardino, CA 92407
DOB:	6/27/1946
Home #	
Cell #	
Work #	909-428-3833
Fax #	909-428-3835
Email	finance@industrial-support.org
Term Begin	12/18/2007
Term End	12/18/2010

Name	Marjorie (Margie) Walker
Board position	Member
Occupation	Business Owner
Address	10074 Rockhill St Moreno Valley, CA 92557
DOB:	1/8/1940
Home #	951-924-2005
Cell #	951-712-6346
Work #	951-924-4008
Fax #	
Email	mwalker2000@yahoo.com
Term Begin	9/23/2008
Term End	9/23/2011

Name	
Board position	
Occupation	
Address	
DOB:	
Home #	
Cell #	
Work #	
Fax #	
Email	
Term Begin	
Term End	

Name	Rodger Lehl
Board position	Board Member
Occupation	Human Resources Analyst / Instructor
Address	21 Kendall Avenue Redlands, CA 92373
BOD:	6/4/1956
Home #	
Cell #	951-233-5321
Work #	951-955-2767
Fax #	
Email	rlehl@rc-hrc.com
Term Begin	2/24/2009
Term End	2/24/2012

Name	Gordon Tinker
Board position	Board Member
Occupation	Retired
Address	1625 Willow Glen Rd Faltbrook, CA 92028
BOD:	3/14/1937
Home #	760-728-9762
Cell #	619-606-1415
Work #	
Fax #	
Email	gordontw58@yahoo.com
Term Begin	5/26/2009
Term End	5/26/2012

Name	Corey Seale
Board position	Board Member
Occupation	Chief Operations Officer
Address	44815 Via Renaissance Temecula, CA 92590
BOD:	2/21/1958
Home #	951-587-8070
Cell #	760-583-9551
Work #	951-243-2064
Fax #	951-243-2005
Email	corey.seale@kcp.org
Term Begin	08.25.09
Term End	8/26/2012

Name	Kenneth Schmidt
Board position	Board Member
Occupation	Director of Student Services
Address	3928 Middleton Place Riverside, CA 92505
BOD:	3/27/1955
Home #	951-687-4474
Cell #	951-818-3499
Work #	951-671-7630
Fax #	
Email	kschmidt@myusd.net
Term Begin	09.22.09
Term End	9/22/2012

Name	Michael Bowers
Board position	
Occupation	Safety Manager
Address	7849 Lewey Dr Riverside, CA 92508
BOD:	11/7/1967
Home #	951-789-6908
Cell #	951-823-4541
Work #	951-955-5859
Fax #	
Email	bowersmb@cmpt.com
Term Begin	1.26.10
Term End	1.26.13

Name	Melissa Rowley
Board position	
Occupation	CFO / COO
Address	12422 Stardell Lane Yucaipa, CA 92399
BOD:	7/28/1978
Home #	310-384-0494
Cell #	same
Work #	
Fax #	
Email	melisa.rowley@gmail.com
Term Begin	4.27.10
Term End	4.27.13

Name	Brian Rowley
Board position	
Occupation	CEO
Address	12422 Stardell Lane Yucaipa, CA 92399
BOD:	8/1/1977
Home #	310-384-0595
Cell #	same
Work #	
Fax #	
Email	brian@highlandyschools.com
Term Begin	4.27.10
Term End	4.27.13

OGDEN UT 84201-0038

In reply refer to: 0437758212
Oct. 21, 2008 LTR 4168C E0
33-0056551 000000 00 000 R
00023472
BODC: TE

COMMUNITY HEALTH SYSTEMS INC
22675 ALESSANDRO BLVD
MORENO VALLEY CA 92553

002480

Employer Identification Number: 33-0056551
Person to Contact: S. Ingraham
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your request of Oct. 09, 2008, regarding your tax-exempt status.

Our records indicate that a determination letter was issued in September 1984, that recognized you as exempt from Federal income tax, and discloses that you are currently exempt under section 501(c)(03) of the Internal Revenue Code.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Deborah Bingham

Deborah Bingham
Accounts Management I



COMMUNITY HEALTH SYSTEMS, INC.

www.chsica.org

September 13, 2010

Community Health Systems, Inc.

Corporate Office

22675 Alessandro Boulevard
Moreno Valley, CA 92553
(951) 571-2300
(951) 571-2330 (Fax)

Arlanza Family Health Center

8856 Arlington Avenue
Riverside, CA 92503
(951) 353-2702
(951) 353-2976 (Fax)

Eastside Health Center

1970 University Avenue
Riverside, CA 92507
(951) 276-0661 (Medical)
(951) 276-0668 (Dental)
(951) 328-9574 (Fax)

**Fallbrook Family
Health Center**

617 East Alvarado Street
Fallbrook, CA 92028
(760) 728-3816 (Medical)
(760) 731-6729 (Optometry)
(760) 728-1542 (Fax)

**Fallbrook Women's
Health Center**

325 North Brandon Road, Suite D
Fallbrook, CA 92028
(760) 728-4561
(760) 728-6094 (Fax)

**Fallbrook Family
Health Center/Dental**

593 East Elder Street, Suite B
Fallbrook, CA 92028
(760) 451-2912
(760) 451-2916 (Fax)

**Fallbrook Family Internal
& Pulmonary Medicine
Health Center**

407 Potter Road, Suite G
Fallbrook, CA 92028
(760) 451-8537
(760) 451-9812 (Fax)

**Inland Empire Community
Health Center**

18601 Valley Boulevard
Bloomington, CA 92316
(909) 877-0510 (Medical)
(909) 746-0840 (Dental)
(909) 877-5468 (Fax)

**Moreno Valley Family
Health Center**

22675 Alessandro Boulevard
Moreno Valley, CA 92553
(951) 571-2350 (Medical)
(951) 571-2365 (Dental)
(951) 571-2370 (Fax)

Community Health Systems, Inc. (CHSI) is a non-profit healthcare organization (Federal Tax ID 33-0056551) serving the surrounding cities in San Bernardino and Riverside counties. CHSI provides efficient, low or no-cost primary health and dental care to a culturally diverse and underserved population, while promoting courteous and high quality service. Special attention is given to reach the seniors, uninsured, homeless, and families who might not otherwise be able to afford traditional healthcare services.

CHSI provides the following services to the population it serves: Primary care (Adult and Pediatric), Family Practice, Geriatric, Dental Care, Optometry, Mental Health and Women's Health Services.

We are reaching out to the community for donations to assist with our 3rd Annual Holiday Celebration. We will be turning our facility into the North Pole, and each child ages 0-15 years will receive a gift from Santa Claus. Also we will be providing several onsite screenings at no charge to the attendees. The event will be held December 11, 2010 from 10:00 a.m. to 2:00 p.m. With your help we would like to ensure that each child receives that gift. Last year with the support of the community we were able to provide a gift to one thousand children.

Thank you in advance for any donation you may provide at this time. Working together we can provide medical, optometry, and dental care for the communities we serve.

If any additional information is required please contact Tiffany Steward, Outreach Specialist, at (951) 571- 2354, email t.steward@chsica.org.

Sincerely,

Tiffany Steward, Community Outreach Coordinator

Moreno Valley Family Health Center

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CITY SPONSORSHIP

PURPOSE: City sponsorship is provided for the purpose of aiding eligible organizations in providing worthwhile community events by paying a portion of the costs and receiving positive publicity for the City. The purpose of this policy is to set forth criteria to be met by the applicant prior to consideration of the request for sponsorship, as well as policies and procedures to be followed by the City in acting on the request for sponsorship.

POLICY:**I. Sponsorship**

The City of Moreno Valley receives numerous requests to sponsor or co-sponsor events, activities, individuals or groups. The City has limited resources available for these sponsorship opportunities. For that reason, it is the City's policy to only sponsor or co-sponsor cultural or recreational events provided to the community by non-profit organizations existing pursuant to Internal Revenue Code Section 501(c)(3) or (4) that are located within the City. Sponsorship is a discretionary act of the City that confers no legal rights in the sponsorship proceeds or assistance prior to actual delivery by the City. No organization shall receive any City sponsorship proceeds or assistance unless and until it meets all of the criteria and satisfies all of the conditions contained within this policy and said sponsorship requester has submitted a completed application packet to the satisfaction of the City Manager. Upon approval of the Sponsorship Application packet, the sponsorship request will be forwarded to the City Council for review and consideration.

II. Organization Eligibility

Criteria for organization eligibility for City sponsorship is as follows:

- A. Applicant must be organized and existing pursuant to Internal Revenue Code Section 501(c)(3) or (4).
- B. Applicant must have as its primary purpose charity, youth development, cultural enrichment, or civic improvement.
- C. Applicant must be located within the City and providing services or benefits to the community.
- D. Applicant must complete and comply with the application process.
- E. Applicant must demonstrate a need for City sponsorship.
- F. Past events by the applicant must have complied with City requirements and have been free of significant problems.
- G. Applicant must have a valid City Business License.

III. Event Eligibility

Criteria for event eligibility are as follows:

- A. Fundraising shall not be the primary purpose of the event.
- B. Cultural or recreational events only.
- C. Past similar events by the applicant must have complied with City requirements and have been free of

Approved by: City Council

9/24/02

Revised: 11/25/08

CITY SPONSORSHIP

significant problems.

- D. Open to the general public without qualification and must be widely publicized.
- E. Located within the City including the City sphere of influence March Air Reserve Base, March Joint Powers Authority property, and Box Springs Park.

IV. Sponsorship Limitations

Sponsorship proceeds or assistance shall not result in any money being actually given to or paid in behalf of the event organizer. Sponsored events will only receive a "line of credit" with the City that will allow the group to receive credits of City costs up to the designated amount of the sponsorship for the event. Eligible City costs that can be offset by the sponsorship proceeds or assistance up to the maximum amount of the sponsorship are limited to the following:

- A. Mobile stage rental. (A monetary deposit by the applicant will be required.)
- B. Facility rental. (A monetary deposit by the applicant will be required.)
- C. Light or electric pole use in City parks.
- D. City Permits.
- E. Public Safety Services.
- F. City Staff.

V. Sponsorship Amounts

The amount of sponsorship proceeds or assistance shall be determined as follows:

- A. Depending on availability of resources, the City will budget \$5,000 per fiscal year to be used for sponsorship opportunities.
- B. The maximum sponsorship for any qualified organization and event shall not exceed \$2,500 per fiscal year.
- C. The maximum amount of sponsorship shall be directly proportional to the total attendance of the public at the sponsored event as follows:
 - 1. 250 - 500 in attendance = \$500 per event.
 - 2. 501 - 750 in attendance = \$750 per event.
 - 3. 751 - 1,000 in attendance = \$1,000 per event.
 - 4. Over 1,001 in attendance = \$2,500 per event.

In no case shall the sponsorship amount exceed fifty percent (50%) of the funds raised for the event.

Approved by: City Council

9/24/02

Revised: 11/25/08

CITY SPONSORSHIP

- D. Sponsorship amounts or assistance shall not be utilized to cover the cost of insurance.

VI. Application Process

- A. Submit a completed City application (Attachment A) for sponsorship at least 90 calendar days prior to the event date. Failure to comply with this requirement shall be automatic grounds for denying sponsorship. The application shall include a detailed description or listing of the estimated funds, in-kind donations and/or other assistance the organization will receive to support the organization and/or event.
- B. A completed application means completion of the City application for sponsorship, attachment of all required additional documentation, payment of all fees, if applicable, and submission of whatever other information and/or documentation that may be requested by the City to make an informed decision.
- C. Incomplete applications shall not be eligible for City sponsorship.
- D. Applicants shall receive a copy of this policy at the time an application is made to the City.

VII. Approval

- A. A determination shall be made by the City Manager or his/her designee, within 30 calendar days after submission of an application for sponsorship as to its completeness.
- B. The City Manager shall refer the request for sponsorship to the City Council for determination. Determinations on requests for sponsorship shall be made within 30 calendar days after submission of a completed application.
- C. All decisions of the City Council regarding sponsorship shall be final.

VIII. Other Requirements

- A. Applicant must agree in writing to defend and indemnify the City, the Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and their officers, employees and agents from and against any and all liability and claims of liability arising out of or otherwise arising from the event.
- B. Applicant shall submit to the City at least 10 calendar days prior to the event an event implementation plan, if requested by the City. The event implementation plan shall address in detail all issues requested by the City.
- C. Applicant shall agree to list the City of Moreno Valley as an official sponsor of the event in all promotion of the event. Failure to do so shall result in termination of the sponsorship and repayment to the City the monetary value of all sponsorship proceeds or assistance delivered to the applicant or for the event.
- D. Applicant shall coordinate and work directly with the City Manager or his/her designee for use of the City name and City logo.

Approved by: City Council

9/24/02

Revised: 11/25/08

CITY SPONSORSHIP

- E. Applicant must have adequate public liability and other necessary insurance for the event as required by and in accordance with City insurance requirements or as otherwise determined necessary by the City Risk Manager.
- F. All insurance must be issued by a company authorized and licensed to do business within the State of California and has a Best's Insurance Rating of A-, VII, or better to be acceptable to the City.
- G. City, the Moreno Valley Community Services District, the Moreno Valley Community Redevelopment Agency, and their officers, employees, and agents must be named as additional insured on all policies of insurance.
- H. Applicant must provide City with insurance certificates and valid additional insured endorsements or other appropriate insurance binder 15 calendar days prior to the date of the sponsored event.
- I. Applicant shall provide the City with a detailed accounting of all expenses and funds, in-kind donations, and/or other assistance collected for the organization and/or event within 90 days following the event. Failure to provide the required information would deem the organization and/or event ineligible for City sponsorship in the future.

IX. Sponsorship Not Subject To This Policy

This policy shall not apply to events or organizations that are specifically budgeted for in the City's Annual Budget.

Approved by: City Council

9/24/02

Revised: 11/25/08

**MINUTES - REGULAR MEETING OF OCTOBER 26, 2010
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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SEE AGENDA ITEM A.8

- B3.** TRACT MAPS 32834 AND 32835 – ADOPT THE RESOLUTION FOR A SUMMARY VACATION OF THE OFFER OF DEDICATION FOR RECREATIONAL USE AND PUBLIC SAFETY PURPOSES OVER LOTS C AND CC OF TRACT MAP 32834 AND OVER A PORTION OF TRACT MAP 32835; ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE MULTI-USE TRAIL AND LOT EE (COLD CREEK TRAIL HEAD) OF TRACT MAP 32834 AS COMPLETE AND INTO THE COMMUNITY SERVICES DISTRICT'S MAINTAINED SYSTEM; AND ACCEPTANCE OF EASEMENTS, AS DESCRIBED IN THE ATTACHED EASEMENT DEEDS WITHIN TRACT MAPS 32834 AND 32835, FOR MULTI-USE TRAIL PURPOSES. DEVELOPER –BEAZER HOMES HOLDING CORP., 1800 IMPERIAL HIGHWAY, SUITE 200, BREA, CA 92821 **(ALSO LISTED AS ITEM A.8- SEE ITEM A.8)**

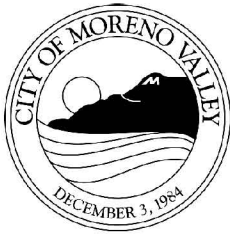
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**MINUTES - REGULAR MEETING OF OCTOBER 26, 2010
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RA</i>
CITY MANAGER	<i>WCB</i>

Report to City Council

TO: Redevelopment Agency Chairperson and Members of the Board of Directors

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

AGENDA DATE: November 9, 2010

TITLE: AUTHORIZE THE GRANT OF ROADWAY EASEMENT FOR THE PARTIAL ACQUISITION OF ASSESSOR PARCEL NUMBER 291-191-007 AND GRANT OF UTILITY EASEMENT FOR ASSESSOR PARCEL NUMBERS 291-191-006, 291-191-007, AND 291-191-001 FOR DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920

RECOMMENDED ACTION

Staff recommends that the Redevelopment Agency Chairperson and Members of the Board of Directors:

1. Authorize the grant of roadway easement to the City of Moreno Valley for the partial acquisition of the Community Redevelopment Agency (RDA) parcel known as Assessor Parcel Number 291-191-007.
2. Authorize the Executive Director to execute the roadway easement to the City of Moreno Valley for the partial acquisition of the Community Redevelopment Agency parcel known as Assessor Parcel Number 291-191-007.
3. Authorize the grant of utility easement to Southern California Edison (SCE) from the Community Redevelopment Agency (RDA) parcels known as Assessor Parcel Numbers 291-191-006, 291-191-007, and 291-191-001.
4. Authorize the Executive Director to execute the utility easement to SCE from the Community Redevelopment Agency parcels known as Assessor Parcel Numbers 291-191-006, 291-191-007, and 291-191-001.

BACKGROUND

This project involves the rehabilitation of Day Street from Alessandro Boulevard to Cottonwood Avenue, including street, signing, striping, waterline, utility relocation, and other related road improvements. Street improvements are an authorized activity under Section 319 of the Moreno Valley Community Redevelopment Agency's (RDA) Redevelopment plan.

On May 25, 2010, the City Council awarded the construction agreement to Hillcrest Contracting, Inc., for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue. The construction agreement was assigned to the RDA and a Purchase Order using RDA funds in the amount of \$1,912,608.76 (the bid amount of \$1,663,138.05 plus 15% contingency of \$249,470.71) was issued to the Contractor.

The RDA's Housing Set-Aside Fund owns three (3) separate parcels affected by this project, two located on the north side of Alessandro Boulevard to the east of Day Street and the other located on the east side of Day Street south of Sherman Avenue. The parcels, currently zoned multi-family residential and community commercial, contain approximately 1.29 acres.

DISCUSSION

The City is seeking to acquire a roadway easement on the north side of Alessandro Boulevard just east of Day Street, consisting of 1,852 square feet. The proposed roadway easement will facilitate the construction of a westbound right turn pocket on Alessandro Boulevard that will improve westbound traffic flow at the Day Street/Alessandro Boulevard intersection. This easement will also allow for the placement of a new SCE underground vault outside of the sidewalk alignment to avoid potential conflicts with Americans with Disabilities Act (ADA) access issues.

The utility easement is split into two strips: One located on the north side of Alessandro Boulevard (100 square feet) and the other located on the east side of Day Street south of Sherman Avenue (675 square feet). Both are necessary in order to accommodate SCE facilities related to the undergrounding for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue. The utility easement allows the placement of SCE facilities such that they do not interfere with current and future sidewalk improvements.

Staff reviewed the appraisal of the fair market value for a recent adjoining roadway easement over a privately held property and determined the value of the roadway easement over the RDA property to be \$11,112.00. The Day Street Improvement Project is funded by RDA Tax Allocation Bonds (TABS) Proceeds. The RDA, consequently, proposes to compensate the RDA Housing Set-Aside Fund at the fair market value of \$11,112.00 for the roadway easement. The roadway easement will be purchased through a journal entry charging an expenditure of \$11,112.00 to the Day

Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, RDA TABS account number 897.91724.7200, and crediting revenue of \$11,112.00 to the Alessandro and Day Street Land Acquisition RDA Housing Set-Aside Fund account number 894.8940.4568.

ALTERNATIVES

1. Authorize the grant of roadway easement to the City of Moreno Valley for the partial acquisition of the Community Redevelopment Agency (RDA) parcel known as Assessor Parcel Number 291-191-007, authorize the Executive Director to execute the roadway easement to the City of Moreno Valley for the partial acquisition of the Community Redevelopment Agency parcel known as Assessor Parcel Number 291-191-007, authorize the grant of utility easement to Southern California Edison (SCE) from the Community Redevelopment Agency (RDA) parcels known as Assessor Parcel Numbers 291-191-006, 291-191-007, and 291-191-001, and authorize the Executive Director to execute the utility easement to SCE from the Community Redevelopment Agency parcels known as Assessor Parcel Numbers 291-191-006, 291-191-007, and 291-191-001. *This will allow the timely construction of the project.*

2. Do not authorize the grant of roadway easement to the City of Moreno Valley for the partial acquisition of the Community Redevelopment Agency (RDA) parcel known as Assessor Parcel Number 291-191-007, do not authorize the Executive Director to execute the roadway easement to the City of Moreno Valley for the partial acquisition of the Community Redevelopment Agency parcel known as Assessor Parcel Number 291-191-007, do not authorize the grant of utility easement to Southern California Edison (SCE) from the Community Redevelopment Agency (RDA) parcels known as Assessor Parcel Numbers 291-191-006, 291-191-007, and 291-191-001, and do not authorize the Executive Director to execute the utility easement to SCE from the Community Redevelopment Agency parcels known as Assessor Parcel Numbers 291-191-006, 291-191-007, and 291-191-001. *This will delay the timely construction of the project.*

FISCAL IMPACT

The Day Street Improvement Project is funded by RDA TABS Proceeds. Acquisition of the roadway easement obligates the RDA to compensate the RDA Housing Set-Aside Fund in the amount of \$11,112.00 for the value of the roadway easement. This action has no impact on the General Fund.

AVAILABLE BUDGETED FUNDS (ACCOUNT NO. 897.91724):

Fiscal Year 2010-2011 Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue Budget.....	\$2,181,380
Fiscal Year 2010-2011 Available Budgeted Funds	\$2,181,380

ESTIMATED CONSTRUCTION RELATED COSTS:

Design Support Services during Construction.....	\$10,500
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Right of Way for Proposed Roadway Easement	\$11,200
Contractor Construction Costs (includes 15% contingency).....	\$1,912,600
Construction Geotechnical Services.....	\$25,200
Construction Survey Services	\$39,700
Construction Inspection Services	\$50,000
Project Administration and City Inspection	<u>\$70,000</u>
Total Estimated Construction Related Costs.....	\$2,119,200

ANTICIPATED PROJECT SCHEDULE

Complete Construction.....December 2010

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.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE, AND CLEANLINESS:

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

SUMMARY

This project constructs street, signing, striping, waterline, utility relocation, and other related road improvements on Day Street between Alessandro Boulevard and Cottonwood Avenue. The construction is funded with RDA TABS funds. The Redevelopment Agency Chairperson and Members of the Board of Directors are requested to authorize the grant of a roadway easement to the City of Moreno Valley for the partial acquisition of a RDA parcel and authorize the grant of a utility easement to SCE.

ATTACHMENTS

- Attachment “A” – Location Map
- Attachment “B” – Easement Deed
- Attachment “C” – Grant of Easement

Prepared By:
Lorenz R. Gonzales
Senior Engineer, P.E.

Department Head Approval:
Barry Foster
Economic Development Director

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

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

Concurred By:
Michele Patterson
Redevelopment & Neighborhood Programs Administrator

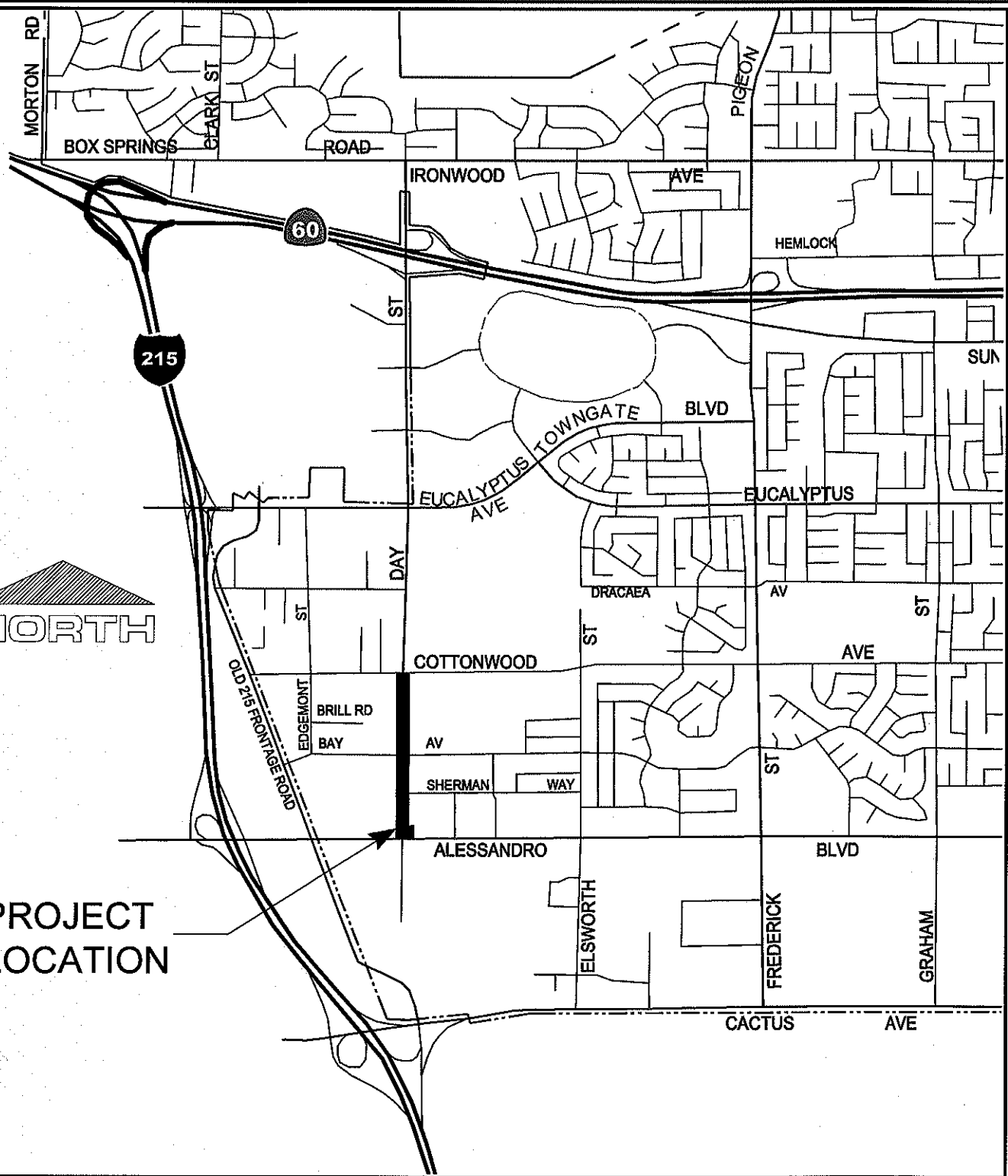
Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - 02-89266920 - Day St\CC Reports\RDA ROW & Utility Easements Staff Report (CC 11-09-10)\ROW & Utility Easement Staff Report 110910.doc

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PROJECT LOCATION



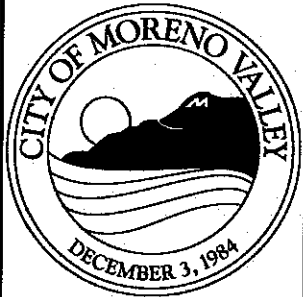
LOCATION MAP

Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

STREET IMPROVEMENTS FOR DAY STREET
FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE
PROJECT NUMBER 02-89266920



Date: 07 Oct 10 - 11:21 am
File: W:\CapProj\CapProj\PROJECTS\Larry - 02-89266920 - Day ST\Design Phase\AutoCAD & PDFs\Location Map\Rev_Location Map.dwg
User: dsapaks

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

Exempt from Recording Fee
Govt. Code Sec. 6103
City of Moreno Valley

A.P.N. 291-191-007

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

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, GRANTOR, hereby grants and conveys to the CITY OF MORENO VALLEY, a municipal corporation, a perpetual easement and right of way for public highway purposes, including public utility and public service facilities over, under, upon, across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described on the attached Exhibit "A", and as illustrated on the plat hereto and marked exhibit "B". IN WITNESS WHEREOF, this instrument has been executed this _____ day of _____, 2010

GRANTOR:

STATE OF CALIFORNIA
County of _____
On _____ before me,
_____ the Undersigned. A
Notary Public in and for said State, personally appeared

COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF
MORENO VALLEY

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

By: _____
William Bopf
Executive Director

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 _____

Attachment "B"

EXHIBIT "A"
LEGAL DESCRIPTION
COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF MORENO VALLEY
RIGHT-OF-WAY EASEMENT

THAT PORTION OF LOT 33, AS SHOWN ON THE MAP OF EDMONT TRACT NO. 3, FILED IN BOOK 15 OF MAPS, PAGE 50, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 33;

THENCE NORTH 88°43'00" EAST ALONG THE SOUTH LINE OF SAID LOT 33, A DISTANCE OF 92.30 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED BY GRANT DEED RECORDED APRIL 1, 2008 AS DOCUMENT NO. 2008-0161197, OFFICIAL RECORDS, SAID CORNER BEING THE **TRUE POINT OF BEGINNING**;

THENCE NORTH 02°24'54" EAST ALONG THE WEST LINE OF SAID PARCEL OF LAND A DISTANCE OF 24.05 FEET;

THENCE NORTH 88°43'00" EAST A DISTANCE OF 76.69 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL OF LAND;

THENCE SOUTH 00°00'30" WEST ALONG SAID EAST LINE A DISTANCE OF 24.01 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 33;

THENCE SOUTH 88°43'00" WEST ALONG SAID SOUTH LINE A DISTANCE OF 77.70 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 1,852 SQUARE FEET MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

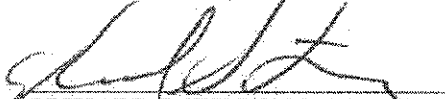

RICHARD S. FURLONG, P.L.S. 8422 DATE *E-31-10*
MY LICENSE EXPIRES ON 12/31/10




EXHIBIT "B"

RIGHT-OF-WAY EASEMENT INDEX SHEET



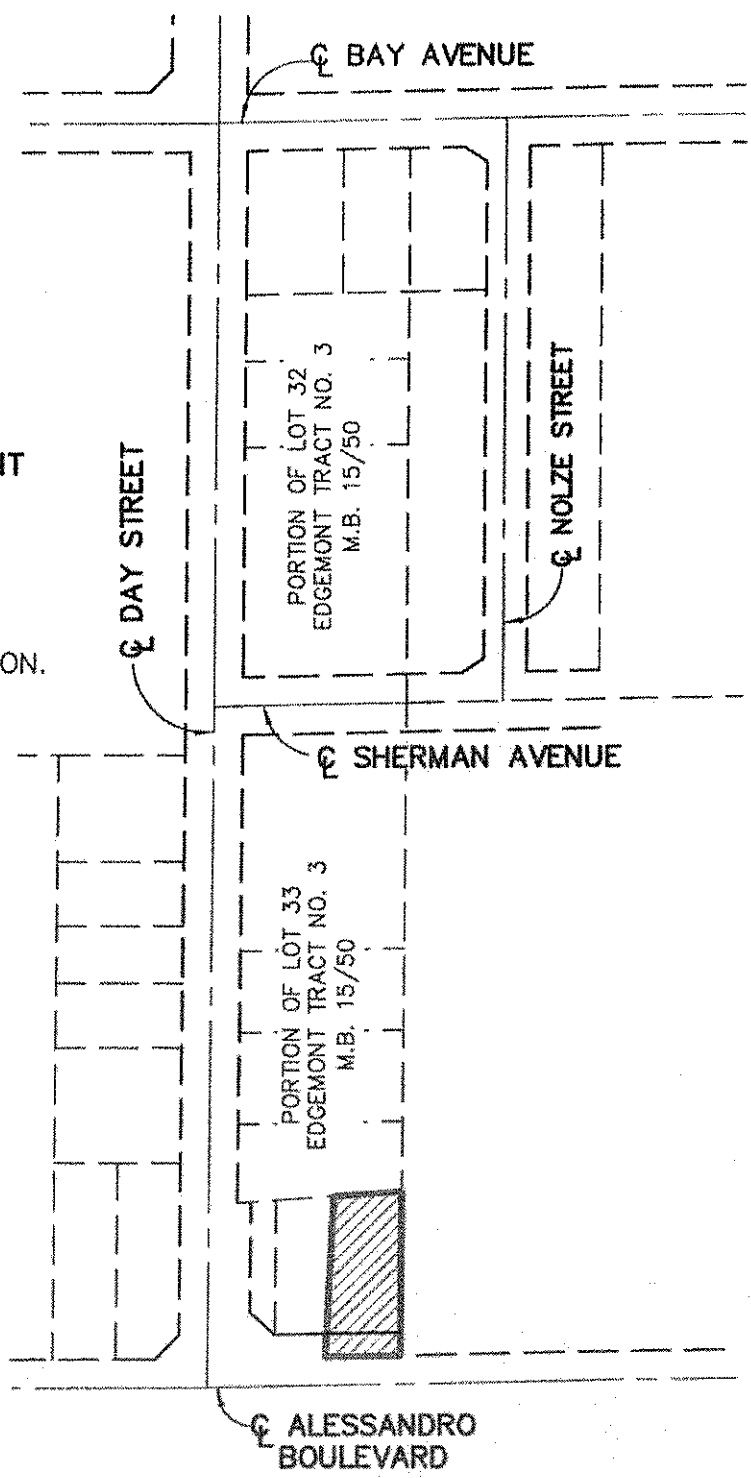
SCALE: 1"=200'

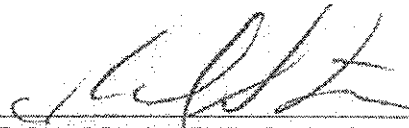
LEGEND:

 = A.P.N. 291-191-007
COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF
MORENO VALLEY

NOTE:

SEE SHEET 2 FOR EASEMENT LOCATION.




RICHARD S. FURLONG, P.L.S. 8422
My License Expires on 12/31/10

8-31-10
Dated

AEI CASC ENGINEERING

937 SOUTH VIA LATA
SUITE 500
COLTON, CA 92324

PH. (909) 783-0101 FAX (909) 783-0108

EXHIBIT "B"

RIGHT-OF-WAY EASEMENT

SHEET 2 OF 2

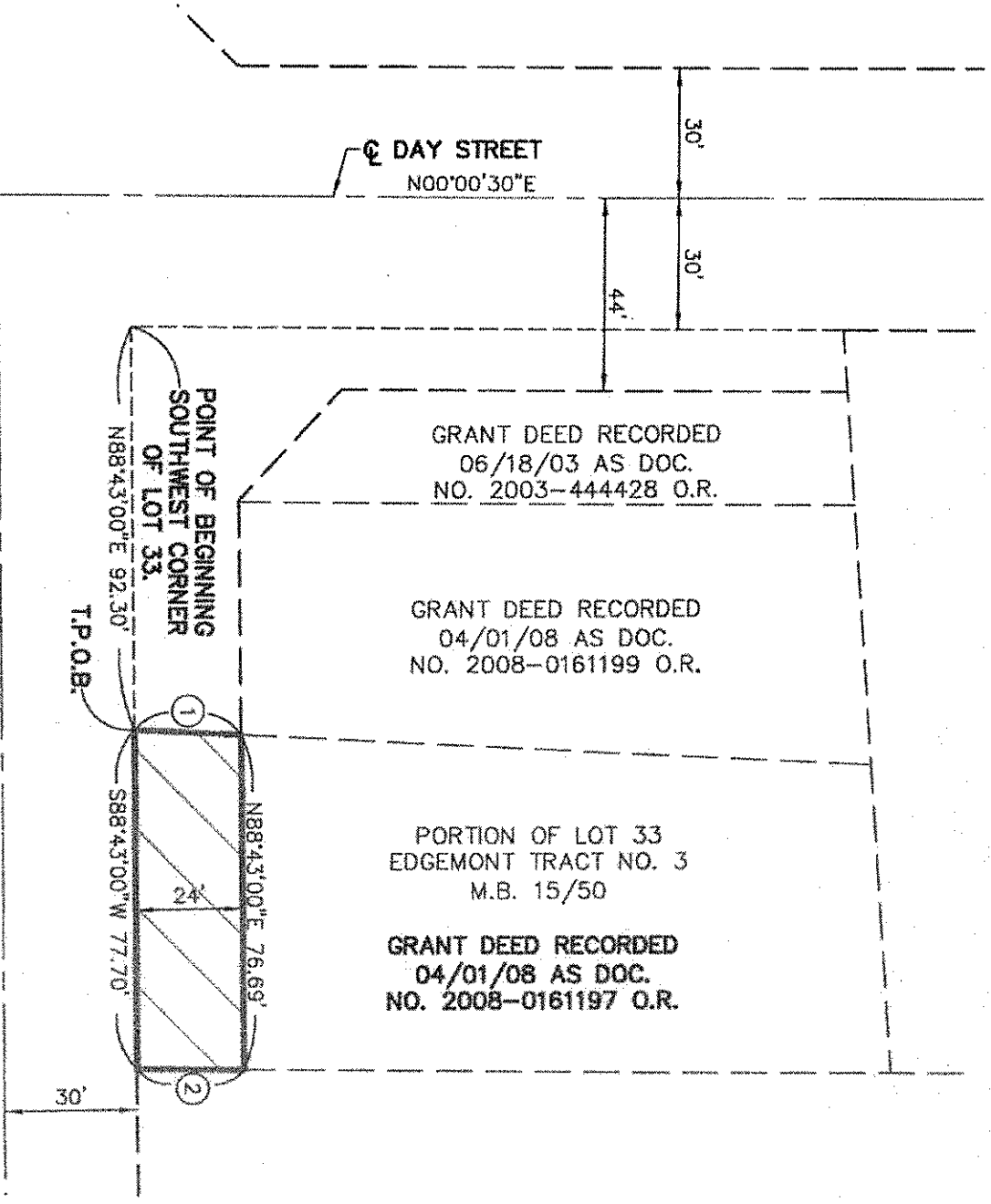


SCALE: 1"=40'

LEGEND:

T.P.O.B. - TRUE POINT OF BEGINNING

LINE DATA TABLE		
LINE NO.	BEARING	DISTANCE
1	N02°24'54"E	24.05'
2	S00°00'30"W	24.01'



GRANT DEED RECORDED
06/18/03 AS DOC.
NO. 2003-444428 O.R.

GRANT DEED RECORDED
04/01/08 AS DOC.
NO. 2008-0161199 O.R.

PORTION OF LOT 33
EDGEMONT TRACT NO. 3
M.B. 15/50

GRANT DEED RECORDED
04/01/08 AS DOC.
NO. 2008-0161197 O.R.

AEI/CASC
ENGINEERING

937 SOUTH WA LATA
SUITE 500
COLTON, CA 92324
PH: (909) 783-0101 FAX (909) 783-0108

ALESSANDRO
BOULEVARD

A.P.N. 291-191-007

RECORDING REQUESTED BY



SOUTHERN CALIFORNIA
EDISON

An EDISON INTERNATIONAL Company

WHEN RECORDED MAIL TO

SOUTHERN CALIFORNIA EDISON COMPANY

Real Properties
2131 Walnut Grove Avenue, 2nd Floor
Rosemead, CA 91770

Attn: Distribution/TRES

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT OF
EASEMENT**

DOCUMENTARY TRANSFER TAX \$ NONE (VALUE AND CONSIDERATION LESS THAN \$100.00)	DISTRICT Menifee	WORK ORDER TD574973	IDENTITY TD574973	MAP SIZE
	FIM 638-1686-1 APN 291-191-001, 006, 007	APPROVED: REAL PROPERTIES	BY SLS/GB	DATE 09/30/2010
SCE Company SIG. OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME				

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (hereinafter referred to as "Grantor"), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Riverside, State of California, described as follows:

TWO STRIPS OF LAND LYING WITHIN LOT 33 OF EDMONT NUMBER 3, AS PER MAP RECORDED IN BOOK 15, PAGE 50 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE CENTERLINES OF SAID STRIPS ARE DESCRIBED AS FOLLOWS:

STRIP # 1 (45.00 FEET WIDE)

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF ALESSANDRO BOULEVARD WITH THE CENTERLINE OF DAY STREET, AS SAID STREETS ARE SHOWN ON SAID MAP; THENCE ALONG THE CENTERLINE OF DAY STREET, NORTH 00°00'30" WEST 586.00 FEET; THENCE NORTH 89°59'30" EAST 44.00 FEET TO THE EASTERLY LINE OF DAY STREET AND THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING NORTH 89°59'30" EAST 15.00 FEET.

STRIP # 2 (20.00 FEET WIDE)

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF ALESSANDRO BOULEVARD WITH THE CENTERLINE OF DAY STREET, AS SAID STREETS ARE SHOWN ON SAID MAP; THENCE ALONG THE CENTERLINE OF ALESSANDRO BOULEVARD, NORTH 88°43'00" EAST 132.00 FEET; THENCE NORTH 01°17'00" WEST 54.00 FEET TO THE NORTHERLY LINE OF ALESSANDRO BOULEVARD AND THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING NORTH 01°17'00" WEST 5.00 FEET.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Attachment "C"

Grantor agrees for himself, his heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the above described real property. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut tree roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

EXECUTED this _____ day of _____, 20__.

GRANTOR

COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY

Signature

Print Name

Title

Signature

Print Name

Title

State of California)
County of _____)

On _____ before me, _____, personally
(here insert name and title of the officer)

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

(This area for notary stamp)

State of California)
County of _____)

On _____ before me, _____, personally
(here insert name and title of the officer)

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

(This area for notary stamp)

GRANTEE SOUTHERN CALIFORNIA EDISON COMPANY, a corporation

By: _____
Emmanuel P. Hyppolite, Supervisor of ECS & Distribution,
Real Properties Department

Date: _____

State of California)
)
County of _____)

On _____ before me, _____, personally
(here insert name and title of the officer)

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

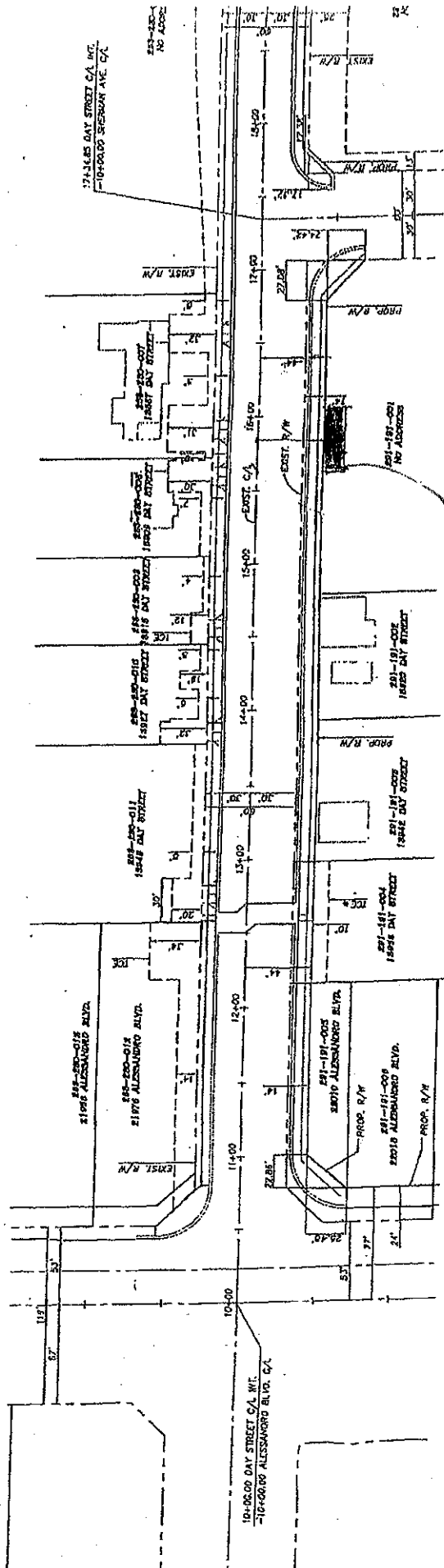
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and
correct.

WITNESS my hand and official seal.

Signature _____

(This area for notary stamp)

ALESSANDRO BLVD.



STOP 2

DAY STREET

SEE SHEET 2
BAY AVENUE

APN	ADDRESS
253-230-312	21725 ALESSANDRO BLVD.

253-230-312
17827 DAY STREET



CF 13" 403 2507

H378A TO H378B
IN: 254' #2

263-230-011

HH H378B
10.5"x17"x12" SL (HH-1)
IN: 3-4W SEC. BAR

291-191-004

CF 2 5" 4 601'

P2816 TO V2817
IN: 625' 3-1/C 350 JCN 12KV
EPL OK BOTH DIRECTIONS

263-230-012

CF: V55428

6"x12"x7"
IN: 4-WAY GS
GS:
(6) 350 ELB
(6) DE 600A
RACK & CRC

291-191-005

291-191-006

DAY

STREET

Strip 2

EX. 2-#6 2-#4A-12KV

EX. 6AD-M
EX. 2-#6 2-#4A-12KV

4 5" 6 20'
V2817 TO CAP

9+00

11+00

12+00

ALESSANDRO BLVD

Item No. C.3

**MINUTES - REGULAR MEETING OF OCTOBER 26, 2010
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RW</i>
CITY MANAGER	<i>WLB</i>

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: November 9, 2010

TITLE: PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE MUNICIPAL CODE (PA09-0024) ALLOWING SECOND UNITS IN ALL RESIDENTIAL ZONES, DELETING GRANNY UNIT PROVISIONS, UPDATING SINGLE FAMILY DESIGN GUIDELINES TO REQUIRE FOUR SIDED ARCHITECTURE AND SPECIFY DESIGN CRITERIA, UPDATING INTRODUCTION FOR DESIGN GUIDELINES, CHANGING LANDSCAPE REQUIREMENTS TITLE AND REVISING FRONT YARD LANDSCAPING MATERIAL REQUIREMENTS.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. RECOGNIZE that PA09-0024 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and
2. Introduce Ordinance No. 817 approving PA09-0024, amending sections 9.09.130 Second Unit, 9.09.120 Granny Unit, 9.16.010 Design Guidelines, 9.16.130 Single Family Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code. (Attachments 2-6)

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, at its September 23, 2010 meeting approved Planning Commission Resolution 2010-18, recommending by a 7-0 vote that the City Council recognize that PA09-0024 (Municipal Code Amendment) qualifies as an exemption in

accordance with CEQA Guidelines, Section 15061 (Minor Alterations in Land Use Limitation) as defined by Section 15378.

During the Planning Commission Hearing, the Commission commented in favor of the proposed amendments with emphasis on the single family design requirements including four sided architecture. Discussion on second unit requirements stated the importance of preserving the existing neighborhood when adding second units while complying with State law.

BACKGROUND

The proposed changes are the result of issues, concerns and requests that have surfaced in the past regarding various projects and the opportunity to update a portion of the code that is unclear or obsolete. This proposed amendment would modify various provisions of the Municipal Code Sections 9.09.130 Second Unit, 9.09.120 Granny Unit, 9.16 Design Guidelines, 9.16.130 Single Family Design Guidelines and 9.17 Landscape Requirements.

9.09.130 Second Unit and 9.09.120 Granny Unit Development Standards

The City's Second Unit and Granny Unit development standards provide requirements to ensure that accessory living quarters located in residential districts do not adversely impact either adjacent residential parcels or the surrounding neighborhood, and are developed in a manner which protects the integrity of the residential district, while providing for needed housing opportunities for owners of eligible parcels.

Pursuant to Section 65852.2 of the State of California Government Code, local governments are required to establish a second unit ordinance. In 2003, the State of California amended two sections of the State Government Code to encourage the creation of second-units to assist in addressing affordable housing needs and requiring the ministerial consideration of the applications. While the City of Moreno Valley has been consistent with California State Law addressing separately second units and granny units, staff recommends revisions to ensure full compliance.

Second units are a valuable form of housing providing housing for family members, students, the elderly, in-home health providers, the disabled and others at below market prices within existing neighborhoods. In addition, homeowners who create second units benefit from added income while City's benefit from increased property taxes and the contribution to the local affordable housing stock.

Key proposed provisions include the following:

- Delete Granny Unit section 9.09.120 and incorporate relevant requirements into the Second Unit section 9.09.130.
- Allow only one additional unit per lot.
- Second Units shall not have age restrictions associated with the use.

- The minimum lot size allowing for a second unit will be 7,200 square feet.
- One unit on the parcel cannot exceed 1,250 square feet.
- Property must be owner occupied in one of the units with the property subject to a recorded Covenant for the use.
- The same minimum development standards as the main unit apply including building setbacks.
- The unit must be compatible with the existing structure in architecture, mass and scale.
- The unit may be rented and shall not be sold separately from the main unit unless the land containing the second unit is first divided from the property containing the main unit in accordance with the city's subdivision regulations.
- Parking for the second unit shall be one for each bedroom, not to block any required parking for the existing unit.
- A separate entrance must be provided.

9.16.010 Design Guidelines

The design guidelines are intended to promote quality site planning and architecture without restricting innovation and creativity while reflecting the Moreno Valley General Plan design policies and objectives. A portion of the introduction is outdated as the City updated the General Plan in 2006 and is no longer in transition. Changes to the section include deleting Section C of the Introduction and scope of the guidelines which no longer applies. Section C to be deleted states:

- As a recently incorporated city, Moreno Valley is in transition. The city's award-winning general plan, adopted in 1988, sets goals and objectives different from those contained in Riverside County's general plan. Much of what is built in Moreno Valley, however, was constructed under the county's plan, and does not reflect the city's current development attitudes or future vision.

9.16.130 Single-family residential design guidelines

The single-family residential design guidelines provide specific requirements for single-family development. The proposed changes will provide additional measures to enhance the existing code which strives to improve the quality of life for single-family housing residents by ensuring attractive single-family neighborhoods and offering solutions to recurring design problems. The revised standards will require the use of elevation elements to provide visual interest to single family homes both in custom home reviews as well as housing tract developments. The proposed changes update and clarify the provisions of single family housing design including establishing minimum design elements and requiring four sided architecture. In addition, provisions for additional side yard area and minimum flat areas in the rear yards have been added.

Key proposed changes to the existing code include the following:

- Four sided architecture on all single family residential units.

- A minimum of three design elements from the following list shall be included on residential units.
 - Provide projecting and/or recessed entries and windows.
 - Include projecting or recessed balconies.
 - Front porch with a minimum depth of five feet.
 - Dormer windows.
 - Minimum eighteen (18") inch overhangs with detailed rafter tails.
 - Offset building planes a minimum of two feet.
 - Use of different building materials with varying textures and colors.
- Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks. Rear yards shall be designed with a minimum of 15 feet of flat areas adjacent to the structure.
- Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access.
- Revised floor plan and elevation requirements

<u># of Units</u>	<u>Min Footprints</u>	<u>Min Elevations</u>
5-9	1	2
10-24	2	3
25-49	3	3
50+	One additional for every 50 units	4

9.17 Landscape Requirements

The Landscape Requirements were updated in December 2009 to meet the State of California requirements and include water efficiency requirements. The proposed title change from "Landscape Requirements" to "Landscape and Water Efficiency Requirements" will better describe the contents of the chapter.

9.17.070 Single-family residential development (Landscape)

The single-family residential development section was updated in December 2009 and meets the goals and objectives of the State of California requirements for water efficiency. The section applies to new and existing units and model home complexes. The front yard landscaping currently requires a maximum of 25% turf without addressing the remainder of the yard area. Specifically, the maximum allowable hardscape/ concrete is not addressed. In an effort to ensure there is a balance between plant material and hardscape, the proposed clarifications will provide direction for residential landscaping. The following provides the current standards and the proposed changes to the section:

Proposed changes to the existing code are the following:

- The front yard area shall have a maximum of 25% turf with the remaining yard planted with shrubs, ground cover, and required trees. Turf should be planted in

gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback

- New and existing single family front yards including setbacks both front and street side yard landscaping shall consist predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.

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.
4. Deny the proposal.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

The proposed amendments to the City of Moreno Valley Municipal Code would provide a comprehensive document addressing second unit development standards, single family design guidelines and clarification of front yard landscaping materials.

NOTIFICATION

Notice of the City Council public hearing of the public notice, appeared in the *Press Enterprise* newspaper on October 28, 2010.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. Ordinance for Municipal Code Amendment
3. 9.09.120 Granny Unit w/strike out (Section deleted).
4. 9.09.130 Second Unit w/strike out and additions underlined.
5. 9.16.010 Design Guidelines w/ strike out and additions underlined.
6. 9.16.130 Single Family Design w/ strike out and additions underlined.

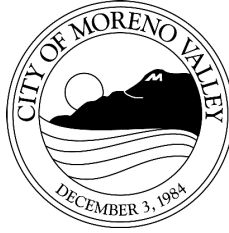
- 7. 9.17 Landscape Requirements w/ strike out and additions underlined.
- 8. Landscape Standards page 5 w/additions underlined.
- 9. Planning Commission Staff Report dated September 23, 2010
- 10. Planning Commission Minutes for September 23, 2010

Prepared By:
 Julia Descoteaux
 Associate Planner

Department Head Approval:
 Kyle Kollar
 Community Development Director

Concurred By:
 John C. Terrell, Planning Official

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



NOTICE OF CITY COUNCIL PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE AMENDMENT TO THE MUNICIPAL CODE PROVISIONS REGARDING SECOND UNIT/GRANNY UNIT REGULATIONS, SINGLE FAMILY DESIGN GUIDELINES, AND ADMINISTRATIVE CHANGES TO THE LANDSCAPE REQUIREMENTS

Public Hearing on a proposed amendment to the Municipal Code (PA09-0024) allowing second units in all residential zones, deleting granny unit provisions, updating single family design guidelines to require four sided architecture and specify design criteria, updating introduction for design guidelines, changing Landscape Requirements title and revising front yard landscaping material requirements,

The City Council may consider any appropriate modifications or alternatives to the amendment or the environmental determination. The amendment is proposed to be exempt under California Environmental Quality Act Guidelines Section 15061 as defined by Section 15378.

Any person interested in the proposed project may contact Julia Descoteaux, Associate Planner at (951) 413-3209 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, November 9, 2010
6:30 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805**

ATTACHMENT 1

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ORDINANCE NO. 817

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 SECTIONS 9.09.130 SECOND UNIT, 9.09.120 GRANNY UNIT, 9.16.010 DESIGN GUIDELINES, 9.16.130 SINGLE FAMILY DESIGN GUIDELINES AND 9.17, LANDSCAPE REQUIREMENTS AND LANDSCAPE STANDARDS

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

SECTION 1. FINDINGS:

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

SECTION 2 FINDINGS:

2.1 With respect to the proposed Municipal Code Amendment, and based upon substantial evidence presented to the City Council during the public hearing on November 9, 2010, 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 – The proposed amendment is consistent with the General Plan and its goals, objectives, policies and programs.

FACT: The project proposes changes to chapters 9.09.130, 9.16.010, 9.16.130, 9.17 and 9.17.070 of the City of Moreno Valley Municipal Code, the elimination 9.09.120 Granny Unit section and minor changes to the section numbering of 9.17. The proposed amendment is consistent with the General Plan and its goals, objectives, policies and programs.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed changes do not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per section 15305, as a Class 5 Categorical Exemption. No land use changes on specific parcels of land are included in the proposed Municipal Code Amendment.

ATTACHMENT 2

3. Conformance with Intent of Zoning Regulations – The proposed amendment is consistent with the purposes and intent of Title 9 of the Municipal Code.

FACT: The proposed amendment meets all applicable Municipal Code requirements. As proposed, the amendment is consistent with the purposes and intent of Title 9.

SECTION 3 MUNICIPAL CODE AMENDMENT:

3.1 Title 9 of the City of Moreno Valley Municipal Code is hereby revised as follows:

3.2 Section 9.09.120 of Chapter 9.09 of the City of Moreno Valley Municipal Code is hereby amended with the following:

This section, 9.09.120 Granny Unit shall be removed from the City of Moreno Valley Municipal Code.

3.3 Section 9.09.130 C of Chapter 9.09 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

“Section 9.09.130 (C)

C. Property Development Standards. The following standards shall apply to all second dwelling units:

1. No more than one second unit or other type of accessory dwelling unit shall be permitted per lot;
2. The lot must contain one, but no more than one existing dwelling unit;
3. The minimum lot size for a parcel to be eligible for a second dwelling unit shall seventy two hundred (7200) square feet;
4. The maximum square footage for a second unit dwelling is 1,250 square feet. The second unit may exceed the square footage of the existing unit with one unit being not more than 1,250 square feet. The minimum square footage shall be 450.
5. The unit shall be subject to the same minimum development standards as the main building on the parcel including building setbacks;
6. The second unit shall be compatible with the main dwelling unit in architecture, mass and scale;

7. The second dwelling unit shall provide a minimum of one parking space per bedroom in addition to the parking required for the main dwelling without blocking the required parking (no tandem parking) pursuant to Chapter 9.11 of this title;

8. The unit may be rented and shall not be sold separately from the main unit unless the land containing the second unit is first divided from the property containing the main unit in accordance with the city's subdivision regulations;

9. The unit shall have adequate water supply and sewage disposal capability;

10. The applicant shall be the owner-occupant of the property and shall reside in either the primary residence or the second unit;

11. The entrance to an attached second unit shall be separate from the entrance to the first unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure;

12. Second units shall be subject to all development fees specified by City ordinances or resolutions for second units; and

13. The unit shall have kitchen and bath facilities.

14. The property owner(s) shall enter into a written agreement with the city, in which the owner(s) agree to use the premises in compliance with the requirements of this section, any applicable enactments of the city council, and in form acceptable to the city attorney and the community development director. Recordation of such agreement in the files of the county recorder shall be completed prior to issuance of a building permit for the second unit."

3.4 Section 9.16.010 of Chapter 9.16 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

"9.16.010 Introduction and scope of guidelines.

A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the community development director's, the planning commission's and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

B. The design guidelines reflect the Moreno Valley general plan design policies and objectives, functioning as a tool for the general public, project developers, city staff and reviewing boards and commissions.

C. These guidelines will help apply the city’s design standards to new development and to remodels, upgrading design citywide and implementing the general plan’s policies.

D. Several design philosophies prevail throughout the guidelines. These include compatibility, sensitivity, human scale, variety, function and aesthetics. When combined and tailored for specific uses, these philosophies should yield high quality products that are consistent with the general plan’s intent, practical and pleasing to the eye. (Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)”

3.5 Section 9.16.130 A and Section 9.16.130 B of Chapter 9.16 of the City of Moreno Valley Municipal Code are hereby amended to read as follows:

Section A

“Table 9.16.130 (A)

Designation	Maximum Density
Hillside Residential	Depends on slope
Rural Residential	Depends on slope
R1	1 unit/acre
R2	2 units/acre
RA-2	2 units/acre
R3	3 units/acre
R5	5 units/acre”

“Section 9.16.130 (B)

B. General Guidelines.

1. A combination of a wall and bermed landscaping shall be provided adjacent to the rear or side yards of lots at neighborhood entries.

2. Residential units should be provided with a minimum five feet variation in their front and side yard setbacks along the streetscape.

3. Residential units shall be articulated and detailed to provide visual interest and scale by using a minimum of three of the following design elements.

a. Provide projecting and/or recessed entries and windows.

- b. Include projecting or recessed balconies.
- c. Front porch with a minimum depth of five feet.
- d. Dormer windows.
- e. Minimum eighteen (18") inch roof overhangs with detailed rafter tails.
- f. Offset building planes a minimum of two feet.
- g. Stepping back a portion of the second story.
- h. Use of different building materials with varying textures and colors.

4. All units shall be designed with four sided architecture using the details from the front elevation.

5. Increased setbacks shall be provided on lots that are sited at corners or have rear yards bordering an arterial roadway.

6. Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks. Rear yards shall be designed with minimum of 15 feet of flat areas adjacent to the structure.

7. Residential projects should maximize the feeling of openness by curving streets, varying front and side yard setbacks and, if possible, orienting roads to open space areas and views.

8. Small lot single-family subdivisions should utilize innovative design techniques to provide more usable and private exterior area.

9. Residential mechanical equipment, including but not limited to air-conditioning units, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.

10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access.

11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements.

12. Mailboxes, if required to be clustered, shall be designed to be compatible with surrounding homes, while conforming to Post Office guidelines.

13. Property lines shall be located on the tops of slopes.

14. Natural topographic variations should be retained to divide residential developments into distinct neighborhood areas.

15. Within individual residential projects, a variety of floor plans and elevations should be offered as follows:

Table 9.16.130B

<u>Number of Units</u>	<u>Minimum # of Footprints*</u>	<u>Minimum # of Elevations/ Footprints</u>
5-9	1	2
10-24	2	3
25-49	3	3
50 plus	<u>Add one additional footprint for every 50 units over 50</u>	4

Each floor plan shall not be repeated more than each fourth house. Please note that adding or deleting false shutters or similar types of minimal elevation changes will not suffice as one of the required elevations.

16. To minimize visual impact, corner residential units shall be single story or if two story, shall incorporate single story elements into the design. The short and low side of the unit should be sited toward the street corner.

17. Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot front setback. Garage doors with windows shall be required for three or more car garages or other architecturally enhanced garage doors or as approved by the Community Development Director.

18. Fence and wall materials should be durable and architecturally compatible with the neighborhood appearance. Walls and fences constructed of slump stone, stucco-coated block or wrought iron are encouraged. Fences and walls constructed of nondurable materials, including but not limited to plywood and chicken wire are prohibited. A front yard fence or wall shall be erected in a manner that does not obscure visibility through the fence or wall. (MC 9.08.070)”

3.6 Title of Chapter 9.17 shall be amended as follows:

“Chapter 9.17 Landscape and Water Efficiency Requirements.”

3.7 Section 9.17.070 A of Chapter 9.17 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

“A. Plans for landscape construction or reconstruction of existing single family units, custom homes and model home complexes are subject to review by the Planning Division to ensure:

1. Conformance with prevailing building design guidelines, with pleasing visual aesthetics and water efficient design.
2. Use of xeriscape landscaping;
3. Use of approved landscape materials.
4. Use of approved “smart irrigation” controllers.
5. Irrigation systems minimize overspray onto structures or hard surfaces such as sidewalks, driveways and walls/fences.
6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback.
7. New and existing single family front yard setbacks include front and street side yard landscaping consisting predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.
8. Ground cover should be used to absorb runoff from rain or irrigation.
9. Reduction of hardscape/paving, incorporating permeable surfaces to reduce runoff.
10. The plant palette provided in the County of Riverside Guide to Friendly Landscaping is recommended to identify plants which can be used to establish an aesthetically pleasing and water efficient landscape.”

3.8 Section headings for 9.17.141, 9.17.142 and 9.17.143 have been numbered as follows:

“9.17. 150 Water Efficiency Requirements.”

“9.17.160 Landscape Water Use Efficiency Enforcement.”

"9.17. 170 Severability."

3.9 Landscape Standards

The Landscape Standards, page 5, Single Family Front Yards section is hereby revised as follows:

"Single Family Residential

Front yards: 25% turf (maximum) with the remaining yard planted with shrubs, ground covers and required trees. Turf shall be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback."

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 5 EFFECTIVE DATE:

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

APPROVED AND ADOPTED this ____ day of _____, 2010.

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.]

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9.09.120 ~~Granny housing.~~

~~_____ A. _____ Purpose and Intent. The purpose of this section is to establish standards and procedures for the creation of “granny” units and to ensure the orderly development of these units in appropriate areas of the city.~~

~~_____ B. _____ Applicability. All “granny” housing shall comply with the development standards for the district in which it is located, the provisions of this section and shall be subject to approval of an administrative plot plan.~~

~~_____ C. _____ Development and Performance Standards. The following standards shall apply to all granny housing:~~

~~_____ 1. _____ No more than one granny unit or other type of accessory dwelling unit shall be permitted per lot;~~

~~_____ 2. _____ The lot must contain one, but not more than one, existing single family dwelling;~~

~~_____ 3. _____ The unit can be attached or detached to the existing dwelling;~~

~~_____ 4. _____ The granny unit shall be subject to the same minimum development standards as the primary dwelling unit;~~

~~_____ 5. _____ The granny unit shall be architecturally compatible with the main dwelling unit and the surrounding neighborhood or screened from view to preclude it from being visible from the surrounding neighborhood;~~

~~_____ 6. _____ The gross floor area of a granny unit shall not exceed one thousand two hundred fifty (1,250) square feet on parcels less than forty thousand (40,000) square feet in area; one thousand three hundred seventy five (1,375) square feet on parcels of at least forty thousand (40,000) square feet, but less than two acres; and one thousand five hundred (1,500) square feet on parcels of two acres or larger;~~

~~_____ 7. _____ The unit shall have kitchen and bath facilities;~~

~~_____ 8. _____ The unit is not intended for sale, but may be rented and is for the sole occupancy of one or two adult persons aged sixty two (62) or above;~~

~~_____ 9. _____ One additional on-site, paved parking space shall be provided;~~

~~_____ 10. _____ The applicant shall be owner-occupant of the property and the owner of the parcel shall reside in either the primary dwelling or the granny unit;~~

~~11. The property owner(s) shall enter into a written agreement with the city, in which the owner(s) agree to use the premises for a period of thirty (30) years in compliance with the requirements of this section, any applicable enactments of the city council, and in a form acceptable to the city attorney and the community development director. Recordation of such agreement in the files of the county recorder shall be completed prior to issuance of a building permit for the granny unit; and~~

~~12. The unit shall have adequate water supply and sewage disposal capability.~~

~~D. Notice. Notice of an application for a granny unit shall be mailed or delivered to the owners of real property within three hundred (300) feet of the parcel containing the proposed granny unit. The notice shall describe the nature of the request and the location of the project. The notice shall also state that written comments are requested and that a decision will be made on a date not less than ten (10) days from the date of mailing of the notice. Notice of the decision shall be mailed or delivered to the applicant and to the property owners within three hundred (300) feet of the parcel containing the proposed granny unit. (Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 428 § 1.1, 1994; Ord. 359 (part), 1992)~~

9.09.130 Second dwelling units.

A. Purpose and Intent. The purpose of these standards is to ensure that accessory living quarters located in residential districts do not adversely impact either adjacent residential parcels or the surrounding neighborhood, and are developed in a manner which protects the integrity of the residential district, while providing for needed housing opportunities for owners of eligible parcels.

B. Applicability. Each second dwelling unit shall comply with the development standards for the district in which it is located, the provisions of this section, and shall require approval of an administrative plot plan.

C. Property Development Standards. The following standards shall apply to all second dwelling units:

1. No more than one second unit or other type of accessory dwelling unit shall be permitted per lot;

2. The lot must contain one, but no more than one existing dwelling unit;

3. The minimum lot size for a parcel to be eligible for a second dwelling unit shall be ~~forty thousand (40,000) square feet~~ seventy two hundred (7200) square feet;

4. The maximum square footage for a second unit dwelling is 1,250 square feet. The second unit may exceed the square footage of the existing unit with one unit being not more than 1,250 square feet. The minimum square footage shall be 450.

45. The unit shall be subject to the same minimum development standards as the main building on the parcel including building setbacks;

56. The second unit shall be ~~architecturally~~ compatible with the main dwelling unit ~~and the surrounding neighborhood~~ in architecture, mass and scale ~~or screened from view to preclude it from being visible from the surrounding neighborhood~~;

67. The second dwelling unit shall provide ~~two parking spaces~~ a minimum of one parking space per bedroom ~~within a carport or garage~~ in addition to the parking required for the main dwelling without blocking the required parking (no tandem parking) pursuant to Chapter 9.11 of this title;

78. The unit may be rented and shall not be sold separately from the main unit unless the land containing the second unit is first divided from the property containing the main unit in accordance with the city's subdivision regulations;

89. The unit shall have adequate water supply and sewage disposal capability;

ATTACHMENT 4

~~9~~10. The applicant shall be the owner-occupant of the property and shall reside in either the primary residence or the second unit;

~~10~~11. The entrance to an attached second unit shall be separate from the entrance to the first unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure;

~~11~~12. Second units shall be subject to all ~~new~~ development fees specified by City ordinances or resolutions for second units, ~~including, but not limited to, development impact fees, park fees and assessment district assessment allocations, where so permitted~~; and

~~12~~13. The unit shall have kitchen and bath facilities.

14. The property owner(s) shall enter into a written agreement with the city, in which the owner(s) agree to use the premises for a period of thirty (30) years in compliance with the requirements of this section, any applicable enactments of the city council, and in form acceptable to the city attorney and the community development director. Recordation of such agreement in the files of the county recorder shall be completed prior to issuance of a building permit for the second unit.

~~D. — Notice. Notice of an application for a second unit shall be mailed or delivered to the owners of real property within three hundred (300) feet of the parcel containing the proposed unit. The notice shall describe the nature of the request and the location of the project. The notice shall also state that written comments are requested and that a decision will be made on a date not less than ten (10) days from the date of mailing of the notice. Notice of the decision shall be mailed or delivered to the applicant and to the property owners within three hundred (300) feet of the parcel containing the proposed second unit. (Ord. 475 § 1.4 (part), 1995; Ord. 428 § 1.2, 1994; Ord. 359 (part), 1992)~~

9.16.010 Introduction and scope of guidelines.

A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the community development director's, the planning commission's and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

B. The design guidelines reflect the Moreno Valley general plan design policies and objectives, functioning as a tool for the general public, project developers, city staff and reviewing boards and commissions.

~~C. As a recently incorporated city, Moreno Valley is in transition. The city's award winning general plan, adopted in 1988, sets goals and objectives different from those contained in Riverside County's general plan. Much of what is built in Moreno Valley, however, was constructed under the county's plan, and does not reflect the city's current development attitudes or future vision.~~

~~D.~~ These guidelines will help apply the city's design standards to new development and to remodels, upgrading design citywide and implementing the general plan's policies.

~~E.~~ Several design philosophies prevail throughout the guidelines. These include compatibility, sensitivity, human scale, variety, function and aesthetics. When combined and tailored for specific uses, these philosophies should yield high quality products that are consistent with the general plan's intent, practical and pleasing to the eye. (Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)

ATTACHMENT 5

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9.16.130 Single-family residential.

A. These guidelines deal with single-family residential (R1, R2, RA-2, R3, R5) areas as well as areas designated hillside residential (HR) and rural residential (RR). They strive to improve the quality of life for single-family housing residents, to ensure attractive single-family neighborhoods and to offer solutions to recurring design problems.

1. R1: provides for and protects the rural lifestyle by having large residential lots and the keeping of large animals.

2. R2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivisions, and to allow residential developments in a rural atmosphere.

3. RA-2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivision, and for the keeping of animals that have historically characterized these areas.

4. R3: provides for a transition between rural and urban density development areas and provides for suburban lifestyle on residential lots larger than those commonly found in suburban subdivisions.

5. R5: provides for single-family detached housing on common-sized suburban lots.

6. Hillside residential (HR): balances the preservation of hillside areas with the development of view-oriented residential uses. These include large lot residential, and single-family residential on lots larger than twenty thousand (20,000) square feet.

7. Rural residential (RR): provides for the protection of the rural lifestyles, as well as protects natural resources and hillsides in the rural portions of the city. Within the rural residential area large residential lots are appropriate and the keeping of large animals shall be permitted.

Table 9.16.130A

Designation	Maximum Density	Threshold Density
Hillside Residential	Depends on slope	N/A
Rural Residential	Depends on slope	
R1	1 unit/acre	N/A
R2	2 units/acre	N/A
RA-2	2 units/acre	N/A
R3	3 units/acre	N/A
R5	5 units/acre	4 units/acre

B. General Guidelines.

1. A combination of a wall and bermed landscaping shall be provided adjacent to the rear or side yards of lots at neighborhood entries.
2. Residential units should be provided with a minimum five feet variation in their front and side yard setbacks along the streetscape.

3. Residential units shall be articulated and detailed to provide visual interest and scale by using a minimum of three of the following design elements.

- a. Provide projecting and/or recessed entries and windows.
- b. Include projecting or recessed balconies.
- c. Front porch with a minimum depth of five feet.
- d. Dormer windows.
- e. Minimum eighteen (18") inch roof overhangs with detailed rafter tails.
- f. Offset building planes a minimum of two feet.
- g. Stepping back a portion of the second story.
- h. Use of different building materials with varying textures and colors.

4. All units shall be designed with four sided architecture using the details from the front elevation.

53. Increased setbacks shall be provided on lots that are sited at corners or have rear yards bordering an arterial roadway.

64. Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks (refer to Section 9.03.040(D)). Rear yards shall be designed with minimum of 15 feet of flat areas adjacent to the structure.

75. Residential projects should maximize the feeling of openness by curving streets, varying front and side yard setbacks and, if possible, orienting roads to open space areas and views.

86. Small lot single-family subdivisions should utilize innovative design techniques, such as "zippered" or "Z" lots to provide more usable and private exterior area.

~~97. Z lot configurations work well on level ground and yield up to eight units per acre detached housing on zero lot line lots where allowed. This technique improves streetscape, increases usable yard areas and decreases length of windowless walls.~~

108. Residential mechanical equipment, including but not limited to air-conditioning units, ~~cable T.V. equipment and irrigation back-flow devices~~, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.

119. Storage of ~~R.V.'s~~ recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access.

1240. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements.

1344. Mailboxes, if required to be clustered, shall be designed to be compatible with surrounding homes, while conforming to Post Office guidelines.

1442. Property lines shall be located on the tops of slopes.

~~1513.~~ Natural topographic variations should be retained to divide residential developments into distinct neighborhood areas.

~~1614.~~ Within individual residential projects, a variety of floor plans and elevations should be offered as follows:

Table 9.16.130B

Number of Units	Minimum # of Footprints*	Minimum # of Elevations/ Footprints
5—10	2	2
11—20	3	3
21—40	4	3
41—60	5	4
61—80	6	4
81—100	7	4
101+	1 additional for every 40 units over 100	

<u>Number of Units</u>	<u>Minimum # of Footprints*</u>	<u>Minimum # of Elevations/ Footprints</u>
<u>5-9</u>	<u>1</u>	<u>2</u>

<u>Number of Units</u>	<u>Minimum # of Footprints*</u>	<u>Minimum # of Elevations/ Footprints</u>
<u>10-24</u>	<u>2</u>	<u>3</u>
<u>25-49</u>	<u>3</u>	<u>3</u>
<u>50 plus</u>	<u>Add one additional footprint for every 50 units over 50</u>	<u>4</u>

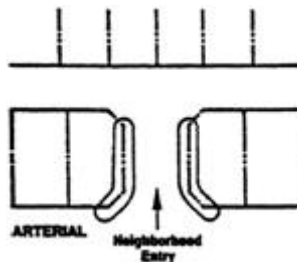
Each floor plan shall not be repeated more than each fourth house. Please note that adding or deleting false shutters or similar types of minimal elevation changes will not suffice as one of the required distinct elevations.

* ~~Reverse plans may be included as separate footprints if approved by the community development director.~~

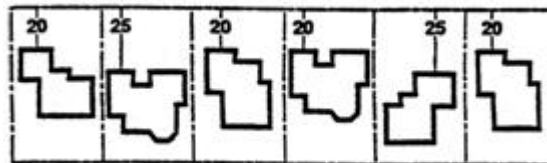
1745. To minimize visual impact, corner residential units shall be single story or if two story, shall incorporate single story elements into the design. The short and low side of the corner residential unit should be sited toward the street corner.

1816. Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot front setback. Garage doors with windows shall be required for three or more car garages or other architecturally enhanced garage doors or as approved by the Community Development Director.

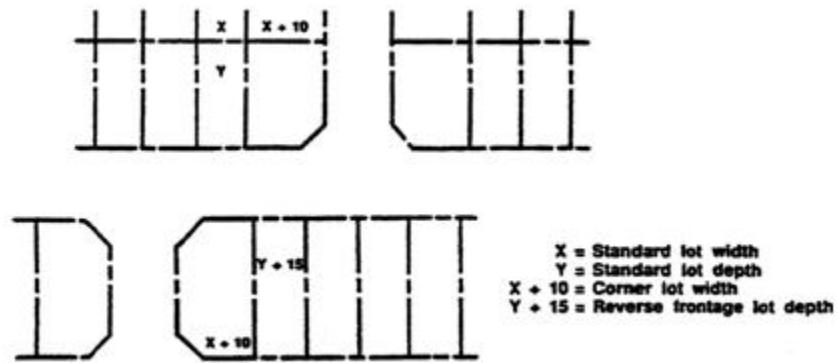
1917. Fence and wall materials should be durable and architecturally compatible with the neighborhood appearance. Walls and fences constructed of slump stone, stucco-coated block or wrought iron are encouraged. Fences and walls constructed of nondurable materials, including but not limited to plywood and chicken wire are prohibited. A front yard fence or wall shall be erected in a manner that does not obscure visibility through the fence or wall. (MC 9.08.070) (~~Ord. 604 § 2.4, 2002; Ord. 426 § 3.1 (part), 1994; Ord. 398 § 2.2, 1993; Ord. 359 (Attach. 2 (part)), 1992~~)



**Landscape Treatment Areas at
Neighborhood Entries**



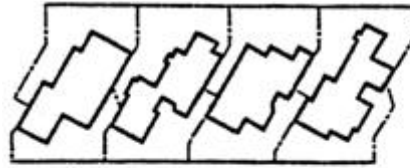
Vary Setbacks by at Least Five Feet



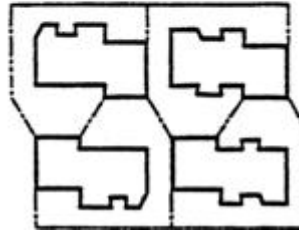
Corner Lots and Reserve Frontage Lots Should Be Larger than Standard Lots



Use Curvilinear Elements and Orient Roads to Open Space and Views

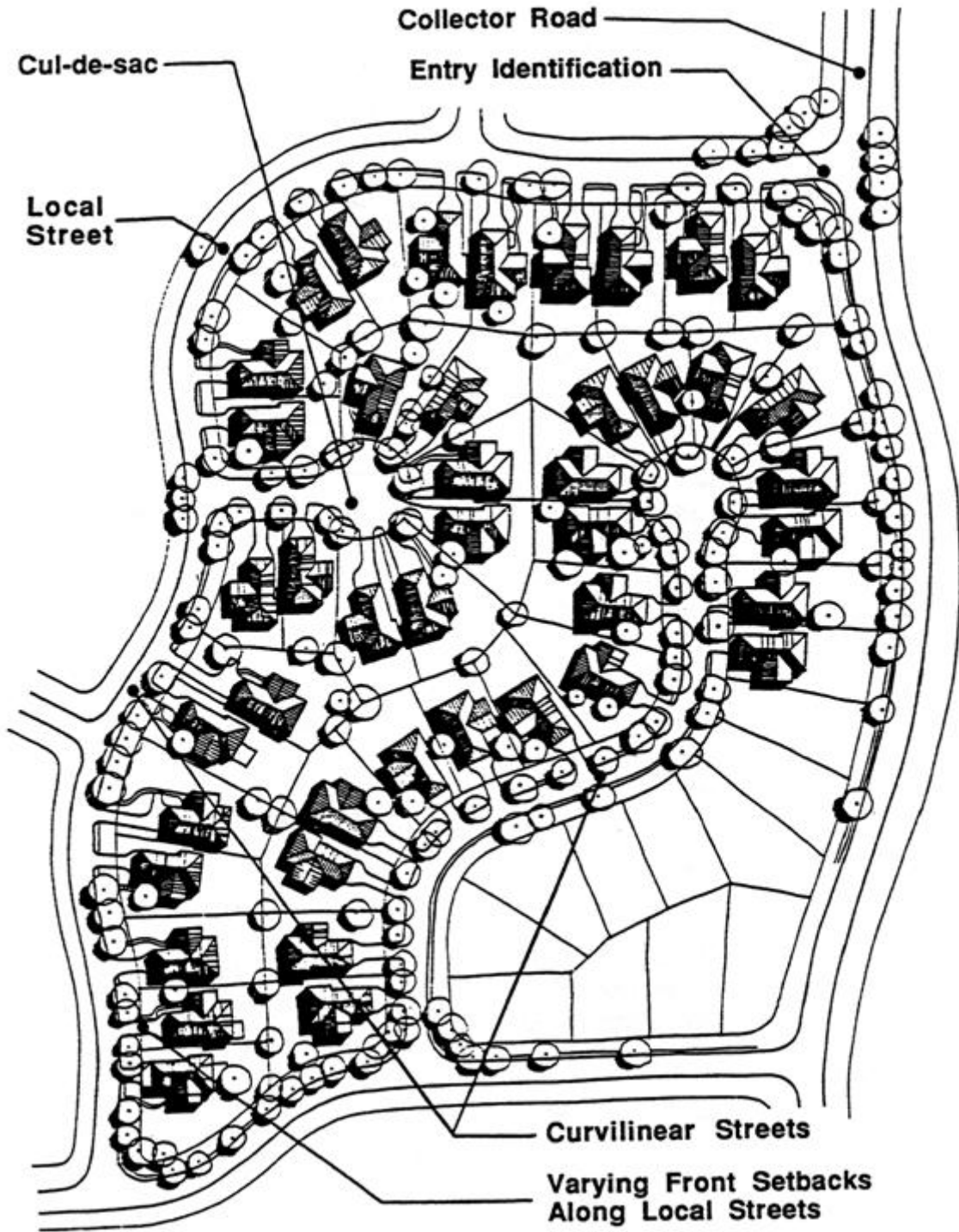


**Typical
'Z-Lot'
Design**



**Typical
'Zipper Lot'
Design**

Innovative Subdivision Design



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Chapter 9.17 LANDSCAPE AND WATER EFFICIENCY REQUIREMENTS

9.17.070 Single-family residential development.

A. Plans for landscape construction or reconstruction of existing single family units, custom homes and model home complexes are subject to review by the Planning Division to ensure:

1. Conformance with prevailing building design guidelines, with pleasing visual aesthetics and water efficient design.
2. Use of xeriscape landscaping;
3. Use of approved landscape materials.
4. Use of approved “smart irrigation” controllers.
5. Irrigation systems minimize overspray onto structures or hard surfaces such as sidewalks, driveways and walls/fences.
6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback.
7. New and existing single family front yard setbacks include front and street side yard landscaping consisting predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.
8. Ground cover should be used to absorb runoff from rain or irrigation.
9. Reduction of hardscape/paving, incorporating permeable surfaces to reduce runoff.

10. The plant palette provided in the County of Riverside Guide to Friendly Landscaping is recommended to identify plants which can be used to establish an aesthetically pleasing and water efficient landscape.

B. Model homes are provided by a developer as examples of the housing product for sale within the subject tract. A xeriscape planting concept with a turfless front yard is incorporated for at least one of the models. The concept must be used in at least 25% of the production units. Promotional information on xeriscape-planting concepts is made available for prospective homebuyers.

C. For parking lot, walls, screening and other landscape requirements, see applicable sections of the title. (Ord. 616 § 2.2.27 (part), 2003)

9.17. ~~141~~ 150 Water Efficiency Requirements.

1. Refrain from hosing down driveways and other hard surfaces, except from health or sanitary reasons and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

2. Repair faucets, toilets, pipes and other potential sources of water leaks.

3. Irrigate landscape only between 9:00 p.m. and 6:00 a.m. This provision does not apply when:

- manually watering during the establishment period of a new landscape;
- temperatures are predicted to fall below freezing;
- for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

4. Refrain from watering or irrigating of any lawn, landscape or other vegetated area with potable water using a landscape irrigation system or watering device that is not continuously attended unless it is limited to no more than fifteen (15) minutes watering per day per station. This 15 minute limitation can be extended for:

- Landscape irrigation systems that exclusively use very low flow drip irrigation systems when no emitter produces more than two (2) gallons of water per hour.
- Weather based controllers or stream rotor sprinklers that meet a 70% efficiency.

Run-off or over watering is not permitted in any case.

5. Adjust and operate all landscape irrigation systems in a manner which will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting run-off.

6. Refrain from watering or irrigating any lawn, landscape or other vegetated area that causes or allows excessive water flow or run-off onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.

7. Do not use decorative fountains unless they are equipped with a recycling system.

8. Do not allow water to run while washing vehicles. Use a bucket or similar container and/or a hand-held hose equipped with a positive self-closing water shut-off device to avoid run-off into gutters, street or alleys.

9. When installing new landscaping, plant low-water demand trees and plants. Do not incorporate non-functional turf areas.

10. Refrain from watering during rain.

It is important to adhere to these measures to help maximize the impacts and prevent more stringent actions.

9.17.142 160 Landscape Water Use Efficiency Enforcement.

The City will rely on water purveyors to enforce landscape water use efficiency requirements. The City will coordinate with the local water purveyors and encourage landscape water use efficiency such as:

1. Tiered water rate structure.
2. Allocation-based conservation water pricing structure.
3. A rate structure at least as affective as the above options.
4. Irrigation audits and/or irrigation surveys.
5. Penalties for water waste.

9.17. 143 170 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The city council hereby declares that it would have passed each such section, subsection, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective. (Ord. 616 § 2.2.27 (part), 2003)

Single Family Residential

Front yards: 25% turf (maximum) with the remaining yard planted with shrubs, ground covers and required trees. Turf shall be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback.

Trees: Street trees 40-ft on center (2-ft on private side of property line); minimum 1 tree per lot (see graphic on page 5).

Minimum: 1 tree on short frontage, 2 trees on long.

Shade trees: minimum one per lot in addition to street trees (see graphic on page 5).

Reverse Frontage parkways: see page 8-9

Erosion Control: see page 12

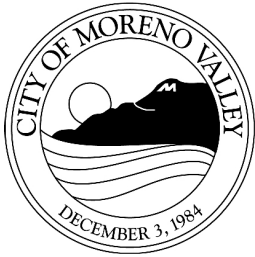
See Street tree list- pages 18-23

Landscape planting specifications: see pages 15-17.

Tree Size - see page 17

ATTACHMENT 8

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PLANNING COMMISSION STAFF REPORT

Case: PA09-0024 Amendment to Municipal Code
9.09.130 Second Unit
9.09.120 Granny Unit
9.16 Design Guidelines
9.16.130 Single Family Design
9.17 Landscape Requirements

Date: September 23, 2010

Applicant: City of Moreno Valley

Representative: Planning Division

Location: City-wide

Proposal: The proposed amendment is an update to the Municipal Code, second unit development standards to allow second units in all residential zones, delete the granny unit section; design guidelines introduction, and single family design standards to include four sided architecture; Landscape Requirements title and required front yard landscape material.

Recommendation: Approval

ATTACHMENT 9

PROJECT DESCRIPTION

This proposed amendment would modify various provisions of the Municipal Code Sections 9.09.130 Second Unit, 9.09.120 Granny Unit, 9.16 Design Guidelines, 9.16.130 Single Family Design Guidelines and 9.17 Landscape Requirements.

ANALYSIS

9.09.130 Second Unit and 9.09.120 Granny Unit Development Standards

The City's Second Unit and Granny Unit development standards provide requirements to ensure that accessory living quarters located in residential districts do not adversely impact either adjacent residential parcels or the surrounding neighborhood, and are developed in a manner which protects the integrity of the residential district, while providing for needed housing opportunities for owners of eligible parcels.

Pursuant to Section 65852.2 of the State of California Government Code, local governments are required to establish a second unit ordinance. In 2003, the State of California amended two sections of the State Government Code to encourage the creation of second-units to assist in addressing regional housing needs and development trends and requiring the ministerial consideration of the applications. While the City of Moreno Valley has been consistent with California State Law addressing separately second units and granny units, staff recommends revisions to ensure full compliance.

Second units are a valuable form of housing providing housing for family members, students, the elderly, in-home health providers, the disabled and others at below market prices within existing neighborhoods. In addition, homeowners who create second units benefit from added income while City's benefit from increased property taxes and the contribution to the local affordable housing stock.

Currently the City of Moreno Valley has development standards for both second units and granny units. This amendment proposes to eliminate the granny unit section 9.09.120 and incorporate all requirements into section 9.09.130, Second Unit Development. The current standards allow for second or granny units in all residential or multi-family zones, however, differ in several areas including lot size requirements, age restrictions, maximum building square footage and parking. Both existing standards require the property to be owner occupied.

The details of the current development standards and proposed changes are as follows:

Second Unit = SU

Granny Unit = GU

CURRENT STANDARDS	PROPOSED CHANGES
SU and GU No more than one accessory unit per lot.	No proposed change.
Lot size. SU - Minimum lot size of 40,000 square feet. Attached or detached. GU – Minimum lot size of 7,200 square feet.	The minimum lot size will be seventy two hundred (7,200) square feet;
Unit square footage. SU No minimum or maximum size. GU Gross floor area: 1,250 square feet on parcels less than 40,000 square feet 1,375 on parcels at least 40,000 square feet. 1,500 on parcels of two acres or more.	The maximum square footage for a second unit shall be 1,250 square feet. The second unit may exceed the square footage of the existing unit with one unit being not more than 1,250 square feet. The minimum square footage shall be 450 square feet.
SU and GU Same minimum development standards as main unit.	The same minimum development standards as the main unit apply including building setbacks.
SU and GU Architecturally compatible with the existing structure or screened from view.	The second unit shall be compatible with the existing structure in architecture, mass and scale.
Parking requirements. SU Shall provide two parking spaces within a carport or garage in addition to the parking required for the main dwelling. GU Provide for one on-site paved parking space.	The second dwelling unit shall provide a minimum of one parking space per bedroom in addition to the parking required for the main dwelling without blocking any required parking (no tandem parking) pursuant to Chapter 9.11 of this title
Rental SU Unit may be rented and shall not be sold separately from the main unit. GU The unit is not intended for sale but may be rented.	The unit may be rented and shall not be sold separately from the main unit unless the land containing the second unit is first divided from the property containing the main unit in accordance with the city's subdivision regulations.

<p>Ownership and occupancy.</p> <p>SU and GU Owner/occupant of the property. GU The unit is for the sole occupancy of one or two adult persons aged sixty-two (62) or above.</p>	<p>The applicant shall be the occupant and the owner of the property and shall reside in either the primary residence or the second unit.</p>
<p>Entrance for attached units.</p> <p>SU The entrance to an attached second unit shall be separate from the first and installed in a manner as to eliminate the indication of two units. GU No regulation on entrance.</p>	<p>The entrance to an attached second unit shall be separate from the first and installed in a manner as to eliminate the indication of two units in the same structure.</p>
<p>Development fees.</p> <p>SU Subject to all new development fees for second units. GU Subject to all new development fees for granny units.</p>	<p>Second units shall be subject to all development fees specified by City ordinances or resolutions for second units.</p>
<p>Written agreement with the city.</p> <p>SU No agreement required. GU The property owners shall enter into a written agreement with the city, in which the owners agree to use the premises for a period of thirty (30) years in compliance with the requirements of this section, any applicable enactments of the city council, and in a form acceptable to the city attorney and the community development director. Recordation of such agreement in the files of the county recorder shall be completed prior to issuance of a building permit for the granny unit.</p>	<p>The property owner(s) shall enter into a written agreement with the city in which the owner(s) agree to use the premises in compliance with the requirements of this section, any applicable enactments of the city council and in a form acceptable to the city attorney and the community development director. Recordation of such agreement with the county recorder shall be completed prior to issuance of a building permit for the second unit.</p>

<p>Notice Requirements.</p> <p>SU and GU</p> <p>Notice of an application for a second unit shall be mailed or delivered to the owners of real property within three hundred (300) feet of the parcel containing the proposed unit. The notice shall describe the nature of the request and the location of the project. The notice shall also state that written comments are requested and that a decision will be made on a date not less than ten (10) days from the date of mailing of the notice. Notice of the decision shall be mailed or delivered to the applicant and to the property owners within three hundred (300) feet of the parcel containing the proposed second unit. (Ord. 475 § 1.4 (part), 1995; Ord. 428 § 1.2, 1994; Ord. 359 (part), 1992)</p>	<p>Deleted.</p> <p>The process is a ministerial act which does not require public hearing, notice or allow for public comments.</p>
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9.16.010 Design Guidelines

The design guidelines are intended to promote quality site planning and architecture without restricting innovation and creativity while reflecting the Moreno Valley General Plan design policies and objectives. A portion of the introduction is outdated as the City updated the General Plan in 2006 and is no longer in transition. Changes to the section include deleting section C of the Introduction and scope of the guidelines which no longer applies. Section C to be deleted states:

- As a recently incorporated city, Moreno Valley is in transition. The city’s award-winning general plan, adopted in 1988, sets goals and objectives different from those contained in Riverside County’s general plan. Much of what is built in Moreno Valley, however, was constructed under the county’s plan, and does not reflect the city’s current development attitudes or future vision.

9.16.130 Single-family residential design guidelines

The single-family residential design guidelines provide specific requirements for single-family development. The proposed changes will provide additional measures to enhance the existing code which strives to improve the quality of life for single-family housing residents by ensuring attractive single-family neighborhoods and offering solutions to recurring design problems. The revised standards will require the use of elevation elements to provide visual interest to single family homes both in custom home reviews as well as housing tract developments. The proposed changes update and clarify the provisions of single family housing design including establishing minimum design elements and requiring four sided architecture. In addition,

providing for additional side yard area and minimum flat areas in the rear yards have been addressed.

Major changes to the existing standards are as follows:

CURRENT STANDARDS	PROPOSED CHANGES
	<p>New standard. Residential units shall be articulated and detailed to provide visual interest and scale by using a minimum of three of the following design elements.</p> <ul style="list-style-type: none"> • Provide projecting and/or recessed entries and windows. • Include projecting or recessed balconies. • Front porch with a minimum depth of five feet. • Dormer windows. • Minimum eighteen (18") inch overhangs with detailed rafter tails. • Offset building planes a minimum of two feet. • Stepping back a portion of the second story. • Use of different building materials with varying textures and colors.
	<p>New standard. All units shall be designed with four sided architecture using the details from the front elevation.</p>
<p>Small lot single-family subdivisions should utilize innovative design techniques, such as zippered or Z lots to provide more usable and private exterior area.</p>	<p>Small lot single-family subdivisions should utilize innovative design techniques to provide more usable and private exterior area.</p>
<p>Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks.</p>	<p>Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks. Rear yards shall be designed with a minimum of 15 feet of flat areas adjacent to the structure.</p>
<p>Z lot configurations work well on level ground and yield up to eight units per acre detached housing on zero lot line lots where allowed. This technique improves streetscape, increases usable yard areas and decreases length of windowless walls.</p>	<p>Deleted Small lot single-family design provides a variety of options.</p>

Residential mechanical equipment, including but not limited to air-conditioning units, cable T.V. equipment and irrigation back-flow devices, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.	Residential mechanical equipment, including but not limited to air-conditioning units, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.																																							
Storage of R.V.'s, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view.	Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access.																																							
<p>Variety of floor plans and elevations.</p> <table border="1"> <thead> <tr> <th># of Units</th> <th>Min Footprints</th> <th>Min Elevations</th> </tr> </thead> <tbody> <tr> <td>5-10</td> <td>2</td> <td>2</td> </tr> <tr> <td>11-20</td> <td>3</td> <td>3</td> </tr> <tr> <td>21-40</td> <td>4</td> <td>3</td> </tr> <tr> <td>41-60</td> <td>5</td> <td>4</td> </tr> <tr> <td>61-80</td> <td>6</td> <td>4</td> </tr> <tr> <td>81-100</td> <td>7</td> <td>4</td> </tr> <tr> <td>101+</td> <td colspan="2">1 additional for every 40 units over 100</td> </tr> </tbody> </table>	# of Units	Min Footprints	Min Elevations	5-10	2	2	11-20	3	3	21-40	4	3	41-60	5	4	61-80	6	4	81-100	7	4	101+	1 additional for every 40 units over 100		<p>Revised floor plan and elevation requirements</p> <table border="1"> <thead> <tr> <th># of Units</th> <th>Min Footprints</th> <th>Min Elevations</th> </tr> </thead> <tbody> <tr> <td>5-9</td> <td>1</td> <td>2</td> </tr> <tr> <td>10-24</td> <td>2</td> <td>3</td> </tr> <tr> <td>25-49</td> <td>3</td> <td>3</td> </tr> <tr> <td>50+</td> <td colspan="2">One additional for every 50 units</td> </tr> </tbody> </table>	# of Units	Min Footprints	Min Elevations	5-9	1	2	10-24	2	3	25-49	3	3	50+	One additional for every 50 units	
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50+	One additional for every 50 units																																							
Reverse plans may be included as separate footprints if approved by the community development director.	Deleted																																							
To minimize visual impact, the short and low side of the corner residential unit should be sited toward the street.	To minimize visual impact, the corner residential unit shall be single story or if two story, shall incorporate single story elements into the design. The short and low side of the unit should be sited toward the street corner.																																							
Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot setback.	Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot setback. Garage doors with windows shall be required for three or more car garages or other architecturally enhanced garage doors or as approve by the community development director.																																							

9.17 Landscape Requirements

The Landscape Requirements were updated in December 2009 to meet the State of California requirements and include water efficiency requirements. The proposed title change from “Landscape Requirements” to “Landscape and Water Efficiency Requirements” will better describe the contents of the chapter.

9.17.070 Single-family residential development (Landscape)

The single-family residential development section was updated in December 2009 and meets the goals and objectives of the State of California requirements for water efficiency. The section applies to new and existing units and model home complexes. The front yard landscaping currently requires a maximum of 25% turf without addressing the remainder of the yard area. Specifically, the maximum allowable hardscape/ concrete is not addressed. In an effort to ensure there is a balance between plant material and hardscape, the proposed clarifications will provide direction for residential landscaping. The following provides the current standards and the proposed changes to the section:

CURRENT	PROPOSED
The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only	The front yard area shall have a maximum of 25% turf with the remaining yard planted with shrubs, ground cover, and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback
New and existing single family front yard setbacks include front and street side yard landscaping consisting predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds as defined in Municipal Code Section 6.04.	New and existing single family front yards including setbacks both front and street side yard landscaping shall consist predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.

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 Saturday, September 11, 2010.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2010-18, **RECOMMENDING** that the City Council:

1. **APPROVE** PA09-0024 (Municipal Code Amendment); and,
2. **RECOGNIZE** that PA09-0024 (Municipal Code Amendment) qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

Prepared by:

Approved by:

Julia Descoteaux
Associate Planner

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2010-18
3. 9.09.130 Second Unit w/ strike out
4. 9.09.120 Granny Unit w/ strike out (Section deleted)
5. 9.16 Design Guidelines w/ strike out
6. 9.16.130 Single Family Design w/ strike out
7. 9.17 Landscape Requirements w/ strike out

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1 **700 PUBLIC HEARING ITEMS**

2
3 **710**

4
5 **PA09-0024 Municipal Code Amendment**

6
7 **CHAIR DE JONG** – May I have the Staff Report please?

8
9 **ASSOCIATE PLANNER DESCOTEAUX** – Good evening Planning
10 Commissioners. I'm Julia Descoteaux, Associate Planner. Before you this
11 evening is a proposed amendment to the City's Municipal Code, which will
12 modify various portions of the sections including the second unit, granny unit,
13 design guidelines, single family design guidelines and the landscape
14 requirements.

15
16 Section 9.09.130 is the Second Unit Ordinance and 9.09.120 is the Granny Unit
17 Development Standards. Both of these sections were developed to provide
18 standards and requirements to ensure that the accessory living quarters located
19 in residential districts do not adversely impact either adjacent residential parcels
20 or the surrounding neighborhoods. It also ensures that they are developed in a
21 manner to protect the integrity of the residential district while providing for
22 needed housing opportunities for owners of eligible parcels. Pursuant to
23 Sections 65852.2 of the California Government Code, city governments are
24 required to establish a Second Unit Ordinance. While the City of Moreno Valley
25 is consistent with State Law, we address the standards in separate sections; this
26 being the second unit and the granny unit. Staff recommends at this time that we
27 incorporate those into one section.

28
29 I'll briefly go through some of the current standards and what the changes will be.
30 First and foremost we recommend that we delete the Granny Unit Ordinance in
31 its entirety and again combine it with the Second Unit Ordinance. Currently we
32 allow one accessory unit per lot and there would be no changes to that. The
33 current minimum size lot for second units is 40,000 square feet and 7200 square
34 feet for granny units and we would propose that the minimum lot size be set at
35 7200 square feet for the second unit. We have changes to the square footage.
36 Currently the second unit does not have a minimum standard and the proposal is
37 to provide a maximum square footage for a second unit to be 1250 square feet
38 and allowing that the second unit may exceed the square footage of the existing
39 unit with one unit not being more than 1250 square feet and the minimum square
40 footage should be 450 square feet. The same development standards for the
41 main unit would apply to the second unit as well as be architecturally compatible
42 with the existing structure or screened from view. I'm sorry that's the current
43 standard. The proposed standard is that the same development standards be
44 applied to the second unit and be compatible with the existing structure. The
45 parking requirements in the Second Unit Ordinance would provide for a minimum
46 of one parking space per bedroom in addition to the parking required for the main

ATTACHMENT 10

1 unit without blocking any required parking for the main unit. The Ordinance
2 would allow that the unit be rented and cannot be sold separately from the main
3 unit unless the land containing the second unit is first divided from the property
4 containing the main unit accordance with City Subdivision Regulations.
5 Ownership and occupancy would provide that the Applicant be the owner and
6 occupant of one of the units on the property. The second units would subject to
7 all development fees and that is a current standard. We're not changing that.
8 And currently the second unit does not require any agreement. The granny unit
9 does require an agreement in which the property owner agrees to use the
10 premises in compliance with the requirements for 30 years and the change to
11 that would be that the property owner enter into a written agreement with the City
12 in which the owners agree to use the premises in compliance with all the
13 requirements and that document would be recorded against the property just to
14 ensure that all future property owners are aware of the Second Unit Ordinance.

15
16 Section 9.16.010 of the Design Guidelines... one of the paragraphs in there is
17 outdated and no longer applies being that we are not a new City anymore.
18 We've been here for a while, so we can remove that paragraph.

19
20 Section 9.16.130 is the Single Family Residential Design Guidelines and this
21 section provides specific requirements for single family development. The
22 proposed changes will provide additional measures to enhance the existing code
23 and strive to improve the quality of life for single family housing residents and
24 ensure attractive single family neighborhoods. Some of the changes... one of
25 the new standards that we've incorporated would be that residential units shall be
26 articulated and detailed to provide visual interest and scaled by using a minimum
27 of three different design elements. We have provided a large group of them
28 including projecting and recessed entries, front porches, dormer windows,
29 minimum of 18 inch overhangs, stepping back a portion of the second story;
30 different design elements that would allow developers to again incorporate some
31 different elements into their design. Also we would be adding a new standard
32 which states all units shall be designed with four-sided architecture using the
33 details from the front elevation. Also in addition, that home builders consider
34 after market construction of patio covers, which again was in our code currently,
35 however we are adding that rear yards be designed with a minimum of 15 feet of
36 flat areas adjacent to the structure to help accommodate those aftermarket patio
37 covers and such. Also in addition, in this section, is the storage of recreational
38 vehicles. We are suggesting that residential units should be designed with the
39 larger side area; a minimum of 10 feet on the garage side of the structure and
40 that would again help them to put the vehicles in the side yard. Several other
41 changes have just been added. One of them is when you are developing a
42 corner site that you incorporate single story elements into the design and have
43 the short and low side of the unit situated towards the street corner.

44
45 Section 9.17 of the Landscape Requirements, we are suggesting a proposed title
46 change from Landscape Requirements to Landscape and Water Efficiency

1 Requirements to better describe the contents of the chapter. We updated this
2 section in December of 2009 to meet the State of California requirements and we
3 have one other change in that section 9.17.070 single family residential
4 development and again this section was also updated in December 2009 and
5 meets the goals and objectives of the State of California requirements, however
6 we've added the addition of allowable hardscape in this section to include a
7 maximum of 25% turf with the remaining yard planted with shrubs, ground cover
8 and required trees and pavement and other solid surfaces shall not cover more
9 than half of the required front yard setback. One additional change was adding
10 that new and existing front yards including setbacks both front and side streets
11 shall consist of predominantly plant materials including shrubs, ground cover and
12 required trees except for necessary walks, drives and fences and not including
13 weeds as defined in Municipal Code Section 6.04 or concrete hardscape
14 materials.

15
16 The project is exempt from the California Environmental Quality Act in
17 accordance with Section 15061 as defined by Section 15378 of the CEQA
18 Guidelines. A one-eighth Public Notice was published in the newspaper on
19 September 11th, 2010 and to date I have not had any comments or questions
20 regarding the amendment. This concludes Staff's presentation and I can answer
21 any questions for you.

22
23 **CHAIR DE JONG** – Thank you. Are there any Commissioner comments?

24
25 **COMMISSIONER GELLER** – I have a couple of questions. Isn't a 7200 square
26 foot lot extremely tiny to put a second unit on? I mean how did they come up
27 with that?

28
29 **ASSOCIATE PLANNER DESCOTEAUX** – Well currently we allow granny units
30 on all residential and multi-family lots and the State Law requires that we allow
31 that, so...

32
33 **COMMISSIONER GELLER** – Okay, now if you have a 7200 square foot lot and
34 wanted to build a unit, what kind of setbacks do you need?

35
36 **ASSOCIATE PLANNER DESCOTEAUX** – You would still be required to follow
37 the setback requirements for the lot.

38
39 **COMMISSIONER GELLER** – Okay what about between the two structures?
40 Can they be on top of each other?

41
42 **ASSOCIATE PLANNER DESCOTEAUX** – They could be attached

43
44 **COMMISSIONER GELLER** – Or very close to each other?
45

1 **ASSOCIATE PLANNER DESCOTEAUX** – Well currently we have a 10 foot
2 minimum setback between two structures, so they'd have to be 10 feet away or
3 attached.

4
5 **COMMISSIONER GELLER** – Okay

6
7 **PLANNING OFFICIAL TERELL** – Yes typically what happens... we've actually
8 approved several granny flats on 7200 or 8000 square foot lots and typically they
9 are attached and they are relatively small; like 500 or 600 square feet.

10
11 **COMMISSIONER GELLER** - Okay, one other question. If people already enter
12 into the granny unit agreement, could they shift it and change it to this new
13 agreement or are they stuck with their granny agreement or has anyone ever
14 thought about that?

15
16 **PLANNING OFFICIAL TERELL** – Well we hadn't considered that but they could
17 come in and revise their conditions of approval. There would be a process to do
18 that.

19
20 **COMMISSIONER GELLER** - Okay that's all I have.

21
22 **CHAIR DE JONG** – Are there any other comments? I have a question. On page
23 7 it says the reverse plans may be included as separate footprints if approved by
24 the Community Development Director and then as a revision that has been
25 deleted. Does that mean that is no longer allowed at all or just there is no
26 comments made or...

27
28 **PLANNING OFFICIAL TERELL** – You don't get credit for it. There are a
29 minimum number of footprints that you have to provide in a tract and we used to
30 give credit for this and that as two different footprints. Now you can do this or
31 that but you can only get credit for that.

32
33 **CHAIR DE JONG** – You only get credit for that. Good, that's clear, thank you.
34 Are there any other Commissioner Comments? Okay, seeing none, I will open
35 the Public Testimony and call our one and only Speaker forward, Deanna
36 Reeder.

37
38 **SPEAKER REEDER** – Deanna Reeder; and I actually have more questions than
39 comments. The elimination on the granny unit because the lots had to be bigger,
40 the secondary unit had a lower standard to put it on anyways, so you're really not
41 hurting the homeowners by doing that. That was a question actually. I worded it
42 as a statement but the question is you're not by deleting that one you are not
43 actually putting a higher standard on it, you are actually doing it slightly lower in
44 most cases. Now most of the stuff for the building standards I'm okay with but
45 these design standards that you have listed here and they are four-sided and I
46 did a lot of walking through neighborhoods and a lot of these houses are literally

1 four feet from the fence and from the house next door and it's another four or
2 maybe five feet from the fence and if you are requiring to do at least a couple of
3 these things like overhangs and recesses and stuff like this, you are asking for
4 trouble on these houses that are that close to a fence, so in those situations you
5 should revise this I think for houses where there are sometimes eight feet
6 between houses. That's putting a lot between two houses when really no one is
7 going to see it anyway unless you are actually standing between the two houses.

8
9 **CHAIR DE JONG** – If I could interject... usually building overhangs are not
10 included in a setback.

11
12 **SPEAKER REEDER** – Well I'm just looking at, you know...

13
14 **PLANNING OFFICIAL TERELL** – That's correct. Yes the overhangs would be
15 one. Certainly there are things like decorative window surrounds that are
16 typically used on the front of a house or shutters or grille work; those kinds of
17 things that we see. Some of the developers put in based on the design of the
18 homes, but we're not looking at... I don't think we're going to have too many
19 projections on the sides of houses just because as the Speaker said there isn't
20 room for it.

21
22 **SPEAKER REEDER** – I mean if it is two-story house and the only thing they
23 have to put it on is maybe upstairs but even at that, if a two-story house is next to
24 a two story house, nobody is seeing it anyway. I don't care if you are doing four-
25 sided, that is like a lot of extra for something that nobody can appreciate. I lost
26 whatever I was going to say. Thank you.

27
28 **CHAIR DE JONG** – Thank you. Are there any other public comments tonight?
29 Okay I'm going to close Public Testimony and open Commissioner Comments.

30
31 **COMMISSIONER GELLER** – We were discussing this... I know I've been
32 pushing for four-sided architecture for I don't know, I think it's been like about 8
33 years and I thought it was a lost cause and I was shocked to open up my
34 envelope and there it was. I think it is something long in coming in the City. The
35 concept is that even in some of these tight neighborhoods and of course the
36 closeness of houses to each other is the developer's choice. The City sets a
37 minimum. They don't set a maximum. But you can see sides of houses. You
38 can see them from all over. Not all houses are sitting in a perfect row. It is ugly.
39 It is really ugly. I've been driving this City for years and years and every time I
40 look at these tracts, even the areas between the houses, it is disgusting. It is just
41 a flat wall with a window here and there and like I say we've been calling for this.
42 It has made a heck of a difference with apartments and all the other buildings in
43 the City. It is time to make the standard universal. It doesn't add that much to
44 the cost of the house and the architects have lots of choices of what they can do,
45 but you'd be surprised how much people can see by driving down the street.
46 Every time I see some of these later tracts that were just thrown together, they

1 are so ugly and this will be a step to get rid of that "old trackie" look, so I'm very
2 pleased. I think the ordinance meets the requirements and I'm in full support of
3 it. As to the granny units and the second units, to me the most important thing is
4 to preserve property values of the existing homes. That is more important than
5 people being able to add a rental unit on their house and anything that we can do
6 to ensure that it looks good; it's a quality structure and if they want to build a
7 rental unit onto their house and it is legal, that's fine, but it should look like the
8 rest of the neighborhood. The goal here is not to allow people to degrade their
9 neighborhoods with junky second units so that they can have extra income. I
10 mean you have to do what is required by the State but I'm satisfied with the
11 ordinance. I think it will require a level of quality that if somebody does it, they're
12 going to spend some money and either it is worth it to them or it is not, but we're
13 not going to destroy the existing neighborhoods by people adding a bunch of
14 junkie, apartment-type structures on their property, so I'm in full support of the
15 ordinance as proposed. I don't see anything wrong with it, so anyhow that's it for
16 me.

17
18 **CHAIR DE JONG** – Thank you

19
20 **COMMISSIONER DOZIER** – I just had a question on the landscape
21 requirements I just want to discuss. First of all, I agree with our fellow
22 Commissioner Geller that we need to keep our standards for any additional
23 structures consistent with the standard that we've been promoting as a Planning
24 Commission for the last few years. I like the idea that we are allowing the
25 second units. In today's economy sometimes that is the only way we can afford
26 to accommodate growing families on properties that people own, so I'm happy to
27 see that and that we're actually cleaning it up a bit so that we can make sure we
28 can control the kinds of products that are built. I had a question. It says 25% turf
29 with the remaining yard planted with shrubs, ground cover and required trees. I
30 had a question. Are we requiring when we say turf are we talking about grass
31 and we're requiring grass?

32
33 **COMMISSIONER GELLER** – I think it says a maximum of 25. It is not a
34 minimum. You could have none.

35
36 **COMMISSIONER DOZIER** – A maximum of 25% turf, but it is not saying that
37 they have to have turf; they can do anything they want. It is just saying that a
38 maximum...

39
40 **CHAIR DE JONG** – They could do xero-scape.

41
42 **COMMISSIONER DOZIER** – Alright, I was looking at it as a requirement. I don't
43 think we can require them. Other than that, I didn't see anything else here that
44 was objectionable.

1 **CHAIR DE JONG** – Are there any more Commissioner Comments down at this
2 end? I'll also say that I wholeheartedly support this. I'm also one of the ones
3 that have been pushing for four-sided architecture as long as we've been talking
4 about it and there is absolutely no reason to back down now. These units that
5 we're adding have a purpose, but they absolutely need to look the way we need
6 to be able to control the way and that's the whole purpose of this ordinance and I
7 think it's a good one. It is well thought out and I'm fully in support of it. Now who
8 would like to make a motion?
9

10 **COMMISSIONER GELLER** – How about Commissioner Marzoeki?
11

12 **COMMISSIONER MARZOEKI** – Yes I haven't done it in a while, so I've forgotten
13 how to do it. I'd like to make a motion that the Planning Commission **APPROVE**
14 Planning Commission Resolution No. 2010-18 recommending that the City
15 Council:

- 16 1. **APPROVE** PA09-0024 Municipal Code Amendment; and,
- 17 2. **RECOGNIZE** that PA09-0024 Municipal Code Amendment qualifies as an
18 exemption in accordance with CEQA Guidelines, Section 15061 as
19 defined in Section 15378.
20

21 **COMMISSIONER GELLER** – Second
22

23 **CHAIR DE JONG** – Okay we have a motion and a second. Do we have any
24 discussion? All those in favor?
25 Opposed – 0
26

27 **Motion carries – 7 – 0**
28

29 **CHAIR DE JONG** – Staff wrap up please
30

31 **PLANNING OFFICIAL TEREEL** – Yes this item shall be forwarded to the City
32 Council for final review and action.
33

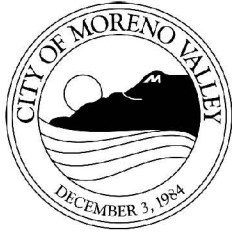
34 **CHAIR DE JONG** – Thank you. Our next item of business is in the Other
35 Business category.
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CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a. Council Member Richard A. Stewart
report on March Joint Powers
Commission (MJPC)**

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rut</i>
CITY MANAGER	<i>W/S</i>

Report to City Council

TO: Mayor and City Council, Acting on Behalf of Itself and as the Legislative Body for Community Facilities District No. 4-Infrastructure

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

AGENDA DATE: November 9, 2010

TITLE: CONSIDERATION OF INTENT TO MODIFY THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES WITH RESPECT TO COMMUNITY FACILITIES DISTRICT NO. 4- INFRASTRUCTURE

RECOMMENDED ACTION

Staff recommends that the City Council acting on behalf of itself and as the Legislative Body for Community Facilities District No. 4-Infrastructure adopt Resolution No. 2010-101; a Resolution of Intention to Consider Modifications to the Rate and Method of Apportionment of Special Taxes with Respect to Community Facilities District No. 4-Infrastructure of the City of Moreno Valley.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

Ridge Property Trust submitted an application on May 13, 2004 to form a community facilities district to fund the acquisition and/or construction of public improvements for the proposed development of the Centerpointe Business Park through the payment of special taxes. Any bonds issued for the community facilities district shall be secured by those special taxes. The City approved the developer's request and on October 25, 2005 Community Facilities District No. 4-Infrastructure ("CFD No. 4-I" or "District") was formed. The public improvements, to be financed through bonds, include: street improvements, street lighting, drainage improvements, median landscaping, electric utility improvements, and appurtenant structures and facilities; to date all improvements

have been constructed and accepted by the City. The District has been authorized by Resolution 2005-95 to issue up to \$16 million of bonds. Debt service for bond issuances shall be secured through an annual special tax levy on properties within the District. The District is generally located south of Alessandro Boulevard, east of Frederick Street, north of Cactus Avenue, and west of Heacock Street.

The developer's ultimate plans are to construct twelve buildings within the Centerpointe Business Park. Five of the twelve buildings have been constructed; buildings 4, 5, 6, 8, and 9 (see Attachment 2). Building 8 was sold to the United States Postal Service ("USPS") and the special tax obligation was prepaid. The USPS parcel still remains within the boundaries of the CFD but is not subject to the payment of any future special taxes.

DISCUSSION

Due to market conditions and the difficulty in obtaining financing, there has been a delay in constructing the remaining buildings within the District. Along with these delays, the bond market has become more restrictive over the past few years and may not provide favorable interest rates for any bonds secured by undeveloped properties. Since the original rate and method of apportionment ("RMA") approved on October 25, 2005 applied the special tax proportionately to all developed and undeveloped parcels within the District, the developer has requested certain modifications to the original RMA to apportion the special tax on developed parcels prior to any other parcel classification. The "Amended and Restated RMA" will allow for any series of bonds to be sized and issued based primarily on the special taxes from developed parcels. The special taxes on the undeveloped parcels will provide a secondary source of revenue if additional monies are needed to satisfy the annual special tax requirement.

If the resolution for the intent to amend the RMA is approved, a Public Hearing shall be scheduled for December 14, 2010. At the Public Hearing, additional resolutions shall be presented to Council for approval, a special election of the property owners within the District shall be held, and an ordinance introduced to authorize a levy of a special tax pursuant to the Amended and Restated RMA. A notice will be published in the local newspaper, at least 7 days prior to December 14, to give to any persons interested, the opportunity to appear and present any matters relating to the proposed intention to modify the RMA.

ALTERNATIVES

1. **Approve and adopt the proposed resolution** for the Intention to Consider Modifications to the Rate and Method of Apportionment of Special Taxes with Respect to Community Facilities District No. 4—Infrastructure. *The proceedings to amend the RMA will continue as scheduled if the resolution is approved. The Amended and Restated RMA shall be used for calculation of special taxes to support the payment of any future bond issuances for the District.*

2. **Do not approve or adopt the proposed resolution** for the Intention to Consider Modifications to the Rate and Method of Apportionment of Special Taxes with Respect to Community Facilities District No. 4–Infrastructure. *If the resolution is not approved the proceedings to amend the rate and method of apportionment will not be conducted. The original RMA will remain in effect.*

FISCAL IMPACT

In August 2010, the developer deposited \$37,000 to pay for professional services related to the preparation of an Amended and Restated RMA. Continuing administrative services provided by Special Districts will be reimbursed annually from the special tax levy.

Acquisition of the public facilities in CFD No. 4-I shall be paid for through bond proceeds. The District has been authorized by Resolution 2005-95 to issue up to \$16 million of bonds. Debt service for any future bond issuances shall be secured through an annual special tax levy on properties within the District. The issuance of bonds shall not constitute a general obligation of the City.

CITY COUNCIL GOALS

Public Facilities and Capital Projects

Once bonds are sold, the proceeds shall be used to acquire necessary public improvements.

Revenue Diversification and Preservation

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

SUMMARY

The action before the City Council acting on behalf of itself and as the Legislative Body for CFD No. 4-I is to adopt the resolution of intention to consider amending the RMA of special taxes for CFD No. 4-I.

NOTIFICATION

N/A

ATTACHMENTS

- Attachment 1: A Resolution of Intention to Consider Modifications to the Rate and Method of Apportionment of Special Taxes with Respect to Community Facilities District No. 4–Infrastructure of the City of Moreno Valley
- Attachment 2: Centerpointe Business Park Map

Prepared by:
Jennifer A. Terry,
Management Analyst

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

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

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

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 4-Infrastructure\Formation\Staff Reports - Resolutions\Staff Report and attachments for the amendment to the RMA\CFD 4\ Amended RMA Staff Rpt 11 09 10.doc

RESOLUTION NO. 2010-101

RESOLUTION OF INTENTION TO CONSIDER MODIFICATIONS
TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL
TAXES WITH RESPECT TO COMMUNITY FACILITIES DISTRICT
NO. 4—INFRASTRUCTURE OF THE CITY OF MORENO VALLEY

WHEREAS, in response to a request by Ridge Property Trust (the “Original Owner”), a Maryland real estate investment trust, the owner of certain real property located within the City of Moreno Valley (the “City”), the City, acting pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being chapter 2.5, Part 1, Division 2, Title 5 of the California Government Code (the “Act”), previously established Community Facilities District No. 4-Infrastructure of the City of Moreno Valley (the “Original District”) on October 25, 2005, by the adoption of Resolution No. 2005-94 (the “Resolution of Formation”) by the City Council (the “City Council”) of the City to include such Original Owner’s property for the purpose of financing certain authorized public facilities as described in the Resolution of Formation (the “Facilities”); and

WHEREAS, on October 25, 2005, a special election was held within the Original District and there was submitted to the qualified electors of the Original District, among other propositions, a proposition to authorize the levy of a special tax throughout the Original District pursuant to the rate and method of apportionment thereof (the “Original District Rate and Method”) for the purposes of paying debt service on bonds of the Original District, replenishing the reserve fund for such bonds, paying costs of administering such indebtedness and the Original District and paying directly for the Facilities; and

WHEREAS, at such election, the qualified electors of the Original District voted to approve the levy of such special taxes and on November 8, 2005, the City Council adopted Ordinance No. 696 (the “Ordinance”) authorizing the levy of special taxes on taxable properties located in the Original District pursuant to the Original District Rate and Method; and

WHEREAS, in 2007 the City Council, at the request of Ridge Moreno Valley, LLC, the owner of certain territory located within the City and adjacent to the Original District, initiated proceedings to annex such territory to the Original District (“Annexation Area No. 1”) and to authorize the levy of special taxes within Annexation Area No. 1 pursuant to the rate and method of apportionment thereof (the “Annexation Area No. 1 Rate and Method”); and

WHEREAS, on January 8, 2008, the City Council adopted Resolution 2008-03 authorizing submittal of a proposition to the qualified electors of Annexation No. 1 to authorize the levy of special taxes therein pursuant to the Annexation Area No. 1 Rate and Method; and

WHEREAS, the qualified electors within Annexation Area No. 1 voted to approve the levy of special taxes within Annexation Area No. 1 pursuant to the Annexation Area No. 1 Rate and Method, and Annexation Area No. 1 was annexed to the Original District (the Original District and Annexation No. 1 are referred to collectively herein as “CFD No. 4-I”) on January 8, 2008 by the adoption of Resolution No. 2008-04 by the City Council; and

WHEREAS, on January 22, 2008, the City Council adopted Ordinance No. 765 (“Annexation Area No. 1 Ordinance”) authorizing the levy of special taxes on taxable properties located in Annexation Area No. 1 pursuant to the Annexation Area No. 1 Rate and Method; and

WHEREAS, Ridge Moreno Valley, LLC and Ridge Moreno Valley II, LLC, the current owners of the territory within CFD No. 4-I, have requested that the City Council, acting as the legislative body of CFD No. 4-I, initiate proceedings to consider modifications to the Original District Rate and Method and the Annexation Area No. 1 Rate and Method; and

WHEREAS, there has been presented to this City Council for its consideration, the form of an amended and restated rate and method of apportionment for CFD No. 4-I (the “Amended and Restated CFD No. 4-I Rate and Method”), a copy of which is attached at Exhibit A hereto and incorporated herein by this reference, proposed to supersede and replace the Original District Rate and Method and the Annexation No. 1 Rate and Method and this City Council desires to declare its intention to consider proposed modifications to the Original District Rate and Method and the Annexation Area No. 1 Rate and Method as provided for in the Amended and Restated CFD No. 4-I Rate and Method.

NOW, THEREFORE, IT IS HEREBY RESOLVED that:

- Section 1.** The above recitals are all true and correct.
- Section 2.** This City Council hereby declares its intention to consider modifications of the Original District Rate and Method and the Annexation Area No. 1 Rate and Method as provided for in the Amended and Restated CFD No. 4-I Rate and Method. The Amended and Restated CFD No. 4-I Rate and Method shall, if approved by this City Council and the qualified electors of the Original District and Annexation No. 1, supersede and replace the Original District Rate and Method and the Annexation Area No. 1 Rate and Method.
- Section 3.** Notice is hereby given that on December 14, 2010, at the hour of 6:30 p.m., in the regular meeting place of the City Council located at 14177 Frederick St., Moreno Valley, California 92553, this City Council will conduct a public hearing with respect to the proposed modifications of the Original Rate and Method and the Annexation Area No. 1 Rate and Method as described herein at which time it will consider such proposed modifications and all other matters as set forth in this Resolution. At the above-mentioned time and place for such public hearing, any persons interested, including taxpayers and property owners, may appear and be heard. The testimony of all

interested persons for or against such proposed modifications will be heard and considered. Any protests may be made orally or in writing; however, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which such objection is made. All written protests shall be filed with the City Clerk on or before the time affixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the public hearing.

Section 4. If a written majority protest is filed against such proposed modifications of the Original District Rate and Method and the Annexation No. 1 Rate and Method, these proceedings shall be abandoned. A majority protest shall exist if 50 percent or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory included in CFD No. 4-I, or the owners of one-half or more of the area of the land in the territory included in CFD No. 4-I and not exempt from the special tax, file written protests against such proposed modifications of the Original District Rate and Method and the Annexation No. 1 Rate and Method and such protests are not withdrawn so as to reduce the value of the protests to less than a majority.

Section 5. If, following the public hearing described in the preceding paragraph, this City Council determines to approve the proposed modifications of the Original Rate and Method and the Annexation Area No. 1 Rate and Method as provided for in the Amended and Restated CFD No. 4-I Rate and Method, this City Council shall then submit the proposed modifications to the qualified electors of the CFD No. 4-I. If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, had been registered to vote within CFD No. 4-I for each of the ninety (90) days preceding the close of the public hearing, the vote shall be by the registered voters of CFD No. 4-I, with each voter receiving one (1) vote. Otherwise, the vote shall be by the landowners of CFD No. 4-I who were the Owners of record at the close of the subject public hearing, with each landowner or the authorized representative thereof having one (1) vote for each acre or portion of an acre of land owned within CFD No. 4-I.

Section 6. The City Clerk is hereby authorized and directed to give notice of such public hearing by causing a Notice of Public Hearing to be published pursuant to Government Code section 6061 in a legally designated newspaper of general circulation with such publication to be completed at least seven (7) days prior to the date set for such hearing.

Section 7. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this 9th day of November, 2010.

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.]

Amended and Restated Rate and Method of Apportionment

**AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT
FOR
COMMUNITY FACILITIES DISTRICT NO. 4 - INFRASTRUCTURE
OF THE CITY OF MORENO VALLEY**

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels of Taxable Property in Community Facilities District No. 4 – Infrastructure of the City of Moreno Valley (“CFD No. 4-I”) and collected each Fiscal Year commencing in Fiscal Year 2010-11, in an amount determined by the City Council through the application of the appropriate Special Tax for “Developed Property,” “Undeveloped Property,” “Taxable Property Owner Association Property,” and “Taxable Public Property” as described below. All of the real property in CFD No. 4-I shall be taxed for the purposes, to the extent and in the manner herein provided, except property defined as Exempt Property and subject to Section E below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“**Act**” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

“**Administrative Expenses**” means the following actual or reasonably estimated costs directly related to the administration of CFD No. 4-I: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or designee thereof or both); the costs of collecting the Special Taxes (whether by the City or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City, CFD No. 4-I or any designee thereof of complying with arbitrage rebate requirements including, but not limited to, any rebate obligation; the costs to the City, CFD No. 4-I or any designee thereof of complying with disclosure requirements of the City; and /or CFD No. 4-I associated with applicable federal and state securities laws and the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 4-I or any designee thereof related to any appeal of the Special Tax; the costs associated with the release of funds from an escrow or appeals account, including appraisal costs; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated by the CFD Administrator or advanced by the City or CFD No. 4-I for any other administrative purposes of CFD No. 4-I, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

“**Annual Special Tax Requirement**” means that amount required in any Fiscal Year for CFD No. 4-I to pay the sum of: (i) debt service on all Outstanding Bonds; (ii) periodic costs on the Bonds, including but not limited to, credit enhancement and rebate payments on the Bonds; (iii) Administrative Expenses; (iv) any amounts required to establish or replenish any reserve funds for all Bonds issued or to be issued by CFD No. 4-I; and (v) any amounts required for the acquisition or construction of facilities eligible under the Act, provided that the inclusion of such amount does not cause an increase in the levy of Special Taxes on Undeveloped Property. In arriving at the Annual Special Tax Requirement, the CFD Administrator shall take into

Amended and Restated Rate and Method of Apportionment

account the reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year and shall give a credit for funds available to reduce the Special Tax levy.

“Assessor’s Parcel” means a parcel shown in an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number (APN).

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by Assessor’s Parcel Number.

“Building Permit” means a permit for new construction for a structure. For purposes of this definition, “Building Permit” shall not include permits for construction of perimeter fencing, parking lot, wet and dry utility improvements, screening, landscaping, site lighting, required site-related storm water improvements, or other such improvements not intended for occupancy, with the exception of a guard shack, or similar ancillary structure.

“Bonds” means any binding obligation including bonds or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by CFD No. 4-I under the Act.

“CFD Administrator” means the Special Districts Division Manager of the City of Moreno Valley, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

“CFD No. 4-I” means Community Facilities District No. 4 – Infrastructure of the City of Moreno Valley.

“City” means the City of Moreno Valley.

“City Council” means the City Council of the City, acting as the legislative body of CFD No. 4-I.

“County” means the County of Riverside.

“Developed Property” means all Assessor’s Parcels of Taxable Property for which Building Permits were issued on or before June 1 preceding the Fiscal Year for which Special Taxes are being levied..

“Exempt Property” means any property not subject to Special Tax as described under Section E, herein.

“Final Map” means a final map, parcel map, lot line adjustment, or other map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Indenture” means the indenture, fiscal agent agreement, resolution or other instrument pursuant to which Bonds are issued, as modified, amended and/or supplemented from time to time, and any instrument replacing or supplementing the same.

Amended and Restated Rate and Method of Apportionment

“Land Area” means the square footage of land, excluding rights-of-way, as shown on the applicable Final Map or condominium map or if the square footage is not shown on said map, the square footage of an Assessor’s Parcel as shown on an Assessor’s Parcel Map. If the area is presented in acreage, then the square footage equals the acreage multiplied by 43,560 (square footage per acre). Exhibit 1, attached herein, provides an estimate of the taxable Land Area by Assessor’s Parcel.

“Maximum Annual Special Tax” means the maximum Special Tax, determined in accordance with Section C, that can be levied in any Fiscal Year on any Assessor’s Parcel.

“Outstanding Bonds” means all Bonds that are deemed to be outstanding under the Indenture.

“Property Owner Association Property” means, for each Fiscal Year, (i) any Assessor’s Parcel within the boundaries of CFD No. 4-I for which the owner of record, as determined from the County Assessor’s secured tax roll for the Fiscal Year in which the Special Tax is being levied, is a property owner’s association, including any master or sub-association, or (ii) any property located in a Final Subdivision that was recorded as of the January 1 preceding the Fiscal Year in which the Special Tax is being levied and which, as determined from such Final Subdivision, is or will be open space, a common area recreation facility, or a private street.

“Proportionately” means, for Developed Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Undeveloped Property. The term "Proportionately" may similarly be applied to other categories of Taxable Property as listed in Section E below. Notwithstanding the above, Assessor’s Parcels that have been delinquent in paying their Special Taxes may be taxed disproportionately to cover the shortfall generated by their delinquency.

“Public Property” means, for each Fiscal Year, any Assessor’s Parcel within the boundaries of CFD No. 4-I that is (i) owned by, irrevocably offered or dedicated to the federal government, the State, the County, the City, or any local government or other public agency, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use; or (ii) encumbered by a public utility easement making impractical its use for any purpose other than that set forth in the easement.

“Special Tax” means the special tax to be levied in each Fiscal Year on each Assessor’s Parcel of Developed Property and Undeveloped Property to fund the Annual Special Tax Requirement.

“State” means the State of California.

“Taxable Property” means all of the Assessor's Parcels within the boundaries of CFD No. 4-I, which are not classified as Exempt Property from the Special Tax pursuant to law or Section E, herein, or for which the Special Tax obligation has been prepaid in full per Section G, herein.

“Taxable Property Owner Association Property” means Property Owner Association Property that is subject to the levy of the Special Tax pursuant to Section E below.

Amended and Restated Rate and Method of Apportionment

“**Taxable Public Property**” means Public Property that is subject to the levy of the Special Tax pursuant to Section E below.

“**Trustee**” means the trustee, fiscal agent, or paying agent under the Indenture.

“**Undeveloped Property**” means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Taxable Property Owner Association Property, or Taxable Public Property.

B. CLASSIFICATION OF PROPERTIES

Each Fiscal Year, all Property within CFD No. 4-I shall be classified as Developed Property, Undeveloped Property, Taxable Property Owner Property, Taxable Public Property or Exempt Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment determined pursuant to Sections C and D.

C. SPECIAL TAX RATE

Maximum Annual Special Tax

The Maximum Annual Special Tax for each Assessor’s Parcel of Developed Property, Undeveloped Property, Taxable Property Owner Association Property and Taxable Public Property shall be \$0.2346 per square foot of Land Area for Fiscal Year 2010-11, and shall increase thereafter, commencing on July 1, 2011 and on July 1 of each Fiscal Year thereafter, by an amount equal to two percent (2%) of the Maximum Annual Tax for the previous Fiscal Year.

Once classified as Developed Property, a parcel may not be subsequently re-classified as Undeveloped Property.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2010-11 and for each following Fiscal Year, the City Council shall levy the Special Tax until the amount of Special Taxes levied equals the Annual Special Tax Requirement. The Special Tax shall be levied each Fiscal Year as follows:

Step 1 - The Special Tax shall be levied Proportionately on each Assessor’s Parcel of Developed Property at up to 100% of the applicable Maximum Annual Special Tax for Developed Property.

Step 2 - If additional monies are needed to satisfy the Annual Special Tax Requirement, then the Special Tax shall be levied Proportionately on each Assessor’s Parcel of Undeveloped Property at up to 100% of the applicable Maximum Annual Special Tax for Undeveloped Property.

Step 3 - If additional monies are needed to satisfy the Annual Special Tax Requirement, then the Special Tax shall be levied Proportionately on each Assessor’s Parcel of Taxable Property Owner Association Property.

Step 4 - If additional monies are needed to satisfy the Annual Special Tax Requirement, then the Special Tax shall be levied Proportionately on each Assessor’s Parcel of Taxable Public Property.

Amended and Restated Rate and Method of Apportionment

E. EXEMPTIONS

Provided that no such classification would reduce the Land Area of Taxable Property to less than 5,427,292 square feet, the CFD Administrator shall classify as Exempt Property: (i) Public Property; and (ii) Property Owner Association Property. Such minimum square footage shall be subject to reduction by the CFD Administrator should the Special Tax obligation for an Assessor's Parcel be paid off in full or in part per Section G, herein.

The CFD Administrator shall classify property as Exempt Property in the chronological order that such property qualifies to be classified as such.

All or any portion of an Assessor's Parcel in CFD No. 4-I that is transferred to a public agency or property owner's association that reduces the square footage of the total Land Area of Taxable Property to less than 5,427,292 square feet, or the minimum square footage as reduced by the CFD Administrator as specified above in this Section E, shall not be exempt from the Special Tax and shall instead require a prepayment of the Special Tax obligation for the excess portion of such Assessor's Parcel pursuant to Section G below to eliminate the necessity of levying an annual Special Tax on such excess portion of such Assessor's Parcel. The full or partial prepayment of the Special Tax for such Assessor's Parcel shall occur prior to the transfer of the Assessor's Parcel to a public agency or property owner association.

In the event that the Special Tax obligation applicable to the excess portion of an Assessor's Parcel is not prepaid as specified in the preceding paragraph, Assessor's Parcels which cannot be classified as Exempt Property because such classification would reduce the Land Area of Taxable Property to less than 5,427,292 square feet, or the minimum square footage as reduced by the CFD Administrator as specified above in this Section E, will be classified as Taxable Public Property or Taxable Property Owner Association Property, as applicable, and will continue to be subject to Special Taxes accordingly. If the use of an Assessor's Parcel classified as Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be classified as Taxable Property.

F. MANNER OF COLLECTION

The Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 4-I may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

G. PREPAYMENT OF SPECIAL TAX

The following definitions apply to Section G, herein.

"CFD Public Facilities" means those public facilities authorized to be financed by CFD No. 4-I.

"CFD Public Facilities Costs" means either \$12.5 million or such lower number as shall be determined either by (a) the CFD Administrator as sufficient to finance the CFD Public

Amended and Restated Rate and Method of Apportionment

Facilities, or (b) shall be determined by the City Council concurrently with a covenant that it will not issue any more Bonds to be secured by Special Taxes levied under this Amended and Restated Rate and Method of Apportionment.

“Construction Fund” means the fund as identified in the Indenture, which is used to disburse funds to pay the cost and acquisition of public improvements funded with the bond proceeds or Special Taxes.

“Future Facilities Costs” means the CFD Public Facilities Costs minus: (a) the portion of the CFD Public Facilities Costs previously funded (i) from the proceeds of all previously issued Bonds, (ii) from interest earnings on the Construction Fund actually earned prior to the date of prepayment and (iii) directly from Special Tax revenues; and (b) the amount of the proceeds of all previously issued Bonds then on deposit in the Construction Fund.

“Previously Issued Bonds” means all Outstanding Bonds that have been issued prior to the date of the prepayment which will remain outstanding after the first interest and/or principal payment date following the current Fiscal Year, excluding Bonds to be redeemed at a later date with the proceeds of prior prepayments of Special Taxes.

Prepayment of a Special Tax in Part or in Full

The Special Tax obligation applicable to an Assessor’s Parcel may be prepaid at any time and the obligation of such Assessor’s Parcel to pay any Special Tax may be fully or partially satisfied as described herein. The CFD Administrator may charge a reasonable fee for calculation of the Prepayment Amount as defined below.

1. Prepayment in Full

The Maximum Annual Special Tax obligation may be prepaid and permanently satisfied for any Assessor’s Parcel. The Maximum Annual Special Tax obligation applicable to such Assessor’s Parcel may be fully prepaid and the obligation of the Assessor’s Parcel to pay the Special Tax permanently satisfied as described herein; provided that a prepayment may be made only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment. An owner of an Assessor’s Parcel intending to prepay the Maximum Annual Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount of such Assessor’s Parcel. The CFD Administrator may charge a reasonable fee for providing this figure.

The Prepayment Amount (defined below) shall be calculated as follows (capitalized terms as defined below):

Amended and Restated Rate and Method of Apportionment

	Bond Redemption Amount
plus	Redemption Premium
plus	Future Facilities Amount
plus	Defeasance Amount
plus	Prepayment Fees and Expenses
less	Reserve Fund Credit
<u>less</u>	<u>Capitalized Interest Credit</u>
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount (defined below) shall be calculated as follows:

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel.
2. Compute the Maximum Annual Special Tax for the Assessor's Parcel to be prepaid.
3. Divide the Maximum Annual Special Tax computed pursuant to paragraph 2 by the sum of the total expected Maximum Annual Special Tax revenues that may be levied within CFD No. 4-I, excluding any Assessors Parcels for which the Maximum Annual Special Tax obligation has been previously prepaid.
4. Multiply the quotient computed pursuant to paragraph 3 by the principal amount of Outstanding Bonds to compute the amount of Previously Issued Bonds to be retired and prepaid (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to paragraph 4 by the applicable redemption premium, if any, on the Previously Issued Bonds to be redeemed (the "Redemption Premium").
6. If all the Bonds authorized to be issued have not been issued, compute the Future Facilities Costs.
7. Multiply the quotient computed pursuant to paragraph 3 by the amount determined pursuant to paragraph 6 to compute the amount of Future Facilities Costs to be allocated to such Assessor's Parcel (the "Future Facilities Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Previously Issued Bonds.
9. Determine the Special Taxes levied on the Assessor's Parcel in the current Fiscal Year which have not yet been paid.
10. Compute the amount the CFD Administrator reasonably expects to derive from the reinvestment of the Prepayment Amount less the Future Facilities Amount and the Prepayment Fees and Expenses (defined below) from the date of prepayment until the redemption date for the Previously Issued Bonds to be redeemed with the prepayment.

Amended and Restated Rate and Method of Apportionment

11. Add the amounts computed pursuant to paragraphs 8 and 9 and subtract the amount computed pursuant to paragraph 10 (the “Defeasance Amount”).
12. The administrative fees and expenses of CFD No. 4-I are as calculated by the CFD Administrator and include the costs of computation of the prepayment, the costs to invest the prepayment proceeds, the costs of redeeming CFD No. 4-I Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (the “Prepayment Fees and Expenses”).
13. The reserve fund credit (the “Reserve Fund Credit”) shall equal the lesser of: (a) the expected reduction in the reserve requirement (as defined in the Indenture), if any, associated with the redemption of Previously Issued Bonds as a result of the prepayment; or (b) the amount derived by subtracting the new reserve requirement (as defined in the Indenture) in effect after the redemption of Previously Issued Bonds as a result of the prepayment from the balance in the reserve fund on the prepayment date, but in no event shall such amount be less than zero. No Reserve Fund Credit shall be granted if the amount then on deposit in the reserve fund for the Previously Issued Bonds is below 100% of the reserve fund requirement (as defined in the Indenture).
14. If any capitalized interest for the Previously Issued Bonds will not have been expended at the time of the first interest and/or principal payment following the current Fiscal Year, a capitalized interest credit shall be calculated by multiplying the quotient computed pursuant to paragraph 3 by the expected balance in the capitalized interest fund after such first interest and/or principal payment (the “Capitalized Interest Credit”).
15. The Maximum Annual Special Tax prepayment is equal to the sum of the amounts computed pursuant to paragraphs 4, 5, 7, 11 and 12, less the amounts computed pursuant to paragraphs 13 and 14 (the “Prepayment Amount”).
16. From the Prepayment Amount, the amounts computed pursuant to paragraphs 4, 5, 11, 13, and 14 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to paragraph 7 shall be deposited in the Construction Fund.

If the Prepayment Amount is insufficient to redeem Bonds in \$5,000 increments, the increment above \$5,000 or integral multiple thereof will be retained in the appropriate fund established under the Indenture to be used with the next prepayment of bonds or to make debt service payments.

As a result of the payment of the current Fiscal Year’s Special Tax levy as determined under paragraph 9 above, the CFD Administrator shall remove the current Fiscal Year’s Special Tax levy for such Assessor’s Parcel from the County tax rolls. With respect to any Assessor’s Parcel that is prepaid, the City Council shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of Special Taxes and the release of the Special Tax lien on such Assessor’s Parcel, and the obligation of such Assessor’s Parcel to pay the Special Tax shall cease.

Amended and Restated Rate and Method of Apportionment

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the amount of Special Taxes, net of Administrative Expenses, that may be levied on Taxable Property both prior to and after the proposed prepayment is at least 1.10 times the maximum annual debt service on all Outstanding Bonds.

Tenders of Bonds in prepayment of Special Taxes may be accepted upon the terms and conditions established by the City Council pursuant to the Act. However, the use of Bond tenders shall only be allowed on a case-by-case basis as specifically approved by the City Council.

2. Prepayment in Part

The Maximum Annual Special Tax obligation of an Assessor's Parcel may be partially prepaid. The amount of the prepayment shall be calculated as in Section G.1; except that a partial prepayment shall be calculated according to the following formula:

$$PP = (P_E \times F) + A$$

These terms have the following meaning:

PP = the partial prepayment

P_E = the Prepayment Amount calculated according to Section G.1, minus Prepayment Fees and Expenses pursuant to paragraph 12 of Section G.1.

F = the percent by which the owner of the Assessor's Parcel(s) is partially prepaying the Maximum Annual Special Tax obligation.

A = the Prepayment Fees and Expenses pursuant to paragraph 12 of Section G.1.

The owner of an Assessor's Parcel who desires to partially prepay the Maximum Annual Special Tax obligation shall notify the CFD Administrator of: (i) such owner's intent to partially prepay the Maximum Annual Special Tax obligation, (ii) the percentage by which the Maximum Annual Special Tax obligation shall be prepaid, and (iii) the company or agency that will be acting as the escrow agent, if applicable. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Maximum Annual Special Tax obligation for an Assessor's Parcel within 30 days of the request and may charge a reasonable fee for providing this service.

With respect to any Assessor's Parcel that is partially prepaid, the City shall: (i) distribute the funds remitted to it according to paragraph 16 of Section G.1, and (ii) indicate in the records of CFD No. 4-I that there has been a partial prepayment of the Maximum Annual Special Tax obligation and that a portion of the Maximum Annual Special Tax obligation equal to the outstanding percentage (1.00 - F) of the remaining Special Tax obligation shall continue to be authorized to be levied on such Assessor's Parcel pursuant to Section D.

Amended and Restated Rate and Method of Apportionment

H. TERM OF SPECIAL TAX

The Special Tax shall be levied on each Assessor's Parcel of Developed Property, Taxable Property Owner Association Property and Taxable Public Property for a period not to exceed 40 years from the Fiscal Year in which the Special Tax is first levied on such Assessor's Parcel as Developed Property, Taxable Property Owner Association Property or Taxable Public Property.

The Special Tax shall be levied on Undeveloped Property indefinitely or until such time that all debt service necessary to retire the Bonds is paid in full.

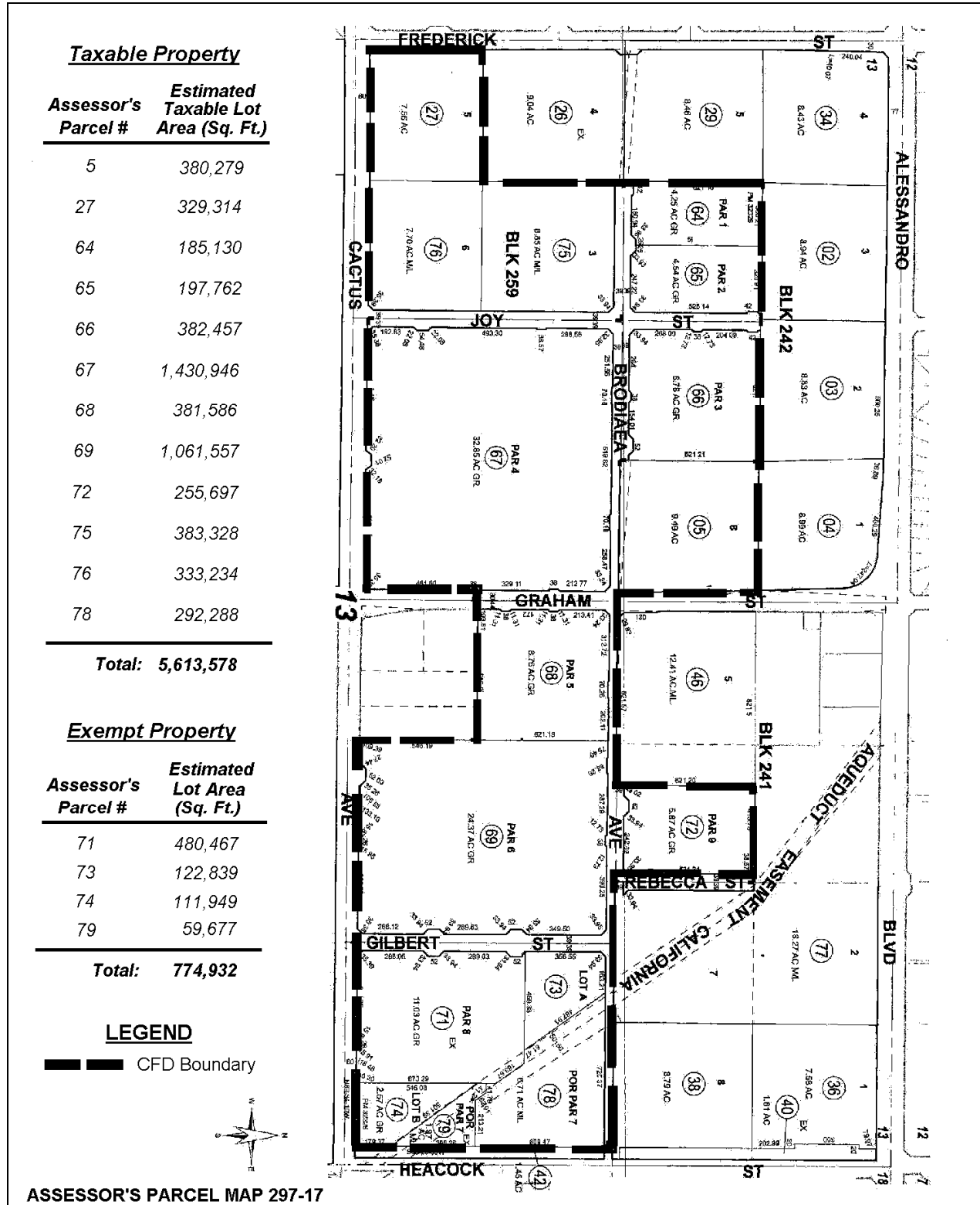
I. APPEALS

Any landowner who feels that the amount of the Special Tax levied on their Assessor's Parcel is in error may submit a written appeal to CFD No. 4-I. The CFD Administrator shall review the appeal and if the CFD Administrator concurs, the amount of the Special Tax levied shall be appropriately modified.

The City Council may interpret this Amended and Restated Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner appeals. Any decision of the City Council shall be final and binding as to all persons.

Amended and Restated Rate and Method of Apportionment

Exhibit 1



Taxable Property

Assessor's Parcel #	Estimated Taxable Lot Area (Sq. Ft.)
5	380,279
27	329,314
64	185,130
65	197,762
66	382,457
67	1,430,946
68	381,586
69	1,061,557
72	255,697
75	383,328
76	333,234
78	292,288

Total: 5,613,578

Exempt Property

Assessor's Parcel #	Estimated Lot Area (Sq. Ft.)
71	480,467
73	122,839
74	111,949
79	59,677

Total: 774,932

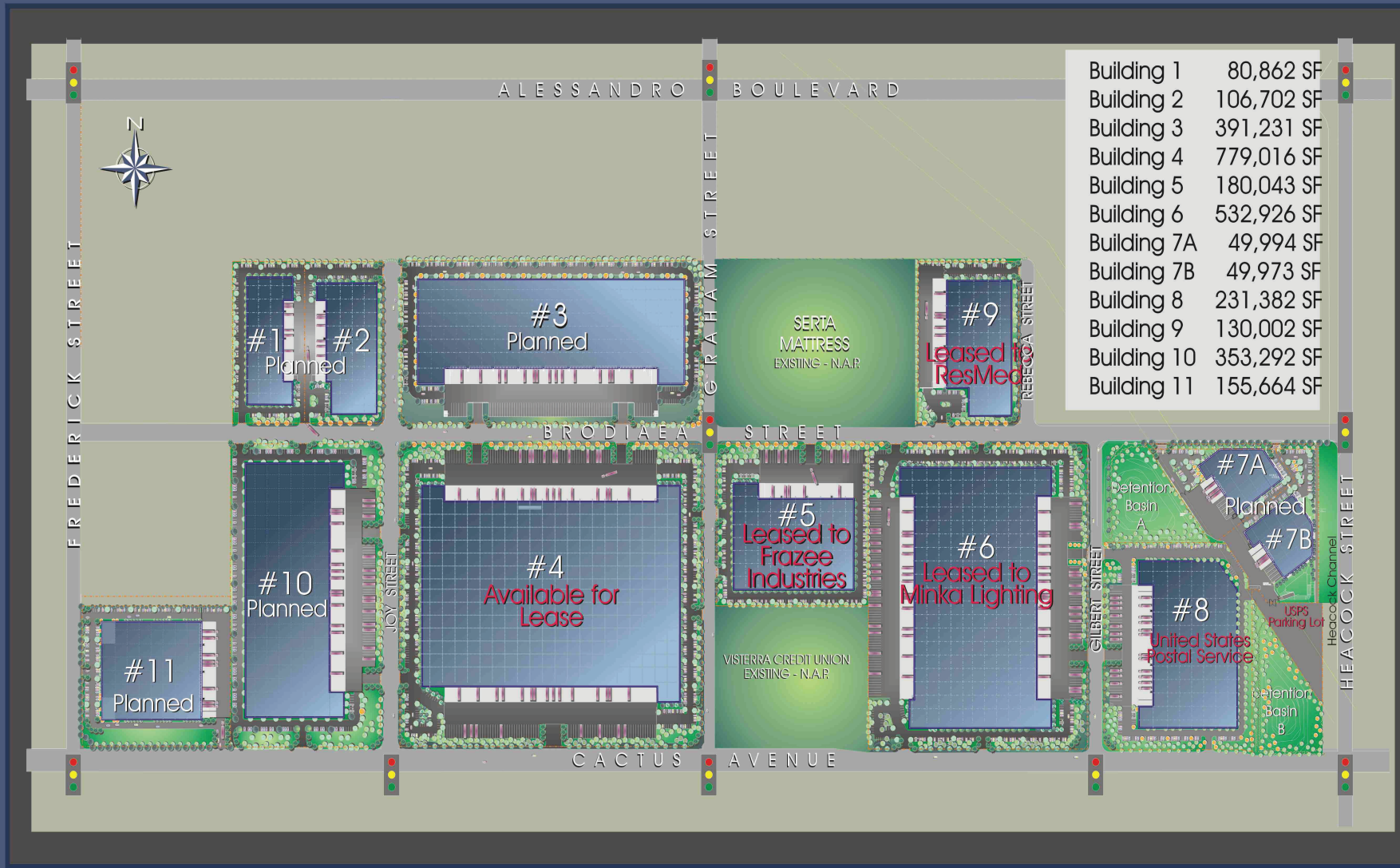
LEGEND

CFD Boundary

ASSESSOR'S PARCEL MAP 297-17



Building 1	80,862 SF
Building 2	106,702 SF
Building 3	391,231 SF
Building 4	779,016 SF
Building 5	180,043 SF
Building 6	532,926 SF
Building 7A	49,994 SF
Building 7B	49,973 SF
Building 8	231,382 SF
Building 9	130,002 SF
Building 10	353,292 SF
Building 11	155,664 SF



CENTERPOINTE BUSINESS PARK

ARCHITECT: **HPA**

1831 Barden Ave. - Suite # 100
Irvine, CA 92612
(949) 865-1770
www.hparch.com

MORENO VALLEY, CA

DEVELOPED BY:



201 Cowan Avenue - Suite #6
Irvine, CA 92603
(949) 865-3819
www.rptat.com

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

Report to City Council

TO: Mayor and City Council

FROM: Kyle A. Kollar, Interim Community Development Director

AGENDA DATE: November 9, 2010

TITLE: Appointment of City Council representative for the March Operations Assurance Task Force

RECOMMENDED ACTION

Staff recommends that the City Council select a City Council representative for the March Operations Assurance Task Force.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

The March Operations Assurance Task Force (MOATF) was established by the March Joint Powers Commission (MJPC) in 2003 to develop a Joint Land Use Study (JLUS) for March Air Reserve Base (MARB). The MOATF was originally composed of an elected representative and staff person from each member jurisdiction in the March Joint Powers Authority. The JLUS was intended to address the varying land use restrictions for military and civilian aviation in a single comprehensive document. Steady progress has been made over the intervening years with MOATF meetings at the beginning of the document development process and intermittently thereafter at key review stages. No meetings have been held in the past couple of years. The final draft is now nearing completion. A final MOATF meeting is planned for this month to review and make a recommendation to the MJPC on the final draft JLUS.

DISCUSSION

When the MOATF last met, then Councilman Charles White was the City’s designated elected representative. As Mr. White is no longer on the City Council, a new representative needs to be selected by the City Council. While any City Councilmember could be selected, staff recommends that a current City representative to the March Joint Powers Commission be chosen as they would be most familiar with the issue and provide continuity when the item is reviewed by the full Commission. Mr. White was a City representative to the Commission when he was selected to serve on the MOATF. Staff will brief the selected Councilmember prior to the MOATF meeting. As of the date of preparation of the report, no specific meeting date had been selected. It is anticipated that the date will be known as of the date of the City Council meeting.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

The selection of a MOATF representative would be consistent with the City Council goal of Advocacy, which reads “Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.”

NOTIFICATION

Listing on the City Council meeting agenda.

ATTACHMENTS/EXHIBITS

None.

Prepared By:
John C. Terrell AICP
Planning Official

Department Head Approval:
Kyle A. Kollar
Acting Community Development Director

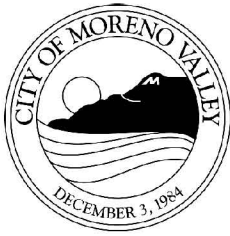
Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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CITY MANAGER'S REPORT

**(Informational Oral Presentation only –
not for Council action)**

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RA</i>
CITY MANAGER	<i>WJB</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: November 9, 2010

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. 818, 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, November 3, 2010. The TSC recommendations regarding the subject prima facie speed limits are on file with the TSC report and the Engineering and Traffic Surveys in the Public Works Department.

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 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 creates a uniform flow of traffic, discourages violation of the law, and helps 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. 121.54170).

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. 818

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)
Bay Avenue	Old 215 Frontage Road to Elsworth Street	30
Bay Avenue	Ramsdell Drive to Perris Boulevard	35
Box Springs Road	Morton Road to Day Street	50
Brodiaea Avenue	Heacock Street to Rio Bravo Road	35
Brodiaea Avenue	Kitching Street to Lasselle Street	35
Cactus Avenue	Nason Street to Moreno Beach Drive	50
Cottonwood Avenue	Perris Boulevard to Lasselle Street	45
Cottonwood Avenue	Heacock Street to Perris Boulevard	45
Cottonwood Avenue	Frederick Street to Heacock Street	45
Day Street	Old 215 Frontage Road to Alessandro Boulevard	40
Dracaea Avenue	Old 215 Frontage Road to Day Street	30
Dracaea Avenue	Elsworth Street to Heacock Street	35
Dracaea Avenue	Heacock Street to Perris Boulevard	35

Dracaea Avenue	Perris Boulevard to Kitching Street	35
Name of Street	Segment Affected	Declared Prima Facie Speed Limit (MILES PER HOUR)
Dracaea Avenue	Kitching Street to Morrison Street	35
Elsworth Street	Cottonwood Avenue to Eucalyptus Avenue	40
Eucalyptus Avenue	Heacock Street to Perris Boulevard	40
Eucalyptus Avenue	Perris Boulevard to Lasselle Street	40
Eucalyptus Avenue	Lasselle Street to Morrison Street	40
Graham Street	Cactus Avenue to Cottonwood Avenue	45
Graham Street	Cottonwood Avenue to Sunnymead Avenue	45
Hemlock Avenue	Pigeon Pass Road to Heacock Street	35
Hemlock Avenue	Heacock Street to Indian Street	30
Hidden Springs Drive	Pigeon Pass Road to Pigeon Pass Road	40
Hubbard Street	Ironwood Avenue to Skyland Drive	30
Iris Avenue	Heacock Street to Perris Boulevard	45
Ironwood Avenue	Day Street to Pigeon Pass Road	45
Ironwood Avenue	Pigeon Pass Road to Heacock Street	45
Ironwood Avenue	Heacock Street to Perris Boulevard	40
Ironwood Avenue	Perris Boulevard to Lasselle Street	45
Ironwood Avenue	Lasselle Street to Nason Street	45
Krameria Avenue	Lasselle Street to Cahuilla Drive	35
Lake Vista Road	Sunnymead Ranch Parkway to Lake Summit Drive	30
Lake Summit Drive	Solitare Circle to Heacock Street	30
Lasselle Street	John F. Kennedy Drive to Alessandro Boulevard	50
Lasselle Street	Alessandro Boulevard to Eucalyptus Avenue	45

Locust Avenue	Moreno Beach Drive to Redlands Boulevard	45
Name of Street	Segment Affected	Declared Prima Facie Speed Limit (MILES PER HOUR)
Morrison Street	Alessandro Boulevard to Eucalyptus Avenue	40
Morton Road	Penunuri Way to Box Springs Road	35
Old Lake Drive	Pigeon Pass Road to Sunnymead Ranch Parkway	45
Oliver Street	Alessandro Boulevard to Cottonwood Avenue	45
Perham Drive	Sun Valley Road to Delphinium Avenue	25
Pigeon Pass Road	Sunnymead Boulevard to Ironwood Avenue	45
Presidio Hills Drive	Pigeon Pass Road to Espada Creek Road	35
Redlands Boulevard	EB SR-60 to Northern City Limit	55
Redlands Boulevard	Cottonwood Avenue to EB SR-60	55
Redlands Boulevard	Cactus Avenue to Cottonwood Avenue	50
Sunnymead Boulevard	Frederick Street to Heacock Street	35
Sunnymead Boulevard	Heacock Street to Perris Boulevard	35
Sunnymead Boulevard	Perris Boulevard to Kitching Street	40
Sunnymead Ranch Parkway	Pigeon Pass Road to Heacock Street	45
Sunnymead Ranch Parkway	Heacock Street to Perris Boulevard	45
Town Circle	Heritage Way to Centerpoint Drive	25

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 _____ 2010.

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	Bay Ave	Old 215 Frontage Rd to Eisworth St	35	30	30	28	24-33	1	1.00	0.6	2.28	Below	
2	Bay Ave	Ramsdell Dr to Perris Blvd	35	35	35	33	29-38	5	1.00	3.8	1.80	Below	
3	Box Springs Rd	Morton Rd to Day St	50	50	50	48	43-52	10	1.00	13.0	1.05	Below	
4	Brodiaaea Ave	Heacock St to Rio Bravo Rd	35	35	36	34	30-39	6	1.50	2.3	2.38	Below	
5	Brodiaaea Ave	Kitching St to Lasselle St	35	35	36	34	29-38	2	0.50	1.8	3.04	Average	
6	Cactus Ave	Nason St to Moreno Beach Dr	50	50	52	49	44-53	1	1.00	6.4	0.21	Below	
7	Cottonwood Ave	Perris Blvd to Lasselle St	45	45	47	44	40-49	2	1.00	7.6	0.36	Below	
8	Cottonwood Ave	Heacock St to Perris Blvd	45	45	44	42	37-46	3	1.00	8.5	0.48	Below	
9	Cottonwood Ave	Frederick St to Heacock St	45	45	45	42	37-46	2	1.00	9.4	0.29	Below	
10	Day St	Old 215 Frontage Rd to Alessandro Blvd	New	40	40	37	34-43	0	0.50	1.0	0.00	Below	
11	Dracaea Ave	Old 215 Frontage Rd to Day St	30	30	32	29	25-34	0	0.50	1.0	0.00	Below	
12	Dracaea Ave	Eisworth St to Heacock St	35	35	37	34	30-39	5	1.50	3.6	1.27	Below	
13	Dracaea Ave	Heacock St to Perris Blvd	35	35	36	33	29-38	6	1.00	3.8	2.16	Below	
14	Dracaea Ave	Perris Blvd to Kitching St	35	35	35	33	29-38	1	0.50	5.5	0.50	Below	
15	Dracaea Ave	Kitching St to Morrison St	35	35	37	34	30-39	8	1.00	1.6	6.85	Above	
16	Eisworth St	Cottonwood Ave to Eucalyptus Ave	40	40	40	37	32-41	2	0.50	4.3	1.27	Below	
17	Eucalyptus Ave	Heacock St to Perris Blvd	40	40	42	39	36-45	8	1.00	3.9	2.81	Below	
18	Eucalyptus Ave	Perris Blvd to Lasselle St	40	40	42	39	35-44	0	1.00	4.8	0.00	Below	
19	Eucalyptus Ave	Lasselle St to Morrison St	40	40	42	39	35-44	0	0.50	4.0	0.00	Below	
20	Graham St	Cactus Ave to Cottonwood Ave	45	45	47	44	38-47	4	1.00	8.5	0.64	Below	
21	Graham St	Cottonwood Ave to Sunnymead Blvd	45	45	47	44	40-49	3	1.00	8.5	0.48	Below	
22	Hemlock Ave	Pigeon Pass Rd to Heacock St	35	35	36	34	30-39	14	1.00	11.2	1.71	Below	
23	Hemlock Ave	Heacock St to Indian St	30	30	31	28	24-33	2	0.60	3.4	1.34	Below	
24	Hidden Springs Dr	Pigeon Pass Rd to Pigeon Pass Rd	40	40	41	38	33-42	0	1.60	1.9	0.00	Below	
25	Hubbard St	Ironwood Ave to Skyland Dr	35	30	32	29	24-33	1	0.70	2.7	0.72	Below	
26	Iris Ave	Heacock St to Perris Blvd	45	45	46	43	38-47	4	1.00	10.3	0.53	Below	
27	Ironwood Ave	Day St to Pigeon Pass Rd	45	45	47	44	40-49	8	1.00	18.5	0.59	Below	
28	Ironwood Ave	Pigeon Pass Rd to Heacock St	45	45	46	43	39-48	3	1.00	15.0	0.27	Below	
29	Ironwood Ave	Heacock St to Perris Blvd	40	40	46	40	35-44	3	1.00	14.1	0.29	Below	
30	Ironwood Ave	Perris Blvd to Lasselle St	45	45	46	43	39-48	4	1.00	10.5	0.52	Below	
31	Ironwood Ave	Lasselle St to Nason St	45	45	44	42	37-46	5	1.00	7.1	0.96	Below	

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
32	Krameria Ave	35	35	35	33	27-36	0	0.50	1.0	0.00	Below	
33	Lake Vista Rd Sunnymead Ranch Pkwy to Lake Summit Dr	35	30	31	29	24-33	0	0.70	2.8	0.00	Below	
34	Lake Summit Dr	30	30	30	28	24-33	0	1.00	1.0	0.00	Below	
35	Lasselle St John F. Kennedy Drive to Alessandro Blvd	50	50	51	48	43-52	18	1.00	13.3	1.85	Below	
36	Lasselle St	45	45	46	43	38-47	8	1.00	7.1	1.54	Below	
37	Locust Ave	45	45	45	42	39-48	0	1.30	0.5	0.00	Below	
38	Morrison St	40	40	42	39	34-43	0	1.00	5.0	0.00	Below	
39	Morton Rd	35	35	37	34	30-39	1	0.70	2.9	0.67	Below	
40	Old Lake Dr	45	45	45	41	37-46	2	0.50	8.7	0.63	Below	
41	Oliver St	45	45	43	41	37-46	0	0.40	0.5	0.00	Below	
42	Perham Dr	30	25	27	25	21-30	0	0.25	0.5	0.00	Below	
43	Pigeon Pass Rd	45	45	45	42	38-47	17	0.50	24.2	1.92	Below	
44	Presidio Hills Dr	35	35	36	34	30-39	0	0.40	1.0	0.00	Below	
45	Redlands Blvd	55	55	56	53	47-56	4	1.66	10.8	0.31	Below	
46	Redlands Blvd	55	55	57	52	48-57	1	1.00	6.6	0.21	Below	
47	Redlands Blvd	50	50	52	49	44-53	1	1.00	5.4	0.25	Below	
48	Sunnymead Blvd	40	35	36	34	30-39	16	1.00	19.5	1.12	Below	
49	Sunnymead Blvd	35	35	35	34	30-39	19	1.00	19.0	1.37	Below	
50	Sunnymead Blvd	40	40	40	38	33-42	8	0.50	12.5	1.75	Below	
51	Sunnymead Ranch Pkwy	45	45	45	43	38-47	6	1.40	11.5	0.51	Below	
52	Sunnymead Ranch Pkwy	45	45	46	43	40-49	0	0.70	8.8	0.00	Below	
53	Town Circle	25	25	25	24	22-31	0	0.13	3.0	0.00	Below	

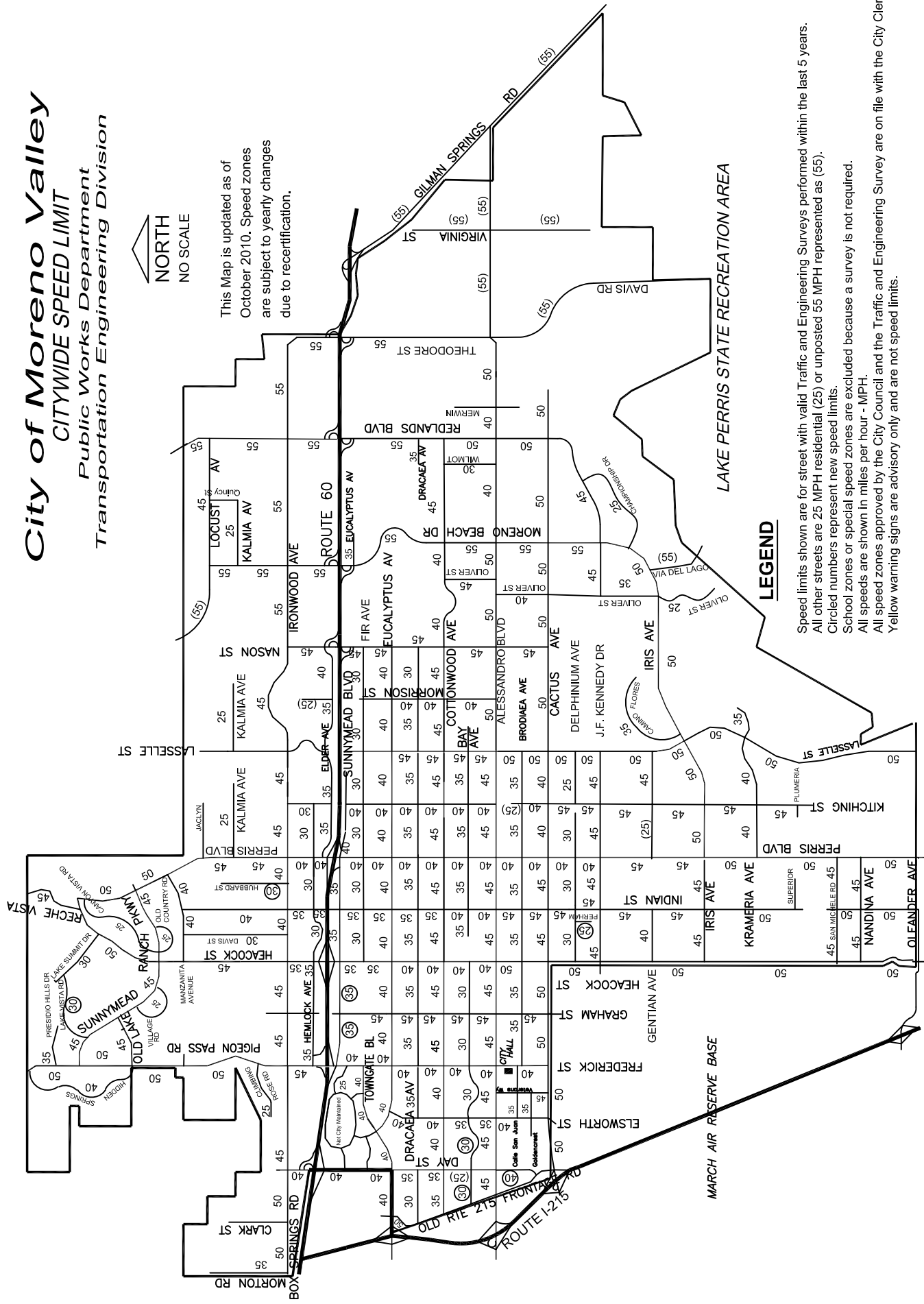
* Shading indicates a change in the existing speed limit or a new speed zone.

* Collision Rate Status is based on the Caltrans 2005 Collision Data on California State Highway.

City of Moreno Valley
CITYWIDE SPEED LIMIT
 Public Works Department
 Transportation Engineering Division



This Map is updated as of
 October 2010. 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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