



***REVISED 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

July 13, 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
Teleconference: 514 Madison St., Brandenburg, Kentucky 40108

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

***REVISED AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 13, 2010**

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Family FunFest 2010 Moreno Valley Idol Competition Winners
2. Presentation of 4th of July Parade Awards
3. "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
JULY 13, 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 Charles Gibson, Breakthrough Church of God in Christ

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 JUNE 22, 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 June 16 - July 6, 2010.

A.4 PERMIT PARKING FOR THE RESIDENTS ON LORAINE TERRACE (Report of: Public Works Department)

Recommendation:

Approve and adopt proposed Resolution No. 2010-66 and direct staff to implement permit parking on Loraine Terrace.

Resolution No. 2010-66

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Installation of Permit Parking on Loraine Terrace

A.5 RESOLUTION RESCINDING THE PROVISIONS OF RESOLUTION 2007-55 OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AND AUTHORIZING THE SUBMITTAL OF APPLICATION FOR THE USED OIL PAYMENT PROGRAM UNDER THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) (Report of: Public Works Department)

Recommendation:

Adopt the proposed resolution (Resolution No. 2010-67) rescinding and restating the provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California, authorizing application for the Used Oil Payment Program grant under the California Department of Resources

Recycling and Recovery (CalRecycle).

Resolution No. 2010-67

A Resolution of the City Council of the City of Moreno Valley, California, Rescinding and Restating the Provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California Authorizing Application for the Used Oil Grant Payment Program Funds Under the Department of Resources Recycling and Recovery (CalRecycle)

- A.6 APPROVAL OF CHECK REGISTER FOR MAY, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2010-68, approving the Check Register for the month of May, 2010 in the amount of \$19,967,907.47.

Resolution No. 2010-68

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

- A.7 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

Authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the Auto Mall Improvements project, and to subsequently assign said Agreement to the Community Redevelopment Agency.

- A.8 SIXTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE IRONWOOD AVENUE WIDENING PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD - PROJECT NO. 06-50182625-2 (Report of: Public Works Department)

Recommendation:

1. Approve the "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc., 1501 Quail Street, Newport Beach, California 92660;
2. Authorize the City Manager to execute said "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc.; and

3. Authorize a Change Order to increase the Purchase Order with AECOM Technical Services, Inc. for \$99,975 (Account No. 415.70227) for additional storm drain design, engineering support for Southern California Edison's power pole relocation, right-of-way, and environmental services when the Sixth Amendment to Agreement for Professional Consultant Services has been signed by all parties.

A.9 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH PALP INC. DBA EXCEL PAVING COMPANY FOR THE SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD - PROJECT NO. 04-89280221-2 (Report of: Public Works Department)

Recommendation:

1. Authorize a Change Order to increase the Purchase Order with PALP Inc. dba Excel Paving Company, in the amount of \$50,000 for the Sunnymead Boulevard Beautification and Enhancement Project from Frederick Street to Perris Boulevard (Account No. 892.80221); and
2. Authorize the City Manager to execute the Change Order to the Purchase Order for PALP Inc. dba Excel Paving Company.

A.10 APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$49,096.00, subject to

the approval of the City Attorney;

4. Authorize the City Manager to appropriate a maximum amount of \$109,333.50 (\$91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and
5. Authorize the City Manager to appropriate a maximum amount of \$185,242.50 (\$154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

A.11 AUTHORIZE A PROJECT AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Project Agreement for On-Call Professional Consultant Services (Project Agreement) with Overland, Pacific and Cutler, Inc. (OPC) for various projects of the Capital Projects Division; and
2. Authorize a purchase order for OPC, in the amount of \$99,000 to continue to provide right of way services for various projects of the Capital Projects Division when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.12 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE SUNNYMEAD BOULEVARD IMPROVEMENTS PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD, PROJECT NO. 04-89280221 (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc., 9445 Fairway View Place, Suite 215, Rancho Cucamonga, CA 91730, to provide additional construction management and inspection services for the Sunnymead Boulevard Project from Frederick Street to Perris Boulevard;
2. Authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc.;

3. Authorize the issuance of a new Purchase Order from unencumbered monies in Fund 892 to Harris & Associates, Inc. in the amount of \$176,000 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 892.80221); and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Harris & Associates, Inc., subject to approval by the City Attorney.

A.13 APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street;
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and
4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

A.14 AUTHORIZE CHANGE ORDERS TO INCREASE THE PURCHASE ORDERS WITH FS CONSTRUCTION FOR THE SIDEWALK IMPROVEMENT PROJECTS ON TEMCO STREET, VOUGHT STREET, BOEING STREET AND MCDONNELL STREET, PROJECT NOS. 08-28368428, 08-28368528 AND 08-28368728 (Report of: Public Works Department)

Recommendation:

1. Authorize Change Orders to increase the Purchase Orders with FS Construction in the total amount of \$80,000 for additional work for the Sidewalk Improvement Projects on Temco Street, Vought Street, Boeing Street and McDonnell Street (Account Nos. 283.68428, 283.68528 and 283.68728);
2. Authorize the City Manager to execute the Change Orders for FS Construction;
3. Authorize the Public Works Director/City Engineer to accept the work as complete for sidewalk improvements;
4. 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; and
5. Authorize the Financial & Administrative Services Director to release the retention to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the projects.

A.15 ADOPT RESOLUTION NO. 2010-69, APPOINTING DEPUTY CITY ATTORNEY III SUZANNE BRYANT AS THE CITY'S VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE BUSINESS MEETING - SEPTEMBER 15-17, 2010 (Report of: City Clerk's Department)

Recommendation:

Adopt Resolution No. 2010-69, Appointing Deputy City Attorney III Suzanne Bryant as the City's Voting Delegate to the League of California Cities 2010 Annual Conference Business Meeting.

Resolution No. 2010-69

A Resolution of the City Council of the City of Moreno Valley, California, Designating a Voting Delegate to the League of California Cities 2010 Annual Conference

A.16 TRACT MAP 31414 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENT AGREEMENT, SOUTHEAST CORNER OF PIGEON PASS ROAD AND SUNNYMEAD RANCH PARKWAY - DEVELOPER: ZAPER, CORP., RIVERSIDE, CA 92504 (Report of: Public Works Department)

Recommendation:

Authorize the Public Works Director/City Engineer to execute the

exoneration of the original Faithful Performance and Material and Labor securities associated with the Tract Map 31414 public improvements.

- A.17 PROJECT PA04-0215 (TR 33256) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF STATE ROUTE 60 ON THE NORTH SIDE OF FIR AVENUE, BETWEEN NASON STREET AND MORRISON STREET - DEVELOPER: VALLEY OAK, LP, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA04-0215;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;
4. Authorize the Public Works Director/City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by MVGH 2004, LLC, upon acceptance of the substitution agreement and bonds; and
5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

- A.18 APPROVAL OF RESOLUTION AND FIRST AMENDMENT TO THE IMPLEMENTATION AGREEMENT (THE AB 811 PROGRAM) WITH WESTERN RIVERSIDE COUNTY COUNCIL OF GOVERNMENTS (WRCOG) TO EXPAND THE PROGRAM TO PERMIT FUNDING FOR WATER CONSERVATION IMPROVEMENTS (Report of: Community Development Department)

Recommendation:

1. Authorize the Mayor to execute the First Amendment to the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to implement AB 811; and
2. Adopt Resolution 2010-70, consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements, including the addition of water

efficiency improvements to the improvements authorized to be financed through the WRCOG Program.

Resolution No. 2010-70

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment Modifying Its Consent to the Inclusion of Properties Within the City's Incorporated Area in the Western Riverside Council of Governments (WRCOG) Contractual Assessment Program to Consent to the Addition of Water Efficiency Improvements to the Improvements Authorized to Be Financed Through Such Program

- A.19 PROJECT PA02-0133 (TR 31089) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH OF IRONWOOD AVENUE BETWEEN KITCHING STREET AND TUSCOLA STREET - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA02-0133;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;
4. Authorize the Public Works Director/City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by DH Moreno Valley I, LLC, upon acceptance of the substitution agreement and bonds; and
5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

- A.20 RESOLUTION AUTHORIZING THE CITY OF MORENO VALLEY TO CONTINUE TO PARTICIPATE IN THE "COMMUNITY ENERGY PARTNERSHIP" (Report of: Public Works Department)

Recommendation:

Adopt Resolution 2010-71 authorizing the City of Moreno Valley to continue to participate in the Community Energy Partnership, an Energy Efficiency

Program among Southern California cities, with the Energy Coalition, a California non-profit corporation, Southern California Edison and Southern California Gas Company.

Resolution No. 2010-71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City to Participate in the "Community Energy Partnership", an Energy Efficiency Program Among Southern California Cities, with the Energy Coalition, a California Non-Profit Corporation, Southern California Edison and Southern California Gas Company

- A.21 NOTICE OF COMPLETION AND ACCEPTANCE FOR LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD IMPROVEMENTS - PROJECT NO. 06-50182725 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements, constructed by Wheeler Paving, Inc. (Wheeler Paving), 8432 63rd Avenue, Riverside, CA 92509;
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 Wheeler Paving, 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.22 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;
3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of \$4,124,375.14 (\$3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of \$374,943.19, subject to the approval of the City Attorney;
5. Re-appropriate \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and
6. Re-appropriate \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

A.23 PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM C.7) (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and
2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

A.24 FUNDING FOR ELSWORTH STREET UTILITY IMPROVEMENTS AND MVP EV ONSITE UTILITY CONNECTION: COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY AND 2007 LEASE REVENUE BOND FUNDS (Report of: Economic Development Department)

Recommendation:

1. Review and approve the designation of \$107,841 in Community Development Block Grant – Recovery funds for the installation of electrical conduit and vaults on Elsworth Street from Goldencrest Drive to Corporate Center Drive;
2. Return to an undesignated status the commitment of \$107,000 in CDBG-R funds from the Participation Agreement with MVP EV; and
3. Secure an appropriation of \$107,841 from the 2007 Lease Revenue Bond Funds in support of the Participation Agreement with MVP EV.

A.25 PA09-0025/PA09-0043 – APPROVE PROPOSED RESOLUTION, SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD WEST OF MORENO BEACH DRIVE, SOUTH SIDE OF ALESSANDRO BOULEVARD, WEST OF MORENO BEACH DRIVE - DEVELOPER: FRANK & MARIA POZGAJ FAMILY TRUST, RANCHO MIRAGE, CA 92270 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt Resolution No. 2010-72, summarily vacating a portion of Alessandro Boulevard, north of APN 486-240-009, located on the south side of Alessandro Boulevard, west of Moreno Beach Drive as a condition of approval for PA09-0043; and

Resolution No. 2010-72

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Alessandro Boulevard, South Side of Alessandro Boulevard, West of Moreno Beach Drive

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder’s office for recording.

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 JUNE 22, 2010 (Report of: City Clerk)

Recommendation:

Approve as submitted.

B.3 ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA

DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES,
FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION
TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD (Report of:
Parks and Community Services Department)

Recommendation:

1. Authorize the acceptance of grant money in the amount of \$747,338 for Fiscal Year (FY) 2010/2011 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services; and
2. Adopt Resolution No. CSD 2010-22 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2010/2011.

Resolution No. CSD 2010-22

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing Board to Enter Into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents for FY 2010/11

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 JUNE 22, 2010 (Report of: City Clerk)

Recommendation:

Approve as submitted.

C.3 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS AGENDA ITEM A.7) (Report of: Public Works Department)

Recommendation:

1. Accept the assignment of the Agreement with VA Consulting, Inc. from the City;

2. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement on behalf of the Community Redevelopment Agency; and
3. Authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of \$50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties (Account No. 897.91725).

C.4 APPROVE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.10) (Report of: Public Works Department)

Recommendation:

1. Approve the “Reimbursement Agreement” for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the “Reimbursement Agreement” upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$49,096.00, subject to the approval of the City Attorney;
4. Authorize the City Manager to appropriate a maximum amount of \$109,333.50 (\$91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and
5. Authorize the City Manager to appropriate a maximum amount of \$185,242.50 (\$154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from

Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

C.5 APPROVE THE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street;
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and
4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

C.6 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.22) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the

Community Redevelopment Agency;

3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of \$4,124,375.14 (\$3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of \$374,943.19, subject to the approval of the City Attorney;
5. Re-appropriate \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and
6. Re-appropriate \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

C.7 PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM A.23) (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and
2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

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 JUNE 22, 2010 (Report of: City Clerk)

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 TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;
2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;
3. Receive and file with the City Clerk's office the accepted CSD Official Tally Sheet; and
4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018.

E.2 A PUBLIC HEARING REGARDING A GENERAL PLAN AMENDMENT (PA06-0185) AND CHANGE OF ZONE (PA06-0184) TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL 5 (R5), TENTATIVE TRACT MAP 34748 (PA06-0183); A PROPOSAL FOR A 135 SINGLE-FAMILY RESIDENTIAL LOT SUBDIVISION ON 40 ACRES, AND A VARIANCE (P09-102) COVERING RETAINING WALLS ON FOUR LOTS (LOT NUMBERS 37, 38, 39 AND 40) THAT ARE OVER THREE FEET IN HEIGHT. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE. APPLICANT IS RADOS TENANTS IN COMMON (Report of: Community Development Department)

Recommendation: That the City Council:

1. ADOPT a Negative Declaration for applications for PA06-0185

(General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance). The projects, individually and cumulatively, will not result in a significant effect on the environment;

2. APPROVE Resolution No. 2010-73 approving PA06-0185, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;

Resolution No 2010-73

A Resolution of the City Council of the City of Moreno Valley, California, approving an Amendment to the General Plan Land Use Element (PA06-0185) to change the Land Use Designation from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentic Avenue

3. INTRODUCE Ordinance No. 813 approving a Zone Change (PA06-0184) from Business Park (BP) to Residential 5 (R5), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A; and

Ordinance No. 813

An Ordinance of the City Council of the City of Moreno Valley, California, approving PA06-0184 (Zone Change) to change the Land Use District for approximately 40 acres from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentic Avenue

4. APPROVE Resolution No. 2010-74 approving Tentative Tract Map No. 34748 (PA06-0183) and Variance (P09-102), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

Resolution No 2010-74

A Resolution of the City Council of the City of Moreno Valley, California, approving Tentative Parcel Map 34748 (PA06-0183) and Variance (P09-102). The project is located at the southeast corner of Heacock Street and Gentic Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026)

E.3 PUBLIC HEARING FOR THE REVIEW OF THE 2010-2015 IMPLEMENTATION PLAN OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (Report of: Economic Development Department)

Recommendation: That the RDA:

1. Conduct a public hearing for the review of the 2010-2015 Implementation Plan; and
2. Approve the proposed 2010-2015 Implementation Plan.

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

G. REPORTS

G.1 THIRD AMENDED AND RESTATED NEGOTIATION AGREEMENT FOR AN AFFORDABLE HOUSING DEVELOPMENT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET (Report of: Economic Development Department)

Recommendation: That the RDA:

Approve the Third Amended and Restated Negotiation Agreement to extend the term of the existing Negotiation Agreement between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

G.2 AMENDMENT TO CHAPTER 11.40 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, ORDINANCE NO. 741 AND ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (Report of: Parks and Community Services Department)

Recommendation: That the City Council:

Introduce Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center; and

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

Recommendation: That the CSD:

Introduce Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

- G.3 PARTICIPATION AGREEMENT WITH PACIFIC WINGS INC. (Report of: Economic Development Department)

Recommendation: That the City Council:

Approve a Participation Agreement with Pacific Wings Inc. to assist in the development of a Buffalo Wild Wings Grill & Bar as part of the CDBG-Recovery program.

- G.4 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS ELECTRICAL AND ROUGH GRADING RELATED TO THE INSTALLATION OF THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bond Securities for the Redlands Electrical Improvements and Rough Grading related to the installation of the Redlands sewer improvements associated with the Highland Fairview Logistics Corporate Park;
2. Authorize the Mayor to execute the Agreement contingent upon the developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management

Division;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and
4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required electrical and rough grading related to the installation of the Redlands sewer improvements within Redlands Boulevard are not completed within said timeframe.

G.5 PA07-0090 – ACCEPT THE SUBSTITUTION AGREEMENT AND REPLACEMENT BONDS FOR LINE 'F' STORM DRAIN SECURITY ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Substitution Agreement and replacement bonds for the Line 'F' Storm Drain Improvements associated with the Highland Fairview Logistics Corporate Park;
2. Authorize the Mayor to execute the Substitution Agreement and the replacement bonds contingent upon the Developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;
3. Direct the City Clerk to forward the signed Substitution Agreement to the County Recorder's Office for recordation;
4. Authorize the Public Works Director/City Engineer to exonerate the cash security previously placed into an escrow account and submitted by HF Logistics – SKX T1, LLC, upon acceptance of the substitution agreement and bonds; and
5. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required storm drain improvements are not completed within said timeframe.

*G.6 AMENDMENT TO THE JUNE 22, 2010, MOTION OF THE CITY COUNCIL AUTHORIZING AN AGREEMENT WITH HIGHLAND FAIRVIEW FOR ISSUANCE OF A LIMITED PURPOSE BUILDING PERMIT (Report of: Council Members Stewart and Molina)

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

H. LEGISLATIVE ACTIONS

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

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

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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.

***Revision to Agenda**

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

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

Number of Cases: 2

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

Number of Cases: 2

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: William Bopf
Employee Organization: MVCEA

b) Agency Representative: William Bopf
Employee Organization: MVMA

c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential
Management Employees

4 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

a) City Manager Recruitment

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

ADJOURNMENT

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
June 22, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing National Field Day - June 25 - 27, 2010
2. "Spotlight on Moreno Valley Business"

**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
June 22, 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 6:30 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 Batey

INVOCATION – Council Member Stewart

ROLL CALL

Council:

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

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Steve Elam	Interim Financial and Admin. Director
William Bopf	Interim City Manager
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Kyle Kollar	Interim Community Development Director
Barry Foster	Economic Development Director
Paula Smus	Acting Principal Librarian
Mike McCarty	Parks & Community Service
John Ruiz	Interim Human Resources Director

Mayor Flickinger announced that the revised ordinance (Item A13) was distributed to the City Council and copies are available for the public, and that Item C4 (Notice of Completion) should be listed as Item B5.

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; there being none, public comments were closed.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 8, 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 June 2-15, 2010.

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

Recommendation:
Adopt Resolution No. 2010-57, approving the Check Register for the month of April, 2010 in the amount of \$12,644,433.01.

Resolution No. 2010-57

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

A.5 WASTE MANAGEMENT OF THE INLAND EMPIRE FY 2010/2011 RATE ADJUSTMENT (Report of: Public Works Department)

Recommendation:

Approve the Waste Management of the Inland Empire proposed Fiscal Year (FY) 2010/2011 Rate Adjustment.

A.6 NOTICE OF COMPLETION AND ACCEPTANCE OF THE PATRIOT PARK IMPROVEMENTS PROJECT - PROJECT NO. 08-28268628 (ITEM ALSO LISTED AS ITEM B.5) (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Patriot Park Improvements Project constructed by Desert Concepts Construction, Inc., 77-770 Country Club Drive, Suite D, Palm Desert, CA 92211;
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; and
3. Authorize the Financial and Administrative Services Director to release the retention to Desert Concepts Construction, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

A.7 2010 MORENO VALLEY ELECTRIC UTILITY TEN (10) YEAR ENERGY EFFICIENCY PORTFOLIO PLAN AS REQUIRED BY ASSEMBLY BILL 2021 (AB 2021) (Report of: Public Works Department)

Recommendation:

1. Adopt the 2010 Moreno Valley Utility 10-Year Energy Efficiency Portfolio Plan as Required by AB 2021; and
2. Approve Resolution 2010-58 adopting the 2010 Moreno Valley Utility Energy Efficiency Targets.

Resolution No. 2010-58

A Resolution of the City Council of the City of Moreno Valley, California, to Approve the Updated Energy Efficiency Targets for the Moreno Valley Electric Utility Mandated by Assembly Bill 2021

A.8 APPROVAL OF A POLICY TO ESTABLISH GUIDELINES FOR THE ETHICAL STANDARDS OF CONDUCT FOR CITY OF MORENO VALLEY OFFICIALS AND EMPLOYEES (Report of: Human Resources Department)

Recommendation:

Approve the Standards of Ethics Policy regarding the conduct of City officials and employees.

- A.9 RESOLUTION TO RATIFY THE APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND TO ACCEPT THE \$110,266.00 ALLOCATION TO THE CITY (Report of: Community Development Department)

Recommendation:

Approve Resolution 2010-59 to ratify the application by the Code & Neighborhood Services Division for the Edward Byrne Memorial Justice Assistance Grant and to accept the \$110,266 allocated to the City.

Resolution No. 2010-59

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Grant Application Submitted by the Code & Neighborhood Services Division to the Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant and Accept the \$110,266 Allocation

- A.10 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR AUTO MALL FREEWAY PYLON SIGN PROJECT - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Auto Mall Freeway Pylon Sign Project to San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, the lowest responsible bidder;
2. Authorize the City Manager to execute the contract with San Pedro Sign Company, and to subsequently assign said contract to the Community Redevelopment Agency; and
3. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with San Pedro Sign Company, up to but not to exceed the Purchase Order contingency of \$106,008, subject to the approval of the City Attorney.

- A.11 AUTHORIZATION TO CLOSE PUBLIC STREETS FOR THE INDEPENDENCE DAY FESTIVITIES ON SATURDAY, JULY 3, 2010 AND SUNDAY, JULY 4, 2010 (ITEM ALSO LISTED AS ITEM B.4) (Report of:

Parks and Community Services Department)

Recommendation:

1. Authorize the closure of the following streets between the hours of 7:00 a.m. and 12:00 noon for the purpose of conducting the Fourth of July Parade scheduled to take place on July 3, 2010.
 - a. TownGate Boulevard between Frederick Street, Eucalyptus Avenue and Memorial Way;
 - b. Frederick Street between Centerpointe Drive and Cactus Avenue;
 - c. Cottonwood Avenue between Pan Am Boulevard and Dunhill Drive;
 - d. Eucalyptus Avenue between Pan Am Boulevard and Kochi Drive;
 - e. Dracaea Avenue between Pan Am Boulevard and Kochi Drive;
 - f. Atlantic Circle east of Frederick Street;
 - g. Brabham Street between Frederick Street and Andretti Street;
 - h. TownGate Boulevard between Frederick Street and Heritage Way;
 - i. Bay Avenue between Kristina Court and Courage Street;
 - j. Alessandro Boulevard between Chagall Court and Elsworth Street;
 - k. Alessandro Boulevard between Joy Street and Cactus Avenue;
 - l. Resource Way between Frederick Street and Corporate Way;
 - m. Corporate Way between Calle San Juan de Los Lagos and Resource Way;
 - n. Calle San Juan de Los Lagos between Frederick Street and Veterans Way;
 - o. Veterans Way between Cactus Avenue and Alessandro Boulevard;
 - p. New Hope between Veterans Way and Elsworth; and
 - q. Heritage Way between TownGate Boulevard and Town Circle.

2. Authorize the closure of the following streets to through traffic, to remain open only to residents, between the hours of 11:00 a.m. and 9:00 p.m. for the purpose of conducting the Fourth of July Festival and Fireworks Program scheduled to take place on July 4, 2010.
 - a. Petaluma Avenue between Napa Valley and Morrison Street;
 - b. Napa Valley between Dracaea Avenue and Petaluma Avenue;
 - c. Lakeport Drive at Cottonwood Avenue;

- d. Burney Pass Drive between Cottonwood Avenue and Dracaea Avenue;
- e. Rockport Drive between Yuba Pass Road and Morrison Street;
- f. Dracaea Avenue between Morrison Street and Nason Street;
- g. Letterman Street at Cottonwood Avenue;
- h. Athletics Drive at Cottonwood Avenue; and
- j. Mascot Lane at Dracaea Avenue.

The streets closed to through traffic are to prevent overflow parking from the fireworks program into residential areas. Also, for a short period and immediately following the fireworks display, staff recommends that the City Council authorize one-way traffic on various streets in the vicinity of Morrison Park as directed by the Moreno Valley Police Department.

A.12 APPROVE AND AUTHORIZE EXECUTION OF AMENDMENT TO LAKE OR STREAMBED ALTERATION AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FISH & GAME AND AUTHORIZE PURCHASE ORDER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENT PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-63, which approves and authorizes the execution of an Amendment to Lake or Streambed Alteration Agreement with the California Department of Fish and Game (CDFG);

Resolution No. 2010-63

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Execution of the Amendment to Lake or Streambed Alteration Agreement Between the State of California, Acting by and Through the Department of Fish & Game, and the City of Moreno Valley for Project No. 98-25897

2. Authorize the issuance of a purchase order to the Santa Ana Watershed Association (SAWA) for \$250,125 (\$217,500 plus 15% contingency) for environmental mitigation associated with the SR-60/Nason Street Interchange Improvement Project (Account No. 125.89720); and
3. Authorize the Public Works Director/City Engineer to execute the amendment regarding the Lake or Streambed Alteration

Agreement.

- A.13 ORDINANCE NO. 811, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 8, 2010 ON A 5-0 VOTE) (Report of: City Attorney)

Recommendation:

Adopt Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to drinking in public and trespassing and amending Section 6.04.080 relating to notice of nuisance violations.

Ordinance No. 811

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 11.04 of the City of Moreno Valley Municipal Code, Relating to Drinking in Public and Trespassing Offenses and Amending Section 6.04.080 Relating to Notice of Nuisance Violations

- A.14 ORDINANCE NO. 812, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA AMENDING TITLE 12 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING CHAPTER 12.14 RELATING TO ROTATIONAL TOWING SERVICES FOR THE CITY OF MORENO VALLEY AND ADDING THERETO A NEW CHAPTER 12.14 ENTITLED POLICE AND CITY OF MORENO VALLEY ROTATIONAL TOW SERVICE (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 8, 2010 ON A 5-0 VOTE) (Report of: City Manager's Office)

Recommendation:

Adopt Ordinance No. 812 amending Chapter 12.14, Police and City of Moreno Valley Rotational Tow Service of Title 12 of the Moreno Valley Municipal Code.

Ordinance No. 812

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 12 of the City of Moreno Valley Municipal Code by Repealing Chapter 12.14 Relating to Rotational Towing Services for the City of Moreno Valley and Adding Thereto a New Chapter 12.14 Entitled Police and City of Moreno Valley Rotational Tow Service

A.15 APPROVAL OF THE AMENDED EMPLOYMENT AGREEMENT FOR INTERIM CITY MANAGER (Report of: Human Resources Department)

Recommendation:

Approve the amended employment agreement with William L. Bopf for the position of Interim City Manager. The amendment would continue the current employment agreement on a month to month basis until a permanent City Manager is hired by the City Council. All other terms and conditions of the employment agreement will remain unchanged.

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 JUNE 8, 2010 (Report of: City Clerk)

Recommendation:

Approve as submitted.

B.3 EXTENSION OF CONTRACT - APPROVE FIRST AMENDMENT TO AGREEMENT FOR CONTRACT MOWING OF PARKS AND EASEMENTS OF COMMUNITY SERVICES DISTRICT ZONE A AND COMMUNITY FACILITIES DISTRICT #1 TO DLS LANDSCAPE, INC. (Report of: Parks and Community Services Department)

Recommendation:

1. Approve the First Amendment to Agreement for contract mowing of parks and easements to DLS Landscape, Inc. of Redlands, CA, in the total amount of \$148,680.00; \$122,760.00 for Community Services District ("CSD") Zone A and \$25,920.00 for Community Facilities District ("CFD") #1, extending contract for an additional one-year period;
2. Authorize the President to execute the First Amendment to Agreement for contract mowing of parks and easements with DLS Landscape, Inc. of Redlands, CA; and
3. Authorize the Purchasing and Facilities Division Manager on July 1, 2010, to issue open purchase orders to DLS Landscape, Inc., in the amounts of:
 - a. ONE HUNDRED TWENTY-TWO THOUSAND SEVEN HUNDRED SIXTY AND NO/100 DOLLARS (\$122,760.00) for

CSD Zone A for twelve months, and;

b. TWENTY-FIVE THOUSAND NINE HUNDRED TWENTY AND NO/100 DOLLARS (\$25,920.00) for CFD #1 for twelve months.

B.4 AUTHORIZATION TO CLOSE PUBLIC STREETS FOR THE INDEPENDENCE DAY FESTIVITIES ON SATURDAY, JULY 3, 2010 AND SUNDAY, JULY 4, 2010 (ITEM ALSO LISTED AS ITEM A.11) (Report of: Parks and Community Services Department)

Recommendation:

1. Authorize the closure of the following streets between the hours of 7:00 a.m. and 12:00 noon for the purpose of conducting the Fourth of July Parade scheduled to take place on July 3, 2010.
 - a. TownGate Boulevard between Frederick Street, Eucalyptus Avenue and Memorial Way;
 - b. Frederick Street between Centerpointe Drive and Cactus Avenue;
 - c. Cottonwood Avenue between Pan Am Boulevard and Dunhill Drive;
 - d. Eucalyptus Avenue between Pan Am Boulevard and Kochi Drive;
 - e. Dracaea Avenue between Pan Am Boulevard and Kochi Drive;
 - f. Atlantic Circle east of Frederick Street;
 - g. Brabham Street between Frederick Street and Andretti Street;
 - h. TownGate Boulevard between Frederick Street and Heritage Way;
 - i. Bay Avenue between Kristina Court and Courage Street;
 - j. Alessandro Boulevard between Chagall Court and Elsworth Street;
 - k. Alessandro Boulevard between Joy Street and Cactus Avenue;
 - l. Resource Way between Frederick Street and Corporate Way;
 - m. Corporate Way between Calle San Juan de Los Lagos and Resource Way;
 - n. Calle San Juan de Los Lagos between Frederick Street and Veterans Way;
 - o. Veterans Way between Cactus Avenue and Alessandro Boulevard;
 - p. New Hope between Veterans Way and Elsworth; and
 - q. Heritage Way between TownGate Boulevard and Town Circle.

2. Authorize the closure of the following streets to through traffic, to remain open only to residents, between the hours of 11:00

a.m. and 9:00 p.m. for the purpose of conducting the Fourth of July Festival and Fireworks Program scheduled to take place on July 4, 2010.

- a. Petaluma Avenue between Napa Valley and Morrison Street;
- b. Napa Valley between Dracaea Avenue and Petaluma Avenue;
- c. Lakeport Drive at Cottonwood Avenue;
- d. Burney Pass Drive between Cottonwood Avenue and Dracaea Avenue;
- e. Rockport Drive between Yuba Pass Road and Morrison Street;
- f. Dracaea Avenue between Morrison Street and Nason Street;
- g. Letterman Street at Cottonwood Avenue;
- h. Athletics Drive at Cottonwood Avenue; and
- j. Mascot Lane at Dracaea Avenue.

The streets closed to through traffic are to prevent overflow parking from the fireworks program into residential areas. Also, for a short period and immediately following the fireworks display, staff recommends that the City Council authorize one-way traffic on various streets in the vicinity of Morrison Park as directed by the Moreno Valley Police Department.

B.5 NOTICE OF COMPLETION AND ACCEPTANCE OF THE PATRIOT PARK IMPROVEMENTS PROJECT - PROJECT NO. 08-28268628 (ITEM ALSO LISTED AS ITEM A.6) (Report of: Public Works Department)

Recommendation:

Authorize the President of the Board of Directors of the Community Services District (CSD) to accept the improvements into the CSD's maintained system.

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 JUNE 8, 2010 (Report of: City Clerk)

Recommendation:

Approve as submitted.

C.3 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR AUTO MALL FREEWAY PYLON SIGN PROJECT - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS ITEM A.10) (Report of: Public Works

Department)

Recommendation:

1. Accept the assignment of the contract with San Pedro Sign Company from the City;
2. Authorize the City Manager, acting in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement on behalf of the Community Redevelopment Agency; and
3. Authorize the issuance of a Purchase Order to San Pedro Sign Company in the amount of \$812,724 (\$706,716 for the Base Bid and Additive Alternate "A" plus \$106,008 for the 15% contingency) when the contract has been signed by all parties. (Account Number 897.91725)

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 JUNE 8, 2010 (Report of: City Clerk)

Recommendation:

Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart

Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE CITY OF MORENO VALLEY FOR FISCAL YEAR 2010-11 (Report of: Financial & Administrative Services Department)

Recommendation:

1. Conduct a Public Hearing to receive public comments on the City's appropriations limit for Fiscal Year 2010-11; and

2. Adopt Resolution No. 2010-60 establishing the appropriations limit at \$84,193,306 for the City of Moreno Valley for Fiscal Year 2010-11.

Resolution No. 2010-60

A Resolution of the City Council of the City of Moreno Valley, California, Establishing the Appropriations Limit for Fiscal Year 2010-11

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Pro Tem Robin N. Hastings
Approved by a 5-0 vote.

- E.2 PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT FOR FISCAL YEAR 2010-11 (Report of: Financial & Administrative Services Department)

Recommendation:

1. Conduct a Public Hearing to receive public comments on the Moreno Valley Community Services District's appropriations limit for Fiscal Year 2010-11; and
2. Adopt Resolution No. CSD 2010-19 establishing the appropriations limit at \$13,567,175 for the Moreno Valley Community Services District for Fiscal Year 2010-11.

Resolution No. CSD 2010-19

A Resolution of the Moreno Valley Community Services District Establishing the Appropriations Limit for Fiscal Year 2010-11

President Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Motion to Approve by m/Board Member Richard A. Stewart, s/Vice President Robin N. Hastings
Approved by a 5-0 vote.

- E.3 PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS (Report of: Public Works Department)

Recommendation:

1. Approve placing the submitted list of delinquent solid waste accounts, available in the City Clerk's office, on the Fiscal Year (FY) 2010/2011 Riverside County property tax roll for collection; and
2. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 2007-72 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health and Safety Code and Section 6.02.030 of the City of Moreno Valley Municipal Code.

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

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

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

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

- a) Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)

Council Member Stewart reported the following:

1. Moreno Valley Physicians Group (about 102 physicians practicing at the Moreno Valley Community Hospital) has joined March HealthCare and is partnering with other medical groups, including Riverside Medical Clinic and St. Bernardine Hospital - glad that Moreno Valley doctors will be close to their patients
2. Fresh & Easy Neighborhood Market grocery chain is buying both their supporting businesses, Wild Rocket Foods and 2 Sisters Food Group, providing fresh vegetables, produce and meat, to support expansion of its facility

Council Member Stewart announced that the Public Improvements Agreement and Security for the Highland Fairview Skechers off-side sewer improvements on Redlands Boulevard came to the attention of the Council after posting of the agenda, and there is a need to take action.

The item requires a two-thirds vote to be placed on the agenda.

Motion to add the item to the agenda by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Motion failed by a 3-2 vote, Mayor Pro Tem Robin N. Hastings and Mayor Bonnie Flickinger opposed.

- G.2 CONSIDERATION OF A REQUEST TO RECORD A COVENANT TO HOLD NINE SEPARATE PARCELS AS ONE ALLOWING THE CITY OF MORENO VALLEY TO ISSUE A BUILDING PERMIT TO CONSTRUCT THE FOUNDATION AND SLAB FOR A 1.8 MILLION SQUARE FOOT WAREHOUSE/DISTRIBUTION CENTER BUILDING (SKECHERS) IN THE GENERAL AREA BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ON THE NORTH SIDE OF EUCALYPTUS AVENUE. (PROPERTY OWNER: HIGHLAND FAIRVIEW PROPERTIES) (Report of: City Manager's Office)

Recommendation: That the City Council:

Deny a request from Highland Fairview for a covenant to hold nine parcels as one to allow the City to issue a foundation and slab only building permit.

Mayor Flickinger opened the agenda item for public comments, which were received from Iddo Benzeevi, Susan Gilchrist, Kenneth Bley (representing Highland Fairview), Pete Bleckert and Deanna Reeder.

Motion to waive the attorney-client privilege to discuss the risks inherent to this decision (issues discussed with the City Attorney during Closed Session) by m/Mayor Bonnie Flickinger, s/Mayor Pro Tem Robin N. Hastings
Approved by a 5-0 vote.

Motion to approve and accept Highland Fairview's Covenant to Hold as One Parcel subject to the conditions listed below by m/Council Member Richard A. Stewart, s/Council Member William H. Batey II
Approved by a 3-2 vote, Mayor Pro Tem Robin N. Hastings and Mayor Flickinger opposed.

Approve and accept Highland Fairview's Covenant to Hold as One Parcel subject to the following conditions:

1. The covenant is amended to state that it is for the issuance of a limited purpose building permit for commencement of construction of the foundation and slab and the poring of wall panels only, which

permit shall automatically expire on October 20, 2010, if the final parcel map is not recorded prior to that date;

2. That Highland Fairview agrees in writing in the covenant or other recordable agreement to the following terms and conditions prior to issuance of the limited purpose building permit:
 - a. The parcels which are the subject matter of the covenant be owned by the same entity,
 - b. Separate foundation, slab and wall panel building plans be submitted and approved,
 - c. Compliance with all conditions of approval for the issuance of a building permit except recording of the final map,
 - d. Compliance with all requirements for recording the final map except for actual final map approval and recordation, and Public Improvement Agreements and security for same for any public improvements not occurring in the public right-of-way or on public property,
 - e. All Public Improvement Agreements for improvements that will be undertaken in the public right-of-way or on public property pursuant to the limited purpose building permit have been executed and the required security has been posted prior to the commencement of actual public improvement construction,
 - f. The final lot configuration be shown on the map that is being processed,
 - g. The covenant to hold property as one parcel be recorded,
 - h. The holders of all easements across which construction will occur have either abandoned or given written permission for construction across their easements,
 - i. Execution of an encroachment and removal agreement,
 - j. The City is only issuing a limited purpose building permit for foundation, slab and the pouring of wall panels only. The erection of any walls is specifically prohibited under this limited permit.
 - k. The final parcel map shall be recorded before 12:01 a.m. on October 21, 2010,

- l. The limited purpose building permit shall automatically expire at 12:01 a.m. on October 21, 2010, if the final parcel map has not been recorded,
- m. All construction pursuant to the limited purpose building permit shall cease at 12:01 a.m. on October 21, 2010, if the final parcel map has not been recorded,
- n. It (Highland Fairview) will be solely responsible for removal of any improvements and restoration of the site to its pre-construction condition if ordered by any court,
- o. It and its partners waive any and all recourse against the City which may arise out of this action,
- p. Neither the agreement, nor the time for recordation of the final parcel map will be extended beyond October 20, 2010,
- q. It will defend and indemnify the City for all judgments, costs and legal fees which may be incurred as a result of said agreement or the issuance of a limited purpose building permit for the foundation and slab, and pouring of walls, and
- r. Any other terms and conditions the City Manager and City Attorney deem legally necessary to implement the agreement and the purposes of this action.

G.3 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

Recommendation: That the City Council:

Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018.

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

No action required.

G.4 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate; or
2. If appointments are not made, declare the positions vacant and authorize the City Clerk to re-notice the positions as vacant.

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

Motion to make the following appointments by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina Approved by a vote of 5-0.

Accessibility Appeals Board
Two (2) terms expiring June 30, 2013
Physically Challenged Representative
Lawrence Baird
Nina Hiers

Arts Commission
One (1) term expiring June 30, 2013
Eric von Mizener

Environmental and Historical Preservation Board
Two (2) terms expiring June 30, 2013
Jan Beyers
Naeem M. Qureshi

Library Commission
One (1) term expiring June 30, 2013
Sharon B. Clements

Parks and Recreation Commission
Three (3) terms expiring June 30, 2013
James C. Baker II
Juanita M. Barnes
Virgil Chancy

Recreational Trails Board
Two (2) terms expiring June 30, 2013

Jackie LeSan
Kim M. Nelson

Senior Citizens' Board
Three (3) terms expiring June 30, 2013
Sara W. Anderson
Vonzetta Fielding
Delanna Townsend

Traffic Safety Commission
Two (2) terms expiring June 30, 2013
Miguel Arciniega
Frank D. Pavlik

G.5 RESOLUTIONS TO PLACE A MEASURE RELATING TO THE TRANSIENT OCCUPANCY TAX ON THE NOVEMBER 2, 2010 GENERAL MUNICIPAL ELECTION BALLOT (Report of: Economic Development Department)

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

Recommendation: That the City Council:

1. Consider whether to place on the ballot for the November 2, 2010 election the proposed Initiative Ordinance, "An Initiative Ordinance of the Voters of the City of Moreno Valley Amending Section 3.24.030 of the Moreno Valley Municipal Code to increase the existing transient occupancy tax rate from 8% to 11%."
2. That, if the Council decides to place such initiative on the ballot, the City Council adopt the following resolutions:

Resolution No. 2010-61, calling and giving notice of a general municipal election on Tuesday, November 2, 2010, for the submission to the voters of the City a proposed ordinance amending the City's transient occupancy tax and requesting the County of Riverside to consolidate the City's general municipal election with the general municipal elections held within Riverside County on that date.

Resolution No. 2010-61

A Proposed Resolution of the City Council of the City of Moreno Valley, California, Calling and Giving Notice of a General Municipal Election on Tuesday, November 2, 2010, for the Submission to the Voters of the City a Proposed

Initiative Ordinance Amending the City's Transient Occupancy Tax; and Requesting the County of Riverside to Consolidate the City's General Municipal Election Held Within Riverside County on that Date

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Robin N. Hastings
Approved by a 5-0 vote.

Resolution No. 2010-62, directing the City Attorney to prepare an impartial analysis, setting priorities for filing written arguments, and providing for rebuttal arguments regarding the Moreno Valley transient occupancy tax measure.

Resolution No. 2010-62

A Proposed Resolution of the City Council of the City of Moreno Valley, California, Directing the City Attorney to Prepare an Impartial Analysis, Setting Priorities for Filing Written Arguments, and Providing for Rebuttal Arguments Regarding the Moreno Valley Transient Occupancy Tax Measure

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Robin N. Hastings
Approved by a 5-0 vote.

- G.6 PALM DESERT DEVELOPMENT COMPANY'S RANCHO DORADO APARTMENTS, PHASE II FINANCIAL ASSISTANCE REQUEST AND RESOLUTION FOR TAX CREDIT APPLICATION (Report of: Economic Development Department)

Recommendation: That the RDA:

Adopt Resolution RDA 2010-03, a resolution of the Community Redevelopment Agency of the City of Moreno Valley regarding assistance to the Rancho Dorado Apartments, Phase II, proposed by Palm Desert Development Company, Inc.

Resolution No. RDA 2010-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Supporting the Rancho Dorado South Apartments Housing Development, Ratifying Certain Findings and Determinations Made Under Resolution No. 2008-11 and Affirming its Intention to Provide Assistance to MV Rancho Dorado Limited Partnership, a Subsidiary of Palm Desert Development Company, Inc.

Chairperson Flickinger opened the agenda item for public comments;

there being none, public comments were closed.

Motion to Approve by m/Agency Member William H. Batey II, s/Agency Member Richard A. Stewart

Approved by a 5-0 vote.

G.7 ADOPTION OF FISCAL YEAR 2010-11 OPERATING BUDGET (Report of: Financial & Administrative Services Department)

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

Recommendation: That the City Council:

1. Approve the Revised General Fund Budget Balancing Plan for Fiscal Year (FY) 2010-11, as shown in Table 1 (page 3) of the staff report;

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member Richard A. Stewart

Approved by a 5-0 vote.

2. Adopt Resolution No. 2010-64, approving the Operating Budget for the City of Moreno Valley for FY 2010-11, including all applicable adjustments to the Preliminary Base Operating Budget pursuant to the Schedule of Budget Appropriations (Attachment "A");

Resolution No. 2010-64

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Operating Budget for Fiscal Year 2010-11

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member Richard A. Stewart

Approved by a 5-0 vote.

3. Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2010-20, approving the Operating Budget for the Moreno Valley Community Services District for FY 2010-11, including all applicable adjustments to the Preliminary Base Operating Budget pursuant to the Schedule of Budget Appropriations (Attachment "A");

Resolution No. CSD 2010-20

A Resolution of the Moreno Valley Community Services District, Adopting the Operating Budget for Fiscal Year 2010-11

Motion to Approve by m/Vice President Robin N. Hastings, s/Board Member Richard A. Stewart

Approved by a 5-0 vote.

4. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2010-04, approving the Operating Budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2010-11, including all applicable adjustments to the Preliminary Base Operating Budget pursuant to the Schedule of Budget Appropriations (Attachment "A").

Resolution No. RDA 2010-04

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California Adopting the Operating Budget for Fiscal Year 2010-11

Motion to Approve by m/Vice Chairperson Robin N. Hastings, s/Agency Member Richard A. Stewart

Approved by a 5-0 vote.

G.8 ADOPTION OF FY 2010-11 CAPITAL IMPROVEMENT PLAN (CONTINUED FROM JUNE 8, 2010) (Report of: Public Works Department)

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

Recommendation: That the City Council:

1. Adopt Resolution No. 2010-65, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2010-11, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A");

Resolution No. 2010-65

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Capital Improvement Plan for Fiscal

Year 2010-11;

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member Richard A. Stewart

Approved by a 5–0 vote.

2. Acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2010-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2010-11, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"); and

Resolution No. CSD 2010-21

A Resolution of the Moreno Valley Community Services District Adopting the Capital Improvement Plan for Fiscal Year 2010-11

Motion to Approve by m/Vice President Robin N. Hastings, s/Board Member Richard A. Stewart

Approved by a 5–0 vote.

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2010-05, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2010-11, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

Resolution No. RDA 2010-05

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California Adopting the Capital Improvement Plan for Fiscal Year 2010-11

Motion to Approve by m/Vice Chairperson Robin N. Hastings, s/Agency Member Richard A. Stewart

Approved by a 5–0 vote.

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

The City Manager announced the following:

- 1) Ballot measure to prevent state's raid of local funds qualified for the November ballot - encouraged everybody to support it, as about \$5 million was taken from the Moreno Valley Redevelopment Agency this year; a lot of improvements could have been done with this money
- 2) MVTV-3 won a first place award from the regional peer group, the California and Arizona chapter of the national organization. Bob Lorch won first place for "You Spray, You Pay" anti-graffiti removal program, and Rob Roseen won second and third place for "News Center." Commended staff for this successful program
- 3) Housing prices are up and unemployment for May was down - good news
- 4) Moreno Valley restaurants reported sales picking up in fall 2009 and remaining solid through 2010
- 5) The Neighborhood Preservation staff has obligated 84% of the \$11.3 million grant funding as opposed to the national average of 52%. The City's partners have acquired \$5.3 million worth of single-family homes - 28 homes are being rehabilitated. Moreno Valley may be eligible for additional NSP funding in the near future. Commended Barry Foster and staff for this successful project. It is one of the leaders in the country
- 6) Youth Opportunity Center - Arbor E&T has entered into a lease of a vacant building on 22275 Alessandro and Grant. When the Center opens in the fall, it will employ six people and serve 150 youth in the community
- 7) The library has initiated a summer reading program and added a database online entitled Career Transitions, which will serve as a resource for persons seeking employment
- 8) Schedules and sign ups for recreational activities are listed on the Moreno Valley Web site
- 11) Information about 4th of July celebration is posted on the Web site
- 12) Expressed his appreciation for Steve Elam, Interim Financial & Administrative Services Director, who came out of his retirement to help the City. This is his last council meeting

H. LEGISLATIVE ACTIONS

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

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

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Susan Gilchrist

1) Submitted a copy of her letter to Parks & Facilities Manager Steve Kupsak and a copy of Parks and Recreation Commission staff report regarding Equestrian Center; commented on the accuracy of information contained in the report

Deanna Reeder

1) Asked if any council member recused himself/herself from Closed Session Item #5, City Manager Recruitment, while in Closed Session

Pamela Lowell

1) Acknowledged Fire and Police Department staff for the fast response and help during her husband's illness; her husband, an Air Force disabled veteran, passed away this year; very grateful for support and comfort and proud of the City

2) Thanked military veterans for their service; thanks to them we can enjoy many freedoms, including freedom of speech

James Dudley

1) About 12,563 late mail-in primary ballots that may not be counted because of late delivery

2) Maintenance of medians

3) Condition of roads

4) Expressed he is proud of the City

Pete Bleckert

1) Thanked Council for voting for the Highland Fairview project to move forward

2) Equestrian Center

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

Council Member Molina

1) Condolences to Ms. Lowell for her loss

2) Would like to bring back issue of Cottonwood Park on Cottonwood and Indian

3) Thanked staff and residents for being patient with the progress of the project

Council Member Stewart

1) Reported on a lady claiming that her child was killed by a drunk driver in Moreno Valley and asking for money for burial; while he was checking with the Police Chief, the lady disappeared; it's sad that people will do that; warned residents about the fraud and advised to be aware and to question suspicious solicitations

- 2) Commended staff for the hard work assisting the developer of the Skechers project; the project is moving along; the City is not giving any financial support for it, but by speeding up the process, the City was able to give the proponents a financial advantage
- 3) Inquired about the requirement of lowering buildings along 60 Freeway by 25 feet
- 4) Inquired about changing zoning of the property to the south of the project from residential to business park to be a transition/buffer to light industrial along the freeway
- 5) Regarding budget - glad that we had reserve to reduce deficit and that the Fire, Police and other public safety units were pretty much preserved

Mayor Pro Tem Hastings

- 1) Attended annual Rally Round the Flag at March Field Air Museum with Council Member Stewart and Mayor Flickinger - it was a very nice event in commemoration of the Flag Day with an outstanding performance of Moreno Valley Master Chorale. Encouraged everyone to attend it next year; the event is open to the public
- 2) Responded to a speaker's comments regarding 12,000 mail-in ballots that were left at Moreno Valley distribution postal center after deadline and may not be counted - explained the process of routing the mail-in votes; Riverside County is still investigating this issue
- 3) League of California Cities' initiative to protect local money from the State's taking - asked residents to educate themselves on this and other initiatives
- 4) Addressed an incident of loose horses in traffic on Redlands Blvd. and horses hit by a car; this is tragic for everyone; asked residents to call Animal Control to report any animal loose or abandoned to prevent animals from being killed
- 5) Will participate in July 13 meeting from Kentucky via teleconference

Council Member Batey

- 1) Thanked Ms. Lowell for publicly acknowledging public safety employees who responded to her calls. It's important for the public to know that they have dedicated professionals to handle any situation that may arise. Her husband will be missed
- 2) Fresh & Easy will be open by the end of the year; a lot of good stuff is happening that will help our economy in the long run
- 3) Will not be able to attend 4th of July celebration because of work schedule
- 4) Thanked Mr. Dudley and Ms. Lowell for showing/expressing City pride; it's nice to hear positive
- 5) Wished everybody a safe 4th of July

Mayor Flickinger

- 1) Concurred with Mayor Pro Tem Hastings about effectiveness of the Rally Round the Flag event; very entertaining and informative
- 2) Thanked Steve Elam for the great job; he will be missed
- 3) Responded to speaker's question - all five Council Members are participating in the City Manager's recruitment
- 4) No meeting is scheduled for the next Tuesday (5th Tuesday of the month); the next televised Council meeting is scheduled for July 13, which will be the last

meeting before Council recess

5) July 3 & 4 celebration will include a parade in the morning on July 3 and the celebration at the Morrison Park in the afternoon on July 4 - another opportunity to wear red, white and blue

There being no further business to conduct, the meeting was adjourned to Closed Session at 9:06 p.m. by unanimous informal consent.

CLOSED SESSION

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

- a Case: *Kevon Gordon, Ronald Jones, Raymond Barnes v. City of Moreno Valley; City of Moreno Valley Police Department; Rick Hall, Chief of the Moreno Valley Police Department, in his official capacity; Kristy Underwood, Executive Officer of the California Board of Barbering and Cosmetology, in her official capacity; Stan Sniff, Riverside County Sheriff, in his official capacity; and DOES 1-20*
- Court: United States District Court, Central District of California
Case No: EDCV 09-00688b

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 54957.6 - LABOR NEGOTIATIONS

- a) Agency Representative: William Bopf
Employee Organization: MVCEA
- b) Agency Representative: William Bopf
Employee Organization: MVMA
- c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

5 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

a) City Manager Recruitment

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

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:40 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

enl



Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: July 13, 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 June 16 – July 6.

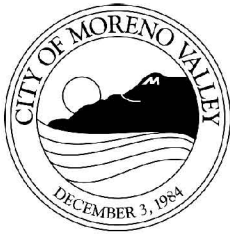
<i>Reports on Reimbursable Activities</i> June 16 – July 6		
Council Member	Date	Meeting
William H. Batey II	6/28/10	Bob Herrick's Retirement Luncheon
	6/30/10	Steve Elam's Retirement Luncheon
Bonnie Flickinger	6/16/10	UCR Citizens University Committee
	6/23/10	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
	6/24/10	Western Riverside Council of Governments 19 th Annual General Assembly
Robin N. Hastings	6/28/10	Bob Herrick's Retirement Luncheon
Jesse L. Molina	6/28/10	Bob Herrick's Retirement Luncheon
Richard A. Stewart	*6/14/10	Moreno Valley Chamber of Commerce 9 th Annual Rally Round the Flag
	6/28/10	Bob Herrick's Retirement Luncheon
	6/29/10	Undersheriff Valerie Hill's Retirement Dinner
	6/30/10	Steve Elam's Retirement Luncheon

*Reportable reimbursable activity prior to the period of June 16 – July 6.

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:



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>lit</i>
CITY MANAGER	<i>w/s</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: July 13, 2010

TITLE: PERMIT PARKING FOR THE RESIDENTS ON LORAINÉ TERRACE

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve and adopt proposed Resolution No. 2010-66 and direct staff to implement permit parking on Loraine Terrace.

ADVISORY BOARD/COMMISSION RECOMMENDATION

The residents along Loraine Terrace have no on-street parking available during the business hours of the adjacent auto repair shops who continually park their customer's vehicles along Loraine Terrace. A public hearing regarding this issue was conducted at the Traffic Safety Commission (TSC) meeting on May 5, 2010. There was no voiced opposition at the public hearing. The commissioners unanimously approved staff's recommendation to implement permit parking on Loraine Terrace.

BACKGROUND

The residents on Loraine Terrace submitted a petition to the Public Works Department requesting implementation of permit parking. The privileged parking will allow them to maintain curbside availability for guests and contractors/maintenance vehicles in front of their residences.

The required petition process demonstrated a super majority, in this case 100%, greatly exceeding the City's requirement of at least 60% of the residents in support of the permit parking.

A field review of the site indicated there is adequate on-site parking available for the commercial uses and on-street parking for customers and employees away from the neighboring residences.

DISCUSSION

Staff has reviewed this permit parking request and has determined that permit parking is appropriate for this location.

To help improve the parking situation along Loraine Terrace, staff recommends the installation of permit parking signs along four resident's frontage. This will allow the remaining parking spaces to be utilized by the public and the adjacent auto repair shops.

The frontage along Loraine Terrace is approximately 900 feet. This allows parking for approximately 30 vehicles. The frontage of the four existing residence's along Loraine Terrace is approximately 180 feet. Implementing the permit parking along the residents' frontage will reduce available parking spaces for the public by 5 vehicles (16%). However, this will allow the residents to have uninterrupted access to parking in front of their residents which is located in a unique and congested mixed residential/commercial zone.

Fees for this permit parking zone will be borne by the residents in accordance with City policy.

ALTERNATIVES

1. Approve and adopt proposed Resolution and direct staff to implement permit parking on Loraine Terrace. *This alternative is recommended to improve the condition for the residents.*
2. Do not adopt proposed resolution, thereby not implementing permit parking on Loraine Terrace.
3. Provide staff with further direction.

FISCAL IMPACT

There will be no fiscal impact for implementation of permit parking on Loraine Terrace. The cost of the required signage, parking permit placards, and the annual maintenance associated with the permit parking will be covered by the collected fees from the residents.

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

Implementation of permit parking on Loraine Terrace will improve the condition for the existing residents, thereby allowing preferential parking privileges in a unique and congested mixed residential/commercial zone. Additionally, there will be sufficient parking spaces remaining to serve the general public and surrounding commercial uses.

NOTIFICATION

Publication of Agenda

ATTACHMENTS

Attachment A – Resolution
Attachment B - Location Map

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

Department Head Approval:
Chris A. 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:

W:\TrafficEng\alank\Permit parking\Staff Report\CityStaffReport-v2-Loraine Terrace.doc

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RESOLUTION NO. 2010-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AND AUTHORIZING INSTALLATION OF PERMIT PARKING ON LORAINNE TERRACE

WHEREAS, the City Municipal code section 12.08.030 allows permit parking areas in residential and commercial zones, and only subject to a public hearing before the traffic safety commission.

WHEREAS, the residents on Loraine Terrace submitted an application and requested permit parking along the frontage of their residences.

WHEREAS, a public hearing was conducted on May 5, 2010 regarding this request.

WHEREAS, on May 5, 2010, the Traffic Safety Commission reviewed and unanimously approved the recommended permit parking on Loraine Terrace.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

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

1. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.
2. This City Council hereby authorizes and directs staff to implement permit parking on Loraine Terrace.

APPROVED AND ADOPTED this 13th day of July, 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.]

Location Map

Lorraine Terrace



Attachment B

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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: July 13, 2010

TITLE: Resolution Rescinding the Provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California, and Authorizing the Submittal of Application for the Used Oil Payment Program Under the California Department of Resources Recycling and Recovery (CalRecycle)

RECOMMENDED ACTION

Staff recommends that the City Council adopt the proposed resolution (Resolution No. 2010-67) rescinding and restating the provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California, authorizing application for the Used Oil Payment Program grant under the California Department of Resources Recycling and Recovery (CalRecycle).

BACKGROUND

The California Public Resources Code (PRC) § 48601 et seq. describes the California Oil Recycling Enhancement Act), which, among other things, provides up to \$11 million annually in payments to local governments for implementation of local used oil and filter collection programs. Several years ago, the City established a used oil campaign that was previously administered by the Western Riverside Council of Governments (WRCOG). In 2001, as a springboard to WRCOG's regional public awareness of used oil recycling, the City established a used oil program at a local level with used oil block grant funds. Since that time, the list of landfill banned materials has continually grown and the need for hazardous waste awareness has increased along with it. As a result, there has become a greater need to sustain all opportunities for available funding to promote these programs.

DISCUSSION

The new Used Oil Payment Program (OPP) authorized in SB 546 (Lowenthal, Chapter 353, Statutes of 2009) replaces the Used Oil Block Grant Program (UBG). While the purpose of the OPP is similar to the UBG, there are significant differences regarding application, administration, and reporting requirements. The Department of Resources Recycling and Recovery (CalRecycle), formerly the California Integrated Waste Management Board (CIWMB), is responsible for administering the OPP. As part of the grant application program, the City must provide a resolution to establish procedures governing the administration of the Used Oil Payment Program. Participation in these programs also affords the City the opportunity to increase public awareness of recycling, which assists with the City's overall diversion efforts mandated by the California Integrated Waste Management Act of 1989 (AB 939).

City staff requests that City Council approve the adoption of the resolution in order to help secure funding for the administering and implementation of the used oil recycling program.

ALTERNATIVES

1. Adopt the proposed resolution rescinding and restating the provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California, authorizing application for all available grants under the California Integrated Waste Management Board Act of 1989.

2. Do not adopt the proposed resolution rescinding and restating the provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California, authorizing application for all available grants under the California Integrated Waste Management Board Act of 1989. This alternative would place the City in jeopardy of not receiving grant funds for the Used Oil Recycling Program.

FISCAL IMPACT

There would be a potential grant revenue reimbursement for public education, used oil recycling and hazardous waste program ranging from an estimated \$20,000 to \$50,000 per grant application fiscal year.

CITY COUNCIL GOALS

Positive Environment

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

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

SUMMARY

The Department of Resources Recycling and Recovery (CalRecycle) administers the Used Oil Payment Program. A new resolution is needed to update the authority for submittal of grant application. As part of its program, CalRecycle issues grants to local

governments in order to establish or enhance permanent, sustainable used oil recycling programs. Adoption of the proposed resolution would allow staff to continue to properly pursue grant funds on behalf of the City in the future.

NOTIFICATION

Publication of the City Council Agenda.

ATTACHMENTS

Exhibit A – Proposed Resolution

Exhibit B – Resolution No. 2007-55 (Proposed to be rescinded)

Prepared By:
Ariana Ayala
Management Analyst

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

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

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

RESOLUTION NO. 2010-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RESCINDING AND RESTATING THE PROVISIONS OF RESOLUTION 2007-55 OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA AUTHORIZING APPLICATION FOR THE USED OIL GRANT PAYMENT PROGRAM FUNDS UNDER THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

WHEREAS, pursuant to Public Resources Code § 48690 the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdictions for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, CalRecycle’s procedures for administering the Used Oil Payment Program require, among other things, an applicant’s governing body to declare by resolution certain authorizations related to the administrations of the Used Oil Payment Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Moreno Valley authorizes the submittal of a Used Oil Payment Program application to CalRecycle; and

BE IT FURTHER RESOLVED that the City Manager, and/or the Public Works Director/City Engineer, are hereby authorized and empowered to execute in the name of the City of Moreno Valley all documents, including but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the City Council of the City of Moreno Valley.

APPROVED AND ADOPTED this 13th day of July 2010.

Mayor

ATTEST:

City Clerk

City Attorney

EXHIBIT “A”

Resolution No. 2010 - _____
Date Adopted: July 13, 2010

RESOLUTION JURAT

[Clerk's office will prepare]

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

Resolution No. 2010 - _____
Date Adopted: July 13, 2010

RESOLUTION NO. 2007 - 55

RESCINDING THE PROVISIONS OF RESOLUTION 2006-49 OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA AND AUTHORIZING APPLICATION FOR ALL AVAILABLE GRANTS UNDER THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD ACT

WHEREAS, Public Resources Code (PRC) Section 42872.5, authorizes the California Integrated Waste Management Board (CIWMB) to establish a grant program to fund city projects as they pertain to the CIWMB interests; and

WHEREAS, the CIWMB has been delegated the responsibility for the administration of these programs within the state, setting up necessary procedures governing application by local governments and their subdivisions under these programs; and

WHEREAS, it is in the best interest of the City to create an opportunity to facilitate the application process in order to apply for all grant funds offered by the CIWMB; and

WHEREAS, if awarded a grant, the City of Moreno Valley will enter into an agreement with the State of California for development of these projects;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESCIND Resolution 2006-49 and further resolves that the City Manager, and/or the Public Works Director/City Engineer, are hereby authorized and empowered to execute in the name of the City of Moreno Valley all necessary applications, contracts, payment requests, agreements and amendments between the CIWMB hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application for the period of May 22, 2007 to May 22, 2012.

APPROVED AND ADOPTED this 22th day of May, 2007



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

EXHIBIT "B"

Resolution No. 2007 - 55
Date Adopted: May 22, 2007

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, MARGARET AYARS, Assistant City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2007-55 was duly and regularly adopted as amended by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 22nd day of May, 2007, by the following vote:

AYES: Council Members Flickinger, Stewart, West, Mayor Pro Tem Batey and Mayor White

NOES: None

ABSENT: None

ABSTAIN: None



ASSISTANT CITY CLERK

(SEAL)

Resolution No. 2007-55
Adopted May 22, 2007

CERTIFICATION

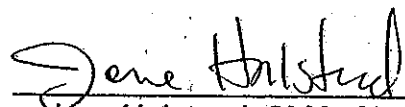
STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, JANE HALSTEAD, City Clerk of the City of Moreno Valley, California, do hereby
~~certify and attest the foregoing to be a true and correct copy of the original Resolution No.~~
2007-55 on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
of the City of Moreno Valley, this 16th day of June, 2008.


Jane Halstead, CMC, City Clerk

(SEAL)

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

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Interim Financial & Administrative Services Director

AGENDA DATE: July 13, 2010

TITLE: APPROVAL OF CHECK REGISTER FOR MAY, 2010

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2010-68, approving the Check Register for the month of May, 2010 in the amount of \$19,967,907.47.

DISCUSSION

To facilitate Council's review, the Check Register lists in alphabetical order all checks in the amount of \$25,000 or greater, followed by a listing in alphabetical order of all checks less than \$25,000. The Check Register also includes wire transfers, thus eliminating the need for a separate wire transfer register, as well as the fiscal year-to-date (FYTD) amount paid to each vendor.

FISCAL IMPACT

The disbursements itemized in the attached Check Register are reflected in the adopted FY 2009-10 budget. Therefore, there is no fiscal impact other than the expenditure of budgeted funds.

ATTACHMENTS/EXHIBITS

Resolution No. 2010-68
Check Register for Month of May, 2010

Prepared By:
Domilena R. Gonzales
Interim Principal Accountant

Department Head Approval:
Steve Elam
Interim Financial & Administrative Services Director

Concurred By:
Cynthia A. Fortune
Financial Operations Division Manager

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

RESOLUTION NO. 2010-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CHECK REGISTER FOR THE MONTH OF MAY, 2010

WHEREAS, the Financial & Administrative Services Department has prepared and provided the Check Register for the period May 1, 2010 through May 31, 2010, for review and approval by the City Council of the City of Moreno Valley;

WHEREAS, it is in the best interest of the City that the referenced Check Register be approved;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, that the Check Register for the period May 1, 2010 through May 31, 2010, in the total amount of \$19,967,907.47 is approved.

APPROVED AND ADOPTED this 13th day of July, 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.]



City of Moreno Valley

Check Register

For Period 5/1/2010 through 5/31/2010

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS IN THE AMOUNT OF \$25,000 OR GREATER				
AVI-CON INC.				
5/10/2010	202502	57,803.49	PUB SFTY BLDG CONVERSION PROJ	57,803.49
5/24/2010	880526	35,833.59	PUB SFTY BLDG CONVERSION PROJ	35,833.59
Vendor Total		93,637.08		
FYTD for AVI-CON INC.		129,622.32		
BEMUS LANDSCAPE, INC.				
5/3/2010	202225	27,219.84	LANDSCAPE MAINT-E4	24.09
			LANDSCAPE MAINT-E4	38.77
			LANDSCAPE MAINT-E4	19.85
			LANDSCAPE MAINT-E4	300.00
			LANDSCAPE MAINT-E4	151.43
			LANDSCAPE MAINT-E4	345.00
			LANDSCAPE MAINT-E4	50.78
			LANDSCAPE MAINT-E4	85.76
			LANDSCAPE MAINT-PSB	320.00
			LANDSCAPE MAINT-WQB	1,283.00
			LANDSCAPE MAINT-TR 33256	90.00
			LANDSCAPE MAINT-E4	15,650.96
			LANDSCAPE MAINT-E4A	367.64
			LANDSCAPE MAINT-AQDCT	1,636.00
			LANDSCAPE MAINT-AQDCT	264.00
			LANDSCAPE MAINT-ANNX #1	300.00
			LANDSCAPE MAINT-FIRE STNS	3,150.00
			LANDSCAPE MAINT-CONF & REC CTR	1,900.00
			LANDSCAPE MAINT-CITY HALL	992.56
			LANDSCAPE MAINT-VTRNS MEM	250.00
Vendor Total		27,219.84		
FYTD for BEMUS LANDSCAPE, INC.		455,641.79		
BURLINGTON COAT FACTORY				
5/24/2010	1005141	175,000.00	PARTICIPATION AGREEMNT FY09-10	175,000.00
Vendor Total		175,000.00		
FYTD for BURLINGTON COAT FACTORY		175,000.00		



City of Moreno Valley

Check Register

For Period 5/1/2010 through 5/31/2010

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COUNTY OF RIVERSIDE AUDITOR				
5/17/2010	202527	39,625.17		
			PARKING CONTROL FEES	15,545.22
			PARKING CONTROL FEES	1,642.00
			PARKING CONTROL FEES	18,173.54
			PARKING CONTROL FEES	3,668.00
			PARKING CONTROL FEES	596.41
Vendor Total		39,625.17		
FYTD for COUNTY OF RIVERSIDE AUDITOR		135,430.12		
COUNTY OF RIVERSIDE AUDITOR CONTROLLER				
5/10/2010	1005021	5,258,237.00		
			SERAF PAYMENT FOR FY09-10	5,258,237.00
Vendor Total		5,258,237.00		
FYTD for COUNTY OF RIVERSIDE AUDITOR CONTROLLER		5,258,237.00		
COUNTY OF RIVERSIDE FIRE DEPT				
5/13/2010	1005061	3,152,861.07		
			3RD QTR FIRE PROTECTION SVCS	3,152,861.07
Vendor Total		3,152,861.07		
FYTD for COUNTY OF RIVERSIDE FIRE DEPT		12,421,045.02		



City of Moreno Valley

Check Register

For Period 5/1/2010 through 5/31/2010

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT				
5/17/2010	202531	38,007.94		
			RCLMD WATER-DRAIN MAINT PRGM	82.85
			RCLMD WATER-ST. SWEEPING PRGM	95.83
			RCLMD WATER-ST. SWEEPING PRGM	79.99
			RCLMD WATER-STREET MAINT PRGM	221.27
			WATER CHRGS FOR APRIL	63.45
			WATER CHRGS FOR APRIL	1,795.68
			WATER CHRGS FOR APRIL	36.00
			WATER CHRGS FOR APRIL	3,018.08
			WATER CHRGS FOR APRIL	123.16
			WATER CHRGS FOR APRIL	11,477.35
			WATER CHRGS FOR APRIL	2,968.73
			WATER CHRGS FOR APRIL	3,095.73
			WATER CHRGS FOR APRIL	5,115.16
			WATER CHRGS FOR APRIL	3,417.49
			WATER CHRGS FOR APRIL	1,408.73
			WATER CHRGS FOR APRIL	148.13
			WATER CHRGS FOR APRIL	1,436.12
			WATER CHRGS FOR APRIL	718.23
			WATER CHRGS FOR APRIL	201.43
			WATER CHRGS FOR APRIL	611.77
			WATER CHRGS FOR APRIL	382.99
			WATER CHRGS FOR APRIL	291.24
			WATER CHRGS FOR APRIL	300.98
			WATER CHRGS FOR APRIL	290.08
			WATER CHRGS FOR APRIL	627.47
5/24/2010	202634	44,260.57		
			WATER CHRGS FOR APRIL	83.22
			WATER CHRGS FOR APRIL	1,190.50
			WATER CHRGS FOR APRIL	809.44
			WATER CHRGS FOR APRIL	405.55
			WATER CHRGS FOR APRIL	889.74
			WATER CHRGS FOR APRIL	11,396.12
			WATER CHRGS FOR APRIL	4,501.26
			WATER CHRGS FOR APRIL	2,341.28
			WATER CHRGS FOR APRIL	4,331.01
			WATER CHRGS FOR APRIL	3,958.56
			WATER CHRGS FOR APRIL	6,585.97
			WATER CHRGS FOR APRIL	249.36
			WATER CHRGS FOR APRIL	46.30
			WATER CHRGS FOR APRIL	2,020.77
			WATER CHRGS FOR APRIL	2,361.85
			WATER CHRGS FOR APRIL	1,109.22
			WATER CHRGS FOR APRIL	440.95
			WATER CHRGS FOR APRIL	232.11
			WATER CHRGS FOR APRIL	444.71
			WATER CHRGS FOR APRIL	478.63
			WATER CHRGS FOR APRIL	384.02
Vendor Total		82,268.51		
FYTD for EASTERN MUNICIPAL WATER DISTRICT		1,038,091.76		



City of Moreno Valley

Check Register

For Period 5/1/2010 through 5/31/2010

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EMPLOYMENT DEVELOPMENT DEPARTMENT				
5/7/2010	2634	36,460.45		
			DEP STATE TAX W/H 05/07/10	36,460.45
5/21/2010	2642	35,246.72		
			STATE INCOME TAX W/H 05/21/10	35,246.72
Vendor Total		71,707.17		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT		1,179,327.51		
ENCO UTILITY SERVICES MORENO VALLEY LLC				
5/10/2010	202426	124,677.06		
			DISTRIBUTION CHARGES	123,729.55
			SPCL/TEMP CHARGES	6,055.00
			ONLINE UTILITY SVCS	264.00
			BAD DEBT-DEDUCTION	-5,371.49
5/17/2010	202532	40,388.70		
			PLAN CHECK SVCS-PM35629	221.03
			PLAN CHECK SVCS-PA080013	1,184.21
			PROF SVCS-IHERB.COM DIST	1,979.46
			PROF SVCS-IHERB.COM DIST	36.59
			PERRIS BL 12KV FEEDER IRIS-JFK	3,330.79
			PERRIS BL 12KV FEEDER IRIS-JFK	7,528.17
			CACTUS/LASSELLE 12KV CIRC TIE	5,721.68
			GOLDENCREST-ELSWORTH BACKBONE	2,030.68
			6TH CIRCUIT MOVAL SUBST. WORK	14,606.09
			CABINET LEASE-COTTONWOOD	41.34
			CABINET LEASE-COTTONWOOD	1,208.66
			CABINET LEASE-INDIAN/NANDINA	75.69
			CABINET LEASE-INDIAN/NANDINA	1,174.31
			CABINET LEASE-IRIS	92.50
			CABINET LEASE-IRIS	1,157.50
5/24/2010	202635	38,376.65		
			BAY ST BACKBONE W/O MOR BCH DR	1,283.93
			CACTUS/LASSELLE 12KV CIRC TIE	326.21
			CACTUS/LASSELLE 12KV CIRC TIE	2,770.25
			ELECT METER FEES	3,788.08
			GOLDENCREST-ELSWORTH BACKBONE	5,706.39
			6TH CIRC MOVAL SUBST. WORK	7,342.12
			ELECT METER FEES	838.00
			PROF SVCS-WASTE MGT FAC	291.80
			PROF SVCS-SKETCHERS	1,474.70
			PROF SVCS-SKETCHERS	11,754.51
			PROF SVCS-STREET LIGHTS	454.68
			PROF SVCS-FRAZEE PAINT	2,140.18
			PROF SVCS-IHERB.COM DIST	205.80
Vendor Total		203,442.41		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC		2,058,550.46		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FRIENDS OF THE SENIOR CENTER				
5/17/2010	202540	25,000.00		
			SENIOR VAN ASSIST PRGM-CDBG	15,000.00
			SENIOR VAN ASSIST PRGM-CDBG	10,000.00
Vendor Total		25,000.00		
FYTD for FRIENDS OF THE SENIOR CENTER		40,000.00		
FS CONSTRUCTION				
5/24/2010	202647	76,746.64		
			TEMCO ST SIDEWALK IMPRVMENTS	49,441.99
			VOUGHT ST SIDEWALK IMPRVMENTS	27,304.65
Vendor Total		76,746.64		
FYTD for FS CONSTRUCTION		76,746.64		
HILLCREST CONTRACTING, INC				
5/17/2010	202596	109,549.80		
			KITCHING ST IMPRVMENTS PROJ	109,549.80
Vendor Total		109,549.80		
FYTD for HILLCREST CONTRACTING, INC		109,549.80		
INTERNAL REVENUE SERVICE				
5/7/2010	2633	133,548.22		
			DEP FED TAX W/H 05/07/10	133,548.22
5/21/2010	2641	129,508.98		
			FED INCOME TAX W/H 05/21/10	129,508.98
Vendor Total		263,057.20		
FYTD for INTERNAL REVENUE SERVICE		3,447,406.19		
MBIA MUNISERVICES COMPANY				
5/3/2010	202313	28,125.00		
			PROF SVCS-UT USERS TAX	9,375.00
			PROF SVCS-UT USERS TAX	9,375.00
			PROF SVCS-UT USERS TAX	9,375.00
Vendor Total		28,125.00		
FYTD for MBIA MUNISERVICES COMPANY		28,125.00		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY UTILITY				
5/17/2010	202557	53,080.68		
			ELECTRICITY	140.43
			ELECTRICITY	1,123.17
			ELECTRICITY	230.25
			ELECTRICITY	1,802.77
			ELECTRICITY	10,556.76
			ELECTRICITY	9,982.60
			ELECTRICITY	2,890.58
			ELECTRICITY	4,799.41
			ELECTRICITY	799.37
			ELECTRICITY	1,366.98
			ELECTRICITY	11,870.60
			ELECTRICITY	6,670.38
			ELECTRICITY	218.50
			ELECTRICITY	134.68
			ELECTRICITY	86.28
			ELECTRICITY	64.97
			ELECTRICITY	64.95
			ELECTRICITY	170.22
			ELECTRICITY	107.78
Vendor Total		53,080.68		
FYTD for MORENO VALLEY UTILITY		679,997.78		
MURRIETA DEVELOPMENT COMPANY INC.				
5/10/2010	202503	130,155.16		
			TRAF SIG @ SR-60/REDLANDS BLVD	130,155.16
Vendor Total		130,155.16		
FYTD for MURRIETA DEVELOPMENT COMPANY INC.		526,211.19		
NATIONWIDE RETIREMENT SOLUTIONS				
5/21/2010	2638	25,717.07		
			DEF COMP 457 & 401(A) 05/21/10	25,717.07
Vendor Total		25,717.07		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS		819,391.58		
NAVCO SECURITY SYSTEMS				
5/24/2010	880543	47,899.78		
			SURVEILLANCE EQUIP-POLICE	43,399.03
			SURVEILLANCE EQUIP-POLICE	3,398.43
			SURVEILLANCE EQUIP-POLICE	1,102.32
Vendor Total		47,899.78		
FYTD for NAVCO SECURITY SYSTEMS		57,779.78		



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ORANGE COAST TITLE COMPANY				
5/12/2010	1005031	69,199.75	ACQ & ESCRW-13715 MCDONNELL ST	69,199.75
5/24/2010	1005151	106,032.13	ACQ & ESCROW-13380 BAMBI CT	106,032.13
5/24/2010	1005161	77,444.01	ACQ & ESCROW-24105 ROTHBURY DR	77,444.01
Vendor Total		252,675.89		
FYTD for ORANGE COAST TITLE COMPANY		252,675.89		
PB AMERICAS, INC.				
5/24/2010	202671	82,770.08	SR-60/NASON ST INTRCHNG PROJ	46,836.15
			SR-60/NASON ST INTRCHNG PROJ	35,933.93
Vendor Total		82,770.08		
FYTD for PB AMERICAS, INC.		171,605.59		
PERS HEALTH INSURANCE				
5/12/2010	1004101	195,498.14	EMPL HEALTH INS 05/12/10	195,498.14
Vendor Total		195,498.14		
FYTD for PERS HEALTH INSURANCE		2,126,634.55		
PERS RETIREMENT				
5/14/2010	2635	192,233.64	PERS RETIREMENT 05/14/10	192,233.64
5/28/2010	2643	191,718.32	PERS RETIREMENT 05/28/10	191,718.32
Vendor Total		383,951.96		
FYTD for PERS RETIREMENT		5,091,544.44		
RBV MITIGATION CREDITS, LLC				
5/3/2010	202340	40,800.00	VERNAL POOL MITIGATION CREDITS	40,800.00
Vendor Total		40,800.00		
FYTD for RBV MITIGATION CREDITS, LLC		40,800.00		
RICHARD LOPEZ CONSTRUCTION				
5/17/2010	202568	205,033.36	ELECTRIC UTILITY PROJECTS SVCS	205,033.36
Vendor Total		205,033.36		
FYTD for RICHARD LOPEZ CONSTRUCTION		1,279,092.83		



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RIVERSIDE COUNTY SHERIFF				
5/13/2010	1005071	2,676,381.98		
			CONTRACT LAW ENF BILL #8	270.16
			CONTRACT LAW ENF BILL #8	558.38
			CONTRACT LAW ENF BILL #8	590.48
			CONTRACT LAW ENF BILL #8	1,338.76
			CONTRACT LAW ENF BILL #8	2,304.42
			CONTRACT LAW ENF BILL #8	5,147.78
			CONTRACT LAW ENF BILL #8	6,271.76
			CONTRACT LAW ENF BILL #8	6,601.76
			CONTRACT LAW ENF BILL #8	8,729.36
			CONTRACT LAW ENF BILL #8	19,553.01
			CONTRACT LAW ENF BILL #8	24,645.07
			CONTRACT LAW ENF BILL #8	33,932.05
			CONTRACT LAW ENF BILL #8	44,551.93
			CONTRACT LAW ENF BILL #8	61,515.39
			CONTRACT LAW ENF BILL #8	67,648.04
			CONTRACT LAW ENF BILL #8	70,622.67
			CONTRACT LAW ENF BILL #8	203,325.69
			CONTRACT LAW ENF BILL #8	257,518.30
			CONTRACT LAW ENF BILL #8	393,414.24
			CONTRACT LAW ENF BILL #8	1,467,842.73
5/13/2010	1005101	2,729,341.01		
			CONTRACT LAW ENF BILL #9	242.00
			CONTRACT LAW ENF BILL #9	621.28
			CONTRACT LAW ENF BILL #9	732.37
			CONTRACT LAW ENF BILL #9	979.02
			CONTRACT LAW ENF BILL #9	1,345.44
			CONTRACT LAW ENF BILL #9	5,260.64
			CONTRACT LAW ENF BILL #9	5,725.72
			CONTRACT LAW ENF BILL #9	8,480.27
			CONTRACT LAW ENF BILL #9	12,557.91
			CONTRACT LAW ENF BILL #9	14,241.02
			CONTRACT LAW ENF BILL #9	18,963.84
			CONTRACT LAW ENF BILL #9	34,297.96
			CONTRACT LAW ENF BILL #9	44,310.63
			CONTRACT LAW ENF BILL #9	65,247.78
			CONTRACT LAW ENF BILL #9	70,575.36
			CONTRACT LAW ENF BILL #9	73,526.79
			CONTRACT LAW ENF BILL #9	169,411.94
			CONTRACT LAW ENF BILL #9	283,724.76
			CONTRACT LAW ENF BILL #9	375,130.94
			CONTRACT LAW ENF BILL #9	1,543,965.34
5/13/2010	1005081	728,551.34		
			CNTRCT LAW ENF RATE ADJ FY0910	728,551.34
5/13/2010	1005091	87,724.41		
			FACILITIES EXP BILLNG FY09/10	87,724.41
Vendor Total		6,221,998.74		
FYTD for RIVERSIDE COUNTY SHERIFF		33,101,772.67		



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RIVERSIDE COUNTY SHERIFF'S DEPT.				
5/17/2010	880514	251,502.00		
			ANNUAL RMS/CLETS FY 09/10	251,502.00
Vendor Total		251,502.00		
FYTD for RIVERSIDE COUNTY SHERIFF'S DEPT.		762,001.26		
ROESLING NAKAMURA TERADA ARCHITECTS, INC				
5/10/2010	880490	52,499.02		
			PUB SFTY BLDG CONVERSION PROJ	52,499.02
Vendor Total		52,499.02		
FYTD for ROESLING NAKAMURA TERADA ARCHITECTS, INC		286,232.61		
SEMPRA ENERGY SOLUTIONS				
5/24/2010	880548	76,116.08		
			POWER PURCHASE	76,116.08
Vendor Total		76,116.08		
FYTD for SEMPRE ENERGY SOLUTIONS		5,425,821.99		
SHELL ENERGY NORTH AMERICA (US) L.P.				
5/10/2010	202469	347,400.00		
			ELECT ENERGY PURCHASE	347,400.00
Vendor Total		347,400.00		
FYTD for SHELL ENERGY NORTH AMERICA (US) L.P.		1,347,140.00		
SOCO GROUP, INC				
5/17/2010	202574	28,532.52		
			FUEL PURCHASE	5,555.06
			FUEL PURCHASE	6,515.69
			FUEL PURCHASE	4,166.97
			FUEL PURCHASE	6,354.60
			FUEL PURCHASE	5,940.20
Vendor Total		28,532.52		
FYTD for SOCO GROUP, INC		177,677.66		



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SOUTHERN CALIFORNIA EDISON				
5/3/2010	202362	32,336.02		
			TRAFFIC CONTRLLR-IRONWOOD PROJ	4,277.85
			ST. LIGHT INSTALL-IRONWOOD AVE	13,228.69
			LINE EXTENSION-IRONWOOD AVE	14,829.48
5/10/2010	202474	42,911.92		
			WDAT CHARGES-FREDERICK	2,000.25
			WDAT CHARGES-GLOBE	7,317.45
			WDAT CHARGES-GRAHAM	3,727.65
			WDAT CHARGES-NANDINA	2,647.31
			WDAT CHARGES-SUBSTATION	10,447.31
			WDAT CHARGES-IRIS	2,625.22
			IFA CHARGES-SUBSTATION	14,146.73
5/17/2010	202576	142,157.95		
			ELECTRICITY	662.64
			ELECTRICITY	69.62
			ELECTRICITY	334.34
			ELECTRICITY	44.41
			ELECTRICITY	1,237.74
			ELECTRICITY	100.90
			ELECTRICITY	855.88
			ELECTRICITY	774.56
			ELECTRICITY	912.76
			ELECTRICITY	2,260.42
			ELECTRICITY	1,017.56
			ELECTRICITY	1,154.20
			ELECTRICITY	23.30
			ELECTRICITY	95,834.82
			ELECTRICITY	35,938.01
			ELECTRICITY	528.72
			ELECTRICITY	153.47
			ELECTRICITY	22.57
			ELECTRICITY	25.30
			ELECTRICITY	70.10
			ELECTRICITY	90.28
			ELECTRICITY	46.35
5/24/2010	202684	27,410.22		
			ELECTRICITY	189.84
			ELECTRICITY	5,413.60
			ELECTRICITY	2,476.70
			ELECTRICITY	19.20
			ELECTRICITY	2,686.37
			ELECTRICITY	714.24
			ELECTRICITY	1,980.71
			ELECTRICITY	884.39
			ELECTRICITY	247.87
			ELECTRICITY	4,261.86
			ELECTRICITY	266.78
			ELECTRICITY	4,583.80
			ELECTRICITY	1,792.00
			ELECTRICITY	275.09
			ELECTRICITY	463.94
			ELECTRICITY	484.74



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			ELECTRICITY	201.01
			ELECTRICITY	141.37
			ELECTRICITY	302.24
			ELECTRICITY	24.47
Vendor Total		244,816.11		
FYTD for SOUTHERN CALIFORNIA EDISON		6,749,896.42		
STANDARD INSURANCE CO				
5/10/2010	202477	30,743.99		
			LIFE & DISABILITY INSURANCE	12,727.14
			LIFE & DISABILITY INSURANCE	17,972.90
			LIFE & DISABILITY INSURANCE	43.95
Vendor Total		30,743.99		
FYTD for STANDARD INSURANCE CO		359,149.29		
STEWART TITLE OF CALIFORNIA				
5/24/2010	1005131	72,187.00		
			ESCROW & ACQ -11989 HUBBARD ST	72,187.00
Vendor Total		72,187.00		
FYTD for STEWART TITLE OF CALIFORNIA		2,540,007.50		
U.S. BANK/CALCARDS				
5/13/2010	1005111	61,805.04		
			CALCARD PMT CYCLE END 05/07/10	61,805.04
Vendor Total		61,805.04		
FYTD for U.S. BANK/CALCARDS		1,763,214.75		
VERIZON CALIFORNIA, INC				
5/3/2010	202384	38,471.97		
			REMOVE/RELOCATE CABLES/CABINET	38,471.97
Vendor Total		38,471.97		
FYTD for VERIZON CALIFORNIA, INC		38,471.97		
WILLDAN AND ASSOCIATES				
5/3/2010	202389	125,696.30		
			MORENO BEACH DR WIDENING PROJ	48,237.50
			MORENO BEACH DR WIDENING PROJ	42,309.75
			MORENO BEACH DR WIDENING PROJ	35,149.05
Vendor Total		125,696.30		
FYTD for WILLDAN AND ASSOCIATES		403,687.78		



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WINZLER & KELLY CONSULTING ENGINEERS				
5/10/2010	202500	50,083.59		
			TEMP STAFFING SVCS-CAP PROJS	18,810.00
			IRONWOOD AVE WIDENING PROJ	31,273.59
Vendor Total		50,083.59		
FYTD for WINZLER & KELLY CONSULTING ENGINEERS		436,511.18		
Subtotal		18,625,911.37		



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CHECKS LESS THAN \$25,000				
COMMUNITY VETERINARY HOSPITAL, INC.				
5/17/2010	202505	183.00	VETERINARY SVC-MAX	183.00
Vendor Total		183.00		
FYTD for COMMUNITY VETERINARY HOSPITAL, INC.		183.00		
TRANSOFT SOLUTIONS, INC.				
5/17/2010	202506	710.00	AUTOTURN MAINT ASSURANCE PRGM	710.00
Vendor Total		710.00		
FYTD for TRANSOFT SOLUTIONS, INC.		1,999.00		
UNIVERSAL TRUCK BODY, INC.				
5/10/2010	202398	162.50	MISC REPAIR-M&O	162.50
Vendor Total		162.50		
FYTD for UNIVERSAL TRUCK BODY, INC.		162.50		
3 M M M				
5/3/2010	202213	27.99	REFUND-BUS LIC OVRPMT	27.99
Vendor Total		27.99		
FYTD for 3 M M M		27.99		
3M LIBRARY SYSTEMS, INC.				
5/10/2010	202399	1,735.00	ANNUAL MAINTENANCE	1,735.00
Vendor Total		1,735.00		
FYTD for 3M LIBRARY SYSTEMS, INC.		1,735.00		
A & I REPROGRAPHICS 2406362				
5/3/2010	202214	1,481.66	RPRGRPHC SVCS-SUNNYMD BLVD PRJ	637.11
			RPRGRPHC SVCS-DAY ST IMPRMNTS	844.55
5/10/2010	202400	96.30	RPRGRPHC SVCS-SUNNYMD BLVD PRJ	96.30
5/17/2010	202507	1,216.59	RPRGRPHC SVCS-ST IMPRMNT PRGM	68.30
			RPRGRPHC SVCS-AUTO MALL PROJ	147.08
			RPRGRPHC SVCS-SUNNYMD BLVD PRJ	1,001.21
Vendor Total		2,794.55		
FYTD for A & I REPROGRAPHICS 2406362		22,357.59		



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A NEW DAWN CONSTRUCTION				
5/17/2010	202508	543.75	MURAL FRAME-POLICE	543.75
Vendor Total		543.75		
FYTD for A NEW DAWN CONSTRUCTION		543.75		
ACCONTEMPS				
5/3/2010	202215	920.00	TEMP SVCS-APODACA W/E 4/16	920.00
5/10/2010	202401	828.00	TEMP SVCS-APODACA W/E 4/23	828.00
5/24/2010	202601	1,656.00	TEMP SVCS-APODACA W/E 4/30 TEMP SVCS-APODACA W/E 5/7	828.00 828.00
Vendor Total		3,404.00		
FYTD for ACCONTEMPS		13,842.75		
ADAMS, MARK L.				
5/3/2010	880410	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for ADAMS, MARK L.		3,506.03		
ADLERHORST INTERNATIONAL INC.				
5/17/2010	880497	425.01	CANINE TRAINING-BLUE CANINE TRAINING-LEX/MAX	141.67 283.34
5/24/2010	880521	261.00	MUZZLE FOR K-9 LEX	261.00
Vendor Total		686.01		
FYTD for ADLERHORST INTERNATIONAL INC.		5,383.85		
ADMINSURE				
5/3/2010	202216	2,600.00	WRKMNS COMP ADMN SVCS	2,600.00
Vendor Total		2,600.00		
FYTD for ADMINSURE		28,600.00		



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ADVANCE REFRIGERATION & ICE SYSTEMS, INC				
5/3/2010	880411	390.00		
			ICE MACHINE MAINT-FS #65	195.00
			ICE MACHINE MAINT-FS #6	195.00
5/10/2010	880473	975.00		
			ICE MACH MAINT-CONF & REC CTR	195.00
			ICE MACH MAINT-FS #58	195.00
			ICE MACH MAINT-FS #91	195.00
			ICE MACH MAINT-TOWNGATE CTR	195.00
			ICE MACH MAINT-FS #2	195.00
5/17/2010	880498	875.00		
			ICE MACH MAINT-EMERG OPS	195.00
			ICE MACH MAINT-FS #48	195.00
			ICE MACH MAINT-SENIOR CTR	195.00
			ICE MACH MAINT-CITY YARD	290.00
5/24/2010	880522	195.00		
			ICE MACH MAINT-PSB	195.00
Vendor Total		2,435.00		
FYTD for ADVANCE REFRIGERATION & ICE SYSTEMS, INC		7,962.96		
ADVANCED ELECTRIC				
5/17/2010	202509	378.00		
			ELECT WORK-CONF & REC CTR	229.00
			ELECT WORK-CONF & REC CTR	19.00
			ELECT WORK-ANML SHLTR	130.00
Vendor Total		378.00		
FYTD for ADVANCED ELECTRIC		78,902.00		
AEI-CASC ENGINEERING				
5/24/2010	880523	1,631.75		
			PLAN CHECK SVCS	1,631.75
Vendor Total		1,631.75		
FYTD for AEI-CASC ENGINEERING		317,771.84		
AFL TELECOMMUNICATIONS				
5/3/2010	202217	740.53		
			SPLICER REPAIR-TECH SVCS	576.75
			SPLICER REPAIR-SHIPING	152.69
			SPLICER REPAIR-SALES TAX	11.09
Vendor Total		740.53		
FYTD for AFL TELECOMMUNICATIONS		740.53		



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AIR COMMERCIAL REAL ESTATE ASSOCIATION				
5/10/2010	880474	900.00		
			DATABASE LEASING SVCS	900.00
Vendor Total		900.00		
FYTD for AIR COMMERCIAL REAL ESTATE ASSOCIATION		2,550.00		
ALBERTO'S MEXICAN FOOD				
5/10/2010	202402	49.47		
			REFUND-BUS LIC OVRPMT	49.47
Vendor Total		49.47		
FYTD for ALBERTO'S MEXICAN FOOD		49.47		
ALICEA, RICHARD				
5/17/2010	202510	80.50		
			MILEAGE REIMBURSEMENT	80.50
Vendor Total		80.50		
FYTD for ALICEA, RICHARD		624.35		
ALLIANZ LIFE INSURANCE CO				
5/10/2010	202403	75.00		
			NON-EXEMPT ANNUITY	75.00
Vendor Total		75.00		
FYTD for ALLIANZ LIFE INSURANCE CO		825.00		
ALTERNATIVES TO DOMESTIC VIOLENCE				
5/3/2010	202218	1,948.34		
			CDBG FUNDED SVCS-DOM VIOL PRGM	1,948.34
Vendor Total		1,948.34		
FYTD for ALTERNATIVES TO DOMESTIC VIOLENCE		8,256.70		
AMERICAN FORENSIC NURSES				
5/3/2010	880412	982.70		
			BLOOD DRAWS	46.70
			BLOOD DRAWS	936.00
5/10/2010	880475	140.10		
			BLOOD DRAWS	140.10
5/24/2010	880524	1,842.00		
			BLOOD DRAWS	1,259.00
			BLOOD DRAWS	583.00
Vendor Total		2,964.80		
FYTD for AMERICAN FORENSIC NURSES		24,715.10		



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AMERICAN PROTECTION SERVICES				
5/10/2010	202404	1,030.00		
			SURVEILLANCE SYS-MAINT/SVC	900.00
			SURVEILLANCE SYS-MONITOR MOVE	130.00
Vendor Total		1,030.00		
FYTD for AMERICAN PROTECTION SERVICES		10,900.85		
AMERICAN QUICK PRINTING				
5/10/2010	202501	770.49		
			PRINTING SVCS-PARKS	674.25
			PRINTING SVCS-LAND DEVLOPMENT	96.24
Vendor Total		770.49		
FYTD for AMERICAN QUICK PRINTING		4,765.32		
AMERICAN ROTARY BROOM CO.				
5/17/2010	202511	1,097.97		
			STREET SWEEPING BROOM KITS	493.09
			STREET SWEEPING BROOM KITS	111.79
			STREET SWEEPING BROOM KITS	493.09
Vendor Total		1,097.97		
FYTD for AMERICAN ROTARY BROOM CO.		31,019.58		
AMTECH ELEVATOR SERVICES				
5/17/2010	202512	118.37		
			ELEVATOR SVC-CITY HALL	118.37
Vendor Total		118.37		
FYTD for AMTECH ELEVATOR SERVICES		1,818.78		
ANCHETA, WARREN				
5/10/2010	202405	260.00		
			PER DIEM-VEH HOMICIDE SEMINAR	260.00
Vendor Total		260.00		
FYTD for ANCHETA, WARREN		260.00		
ANDRE LANDSCAPING SERVICE, INC.				
5/3/2010	202219	21.68		
			REFUND-BUS LIC OVRPMT	21.68
Vendor Total		21.68		
FYTD for ANDRE LANDSCAPING SERVICE, INC.		21.68		
ANIMAL EMERGENCY CLINIC, INC.				
5/24/2010	880525	145.00		
			EMERGENCY VET SVCS	70.00
			EMERGENCY VET SVCS	75.00
Vendor Total		145.00		
FYTD for ANIMAL EMERGENCY CLINIC, INC.		4,679.00		



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ANIMAL PEST MANAGEMENT SERVICES, INC.				
5/24/2010	202602	1,790.00		
			PEST CONTROL-PARKS	665.00
			PEST CONTROL-PARKS	255.00
			PEST CONTROL-MARCH FLD	330.00
			PEST CONTROL-PAL	100.00
			PEST CONTROL-CFD #1	80.00
			PEST CONTROL-CFD #1	80.00
			PEST CONTROL-GOLF CRS	180.00
			PEST CONTROL-STARS	100.00
Vendor Total		1,790.00		
FYTD for ANIMAL PEST MANAGEMENT SERVICES, INC.		21,790.00		
APARTMENT HIGHLAND MEADOWS, LLLP				
5/24/2010	202603	30.00		
			REFUND-FALSE ALARM FEE	30.00
Vendor Total		30.00		
FYTD for APARTMENT HIGHLAND MEADOWS, LLLP		30.00		
ARCHER, GREG				
5/24/2010	202604	50.00		
			REFUND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for ARCHER, GREG		50.00		
ARCHIVE MANAGEMENT SERVICE				
5/17/2010	202513	1,390.57		
			OFFSITE STORAGE-CITY CLERKS	1,390.57
Vendor Total		1,390.57		
FYTD for ARCHIVE MANAGEMENT SERVICE		14,734.26		
ARROWHEAD WATER				
5/17/2010	202514	200.00		
			WTR PURIF RNTL-ANML SHLTR	50.00
			WTR PURIF RNTL-SENIOR CTR	25.00
			WTR PURIF RNTL-SPCL DIST	25.00
			WTR PURIF RNTL-TECH SVCS	25.00
			WTR PURIF RNTL-FAC ANNX	25.00
			WTR PURIF RNTL-CONF & REC CTR	25.00
			WTR PURIF RNTL-ASES	25.00
Vendor Total		200.00		
FYTD for ARROWHEAD WATER		5,763.57		



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ASSOCIATED ENGINEERS, INC.				
5/24/2010	202605	4,267.50	HEACOCK ST WIDENING PROJ SVCS	4,267.50
Vendor Total		4,267.50		
FYTD for ASSOCIATED ENGINEERS, INC.		61,141.61		
ASUNCION, ANGELICA				
5/10/2010	202406	169.40	REFUND-MV UTILITY	169.40
Vendor Total		169.40		
FYTD for ASUNCION, ANGELICA		169.40		
AT&T/MCI				
5/3/2010	202220	183.59	COMMUNICATION SVCS-GTF	183.59
Vendor Total		183.59		
FYTD for AT&T/MCI		2,020.47		
AVIAT NETWORKS INC.				
5/10/2010	202407	16,014.00	RADIO SYSTEMS-MAINT/SUPPORT	16,014.00
Vendor Total		16,014.00		
FYTD for AVIAT NETWORKS INC.		16,014.00		
AWE				
5/24/2010	202606	730.63	ANNUAL SUBSCRIPTION-LIBRARY	700.00
			ANNUAL SUBSCRIPTION-LIBRARY	30.63
Vendor Total		730.63		
FYTD for AWE		730.63		
AYARS, MARGARET E.				
5/3/2010	202221	1,593.65	RETIREE MEDICAL BENEFIT	1,593.65
Vendor Total		1,593.65		
FYTD for AYARS, MARGARET E.		3,824.76		
BACHER, GRACE				
5/3/2010	202222	305.60	RETIREE MEDICAL BENEFIT	305.60
Vendor Total		305.60		
FYTD for BACHER, GRACE		2,742.41		



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BARNES, DARLENE				
5/3/2010	880413	114.50	RETIREE MEDICAL BENEFIT	114.50
Vendor Total		114.50		
FYTD for BARNES, DARLENE		1,230.06		
BARTEL ASSOCIATES, LLC				
5/3/2010	202223	605.00	PROF SVCS-GASB 45	605.00
Vendor Total		605.00		
FYTD for BARTEL ASSOCIATES, LLC		605.00		
BASIC BACKFLOW				
5/24/2010	202607	60.00	BACKFLOW TESTING	60.00
Vendor Total		60.00		
FYTD for BASIC BACKFLOW		1,384.65		
BATES LEATHERS				
5/24/2010	202608	935.25	JACKETS-POLICE	750.38
			VESTS-POLICE	184.87
Vendor Total		935.25		
FYTD for BATES LEATHERS		6,546.75		
BELL, ORROCK & WATASE, INC				
5/3/2010	202224	7,941.20	LEGAL SVCS	6,682.55
			LEGAL SVCS	1,258.65
Vendor Total		7,941.20		
FYTD for BELL, ORROCK & WATASE, INC		22,557.01		



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BEMUS LANDSCAPE, INC.				
5/10/2010	202408	120.00	LANDSCAPE MAINT-PARKS	120.00
5/17/2010	202515	5,806.25	LANDSCAPE MAINT-FIRE STNS LANDSCAPE MAINT-FIRE STNS	3,506.25 2,300.00
5/24/2010	202609	16,998.14	LANDSCAPE MAINT-AQDCT B LANDSCAPE MAINT-SENIOR CTR LANDSCAPE MAINT-AQDCT A LANDSCAPE MAINT-N AQDCT LANDSCAPE MAINT-SCE/OLD LAKE D LANDSCAPE MAINT-PAN AM SECTION LANDSCAPE MAINT-AQDCT LANDSCAPE MAINT-PSB LANDSCAPE MAINT-ANML SHLTR LANDSCAPE MAINT-STARs LANDSCAPE MAINT-ANNX #1 LANDSCAPE MAINT-CONF & REC CTR LANDSCAPE MAINT-CONF & REC CTR LANDSCAPE MAINT-FIRE STATIONS LANDSCAPE MAINT-MVU LANDSCAPE MAINT-CITY YARD LANDSCAPE MAINT-SUBSTATION LANDSCAPE MAINT-LIBRARY LANDSCAPE MAINT-CITY HALL LANDSCAPE MAINT-VTRNS MEM	735.00 262.50 850.50 525.00 1,785.00 600.00 1,900.00 1,197.58 520.00 300.00 300.00 1,388.00 512.00 3,150.00 480.00 250.00 480.00 520.00 992.56 250.00
Vendor Total		22,924.39		
FYTD for BEMUS LANDSCAPE, INC.		455,641.79		
BENESYST				
5/17/2010	880499	20.13	COBRA SUBSIDY-MAY2010 PREMS COBRA SUBSIDY-MAY2010 PREMS	14.43 5.70
Vendor Total		20.13		
FYTD for BENESYST		60.39		
BESAM U S, INC				
5/3/2010	202226	87.43	REFUND-BUS LIC OVRPMT	87.43
Vendor Total		87.43		
FYTD for BESAM U S, INC		87.43		
BEST IMPRESSIONS				
5/10/2010	202409	44.89	REFUND-BUS LIC OVRPMT	44.89
Vendor Total		44.89		
FYTD for BEST IMPRESSIONS		44.89		



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BEVEN - HERRON, INC				
5/3/2010	202227	32.53	REFUND-BUS LIC OVRPMT	32.53
Vendor Total		32.53		
FYTD for BEVEN - HERRON, INC		32.53		
BIMBO BAKERIES U S A, INC.				
5/3/2010	202228	37.27	REFUND-BUS LIC OVRPMT	37.27
Vendor Total		37.27		
FYTD for BIMBO BAKERIES U S A, INC.		37.27		
BIO-TOX LABORATORIES				
5/17/2010	202516	4,003.08	TOXICOLOGY TESTS	418.45
			TOXICOLOGY TESTS	1,387.73
			TOXICOLOGY TESTS	2,196.90
Vendor Total		4,003.08		
FYTD for BIO-TOX LABORATORIES		40,202.33		
BLAIR, CHERYL				
5/10/2010	202410	81.00	INSTRUCTOR SVCS-BELLY DANCING	81.00
Vendor Total		81.00		
FYTD for BLAIR, CHERYL		2,673.00		
BLOSSOM SOFTWARE				
5/10/2010	202411	636.00	SITE SEARCH SVCS-MEDIA	636.00
Vendor Total		636.00		
FYTD for BLOSSOM SOFTWARE		636.00		
BLUE SHIELD OF CALIFORNIA				
5/24/2010	202610	522.87	HEALTH INS PREMIUMS	278.85
			HEALTH INS PREMIUMS	244.02
Vendor Total		522.87		
FYTD for BLUE SHIELD OF CALIFORNIA		9,681.67		
BOAFO, CLAUDIA				
5/24/2010	202611	30.00	REFUND-CPR CLASS	30.00
Vendor Total		30.00		
FYTD for BOAFO, CLAUDIA		30.00		



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BOB, FELIX				
5/17/2010	202517	365.00		
			REFUND-RNTL DEP 5/1	165.00
			REFUND-RNTL DEP 5/1	200.00
Vendor Total		365.00		
FYTD for BOB, FELIX		365.00		
BONDERER, ROBERT				
5/3/2010	202229	95.00		
			REFUND-ANML SVC FEES	20.00
			REFUND-ANML SVC FEES	75.00
Vendor Total		95.00		
FYTD for BONDERER, ROBERT		95.00		
BOPF, WILLIAM				
5/10/2010	202412	432.61		
			TRAVEL EXP-ICSC RECON CONF.	240.61
			TRAVEL EXP-ICSC RECON CONF.	192.00
Vendor Total		432.61		
FYTD for BOPF, WILLIAM		432.61		
BORROMEO, ESTRELLA				
5/3/2010	202230	20.00		
			REFUND-RABIES DEP	20.00
Vendor Total		20.00		
FYTD for BORROMEO, ESTRELLA		20.00		
BOSENMEYER, ANDREA				
5/3/2010	202231	20.00		
			REFUND-RABIES DEP	20.00
Vendor Total		20.00		
FYTD for BOSENMEYER, ANDREA		20.00		
BRADT, DON				
5/24/2010	202612	61.60		
			REFUND-DOG TRAINING CLASS	61.60
Vendor Total		61.60		
FYTD for BRADT, DON		61.60		
BREITKREUZ, THOMAS F.				
5/3/2010	202232	464.10		
			RETIREE MEDICAL BENEFIT	464.10
Vendor Total		464.10		
FYTD for BREITKREUZ, THOMAS F.		2,198.40		



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BRIGGS, MARGARET				
5/17/2010	202518	760.00		
			REFUND-RNTL DEP 4/24	360.00
			REFUND-RNTL DEP 4/24	400.00
Vendor Total		760.00		
FYTD for BRIGGS, MARGARET		760.00		



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BRODART CO.				
5/10/2010	202415	15,510.04	ANNUAL SUBSCRIPTION-LIBRARY	4,220.37
			MISC BOOKS-LIBRARY	29.40
			MISC BOOKS-LIBRARY	41.97
			MISC BOOKS-LIBRARY	125.90
			MISC BOOKS-LIBRARY	232.09
			MISC BOOKS-LIBRARY	120.09
			MISC BOOKS-LIBRARY	437.27
			MISC BOOKS-LIBRARY	27.42
			MISC BOOKS-LIBRARY	56.82
			MISC BOOKS-LIBRARY	261.02
			MISC BOOKS-LIBRARY	38.65
			MISC BOOKS-LIBRARY	75.30
			MISC BOOKS-LIBRARY	22.59
			MISC BOOKS-LIBRARY	24.28
			MISC BOOKS-LIBRARY	23.17
			MISC BOOKS-LIBRARY	21.56
			MISC BOOKS-LIBRARY	21.98
			MISC BOOKS-LIBRARY	31.62
			MISC BOOKS-LIBRARY	132.52
			MISC BOOKS-LIBRARY	397.49
			MISC BOOKS-LIBRARY	114.81
			MISC BOOKS-LIBRARY	809.50
			MISC BOOKS-LIBRARY	18.36
			MISC BOOKS-LIBRARY	22.59
			MISC BOOKS-LIBRARY	274.74
			MISC BOOKS-LIBRARY	236.36
			MISC BOOKS-LIBRARY	111.76
			MISC BOOKS-LIBRARY	185.26
			MISC BOOKS-LIBRARY	242.89
			MISC BOOKS-LIBRARY	18.31
			MISC BOOKS-LIBRARY	43.13
			MISC BOOKS-LIBRARY	15.96
			MISC BOOKS-LIBRARY	18.36
			MISC BOOKS-LIBRARY	23.20
			MISC BOOKS-LIBRARY	18.36
			MISC BOOKS-LIBRARY	66.38
			MISC BOOKS-LIBRARY	35.51
			MISC BOOKS-LIBRARY	981.03
			MISC BOOKS-LIBRARY	21.96
			MISC BOOKS-LIBRARY	60.73
			MISC BOOKS-LIBRARY	336.92
			MISC BOOKS-LIBRARY	82.57
			MISC BOOKS-LIBRARY	21.36
			MISC BOOKS-LIBRARY	20.79
			MISC BOOKS-LIBRARY	21.98
			MISC BOOKS-LIBRARY	1,700.21
			MISC BOOKS-LIBRARY	21.99
			MISC BOOKS-LIBRARY	200.18
			MISC BOOKS-LIBRARY	28.60
			MISC BOOKS-LIBRARY	203.13
			MISC BOOKS-LIBRARY	19.58
			MISC BOOKS-LIBRARY	40.76
			MISC BOOKS-LIBRARY	61.32



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			MISC BOOKS-LIBRARY	631.51
			MISC BOOKS-LIBRARY	63.28
			MISC BOOKS-LIBRARY	1,308.23
			MISC BOOKS-LIBRARY	60.11
			MISC BOOKS-LIBRARY	191.83
			MISC BOOKS-LIBRARY	25.92
			MISC BOOKS-LIBRARY	491.08
			MISC BOOKS-LIBRARY	317.98
5/24/2010	202615	6,311.31		
			MISC BOOKS-LIBRARY	20.75
			MISC BOOKS-LIBRARY	111.78
			MISC BOOKS-LIBRARY	260.55
			MISC BOOKS-LIBRARY	80.70
			MISC BOOKS-LIBRARY	21.08
			MISC BOOKS-LIBRARY	58.00
			MISC BOOKS-LIBRARY	44.38
			MISC BOOKS-LIBRARY	16.56
			MISC BOOKS-LIBRARY	53.04
			MISC BOOKS-LIBRARY	110.80
			MISC BOOKS-LIBRARY	41.93
			MISC BOOKS-LIBRARY	91.70
			MISC BOOKS-LIBRARY	48.25
			MISC BOOKS-LIBRARY	60.58
			MISC BOOKS-LIBRARY	43.15
			MISC BOOKS-LIBRARY	180.82
			MISC BOOKS-LIBRARY	34.40
			MISC BOOKS-LIBRARY	22.59
			MISC BOOKS-LIBRARY	19.86
			MISC BOOKS-LIBRARY	127.49
			MISC BOOKS-LIBRARY	21.36
			MISC BOOKS-LIBRARY	271.36
			MISC BOOKS-LIBRARY	47.90
			MISC BOOKS-LIBRARY	41.32
			MISC BOOKS-LIBRARY	21.98
			MISC BOOKS-LIBRARY	167.47
			MISC BOOKS-LIBRARY	20.79
			MISC BOOKS-LIBRARY	170.43
			MISC BOOKS-LIBRARY	21.99
			MISC BOOKS-LIBRARY	58.60
			MISC BOOKS-LIBRARY	23.19
			MISC BOOKS-LIBRARY	40.74
			MISC BOOKS-LIBRARY	336.46
			MISC BOOKS-LIBRARY	27.42
			MISC BOOKS-LIBRARY	748.75
			MISC BOOKS-LIBRARY	69.34
			MISC BOOKS-LIBRARY	255.26
			MISC BOOKS-LIBRARY	31.27
			MISC BOOKS-LIBRARY	50.25
			MISC BOOKS-LIBRARY	10.33
			MISC BOOKS-LIBRARY	319.79
			MISC BOOKS-LIBRARY	52.48
			MISC BOOKS-LIBRARY	275.75
			MISC BOOKS-LIBRARY	216.98
			MISC BOOKS-LIBRARY	876.55



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			MISC BOOKS-LIBRARY	417.24
			MISC BOOKS-LIBRARY	21.99
			MISC BOOKS-LIBRARY	24.37
			MISC BOOKS-LIBRARY	141.22
			MISC BOOKS-LIBRARY	14.58
			MISC BOOKS-LIBRARY	23.19
			MISC BOOKS-LIBRARY	42.55
Vendor Total		21,821.35		
FYTD for BRODART CO.		48,039.90		
BUCKINGHAM, STAN				
5/3/2010	202233	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for BUCKINGHAM, STAN		1,593.65		



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BWI - BOOK WHOLESALERS, INC.				
5/17/2010	202519	8,058.50		
			MISC BOOKS-LIBRARY	165.63
			MISC BOOKS-LIBRARY	1,033.33
			MISC BOOKS-LIBRARY	237.84
			MISC BOOKS-LIBRARY	61.12
			MISC BOOKS-LIBRARY	2,582.16
			MISC BOOKS-LIBRARY	68.77
			MISC BOOKS-LIBRARY	101.01
			MISC BOOKS-LIBRARY	155.63
			MISC BOOKS-LIBRARY	153.66
			MISC BOOKS-LIBRARY	29.25
			MISC BOOKS-LIBRARY	524.81
			MISC BOOKS-LIBRARY	1,573.17
			MISC BOOKS-LIBRARY	245.82
			MISC BOOKS-LIBRARY	9.68
			MISC BOOKS-LIBRARY	27.93
			MISC BOOKS-LIBRARY	335.37
			MISC BOOKS-LIBRARY	37.18
			MISC BOOKS-LIBRARY	40.28
			MISC BOOKS-LIBRARY	96.85
			MISC BOOKS-LIBRARY	53.62
			MISC BOOKS-LIBRARY	525.39
5/24/2010	202617	10,156.81		
			MISC BOOKS-LIBRARY	40.98
			MISC BOOKS-LIBRARY	178.70
			MISC BOOKS-LIBRARY	19.74
			MISC BOOKS-LIBRARY	225.06
			MISC BOOKS-LIBRARY	13.99
			MISC BOOKS-LIBRARY	49.38
			MISC BOOKS-LIBRARY	699.13
			MISC BOOKS-LIBRARY	1,324.15
			MISC BOOKS-LIBRARY	1,125.57
			MISC BOOKS-LIBRARY	686.72
			MISC BOOKS-LIBRARY	1,711.22
			MISC BOOKS-LIBRARY	383.91
			MISC BOOKS-LIBRARY	108.65
			MISC BOOKS-LIBRARY	14.63
			MISC BOOKS-LIBRARY	286.73
			MISC BOOKS-LIBRARY	27.70
			MISC BOOKS-LIBRARY	213.16
			MISC BOOKS-LIBRARY	277.10
			MISC BOOKS-LIBRARY	82.45
			MISC BOOKS-LIBRARY	1,827.81
			MISC BOOKS-LIBRARY	170.07
			MISC BOOKS-LIBRARY	238.87
			MISC BOOKS-LIBRARY	105.25
			MISC BOOKS-LIBRARY	16.91
			MISC BOOKS-LIBRARY	25.26
			MISC BOOKS-LIBRARY	167.91
			MISC BOOKS-LIBRARY	33.14
			MISC BOOKS-LIBRARY	10.39
			MISC BOOKS-LIBRARY	68.43
			MISC BOOKS-LIBRARY	9.68



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			MISC BOOKS-LIBRARY	14.12
Vendor Total		18,215.31		
FYTD for BWI - BOOK WHOLESALERS, INC.		23,793.39		
CABLECOM OF CALIFORNIA				
5/3/2010	202234	30.68		
			REFUND-BUS LIC OVRPMT	30.68
Vendor Total		30.68		
FYTD for CABLECOM OF CALIFORNIA		30.68		
CAIN, GREGORY				
5/3/2010	880414	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for CAIN, GREGORY		2,868.58		
CALIFORNIA STATE CONTROLLER'S OFFICE				
5/17/2010	202520	2,670.18		
			INTEREST ASSESSMENT-YR 2007	2,670.18
Vendor Total		2,670.18		
FYTD for CALIFORNIA STATE CONTROLLER'S OFFICE		2,670.18		
CALIFORNIA TRANSCRIPTION, LLC				
5/3/2010	880415	225.14		
			TRANSCRIPTION SVCS	225.14
Vendor Total		225.14		
FYTD for CALIFORNIA TRANSCRIPTION, LLC		1,546.83		
CANNON, ANA M.				
5/3/2010	202235	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for CANNON, ANA M.		1,593.65		
CANON BUSINESS SOLUTIONS, INC.				
5/3/2010	880416	7,379.91		
			COPIER SERVICES	6,303.55
			COPIER SERVICES	482.57
			COPIER SERVICES	593.79
Vendor Total		7,379.91		
FYTD for CANON BUSINESS SOLUTIONS, INC.		35,523.10		



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CANON FINANCIAL SERVICES, INC.				
5/17/2010	202521	7,590.68		
			COPIER LEASE-CITYWIDE	7,059.29
			COPIER LEASE-SALES TAX	531.39
Vendor Total		7,590.68		
FYTD for CANON FINANCIAL SERVICES, INC.		83,497.48		
CARL'S JR				
5/3/2010	202236	47.92		
			REFUND-BUS LIC OVRPMT	25.98
			REFUND-BUS LIC OVRPMT	21.94
Vendor Total		47.92		
FYTD for CARL'S JR		47.92		
CATES, JOSHUA				
5/24/2010	202618	86.00		
			REFUND-RABIES DEP	20.00
			REFUND-ANML SVC FEES	30.00
			REFUND-ANML SVC FEES	10.00
			REFUND-ANML SVC FEES	16.00
			REFUND-ANML SVC FEES	10.00
Vendor Total		86.00		
FYTD for CATES, JOSHUA		86.00		
CATHOLIC CHARITIES				
5/3/2010	202237	22,820.45		
			CDBG FUNDED SVCS-RNTL ASSIST	5,591.16
			CDBG FUNDED SVCS-RNTL ARREARS	1,189.97
			CDBG FUNDED SVCS-RNTL ASSIST	9,400.32
			CDBG FUNDED SVCS-RNTL ARREARS	6,639.00
Vendor Total		22,820.45		
FYTD for CATHOLIC CHARITIES		22,820.45		
CERTIFIED CREDIT REPORTING, INC				
5/17/2010	202522	77.76		
			CREDIT PROFILE SVCS-EDD	77.76
Vendor Total		77.76		
FYTD for CERTIFIED CREDIT REPORTING, INC		273.94		
CHAMBERS, RICHARD J. SR.				
5/24/2010	202619	233.28		
			REFUND-CITATION OVRPMT	233.28
Vendor Total		233.28		
FYTD for CHAMBERS, RICHARD J. SR.		233.28		



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CHANCY, CHIZURU				
5/10/2010	202416	163.80		
			INSTRUCTOR SVCS-HAWAIIAN DANCE	93.60
			INSTRUCTOR SVCS-HAWAIIAN DANCE	70.20
5/24/2010	202620	140.40		
			INSTRUCTOR SVCS-HAWAIIAN DANCE	140.40
Vendor Total		304.20		
FYTD for CHANCY, CHIZURU		1,731.60		
CHAPMAN, STEVE				
5/3/2010	202238	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for CHAPMAN, STEVE		3,506.03		
CHAPPELL, ISAAC				
5/3/2010	202239	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for CHAPPELL, ISAAC		3,506.03		
CHERRY VALLEY FEED				
5/3/2010	202240	97.84		
			DOG FOOD-K9 LEX	97.84
Vendor Total		97.84		
FYTD for CHERRY VALLEY FEED		1,775.68		
CHI, PHILLIP J.F.				
5/3/2010	202241	97.60		
			REFUND-PERMIT FEE	97.60
Vendor Total		97.60		
FYTD for CHI, PHILLIP J.F.		97.60		
CHICAGO PASTA HOUSE				
5/3/2010	202242	46.54		
			REFUND-BUS LIC OVRPMT	46.54
Vendor Total		46.54		
FYTD for CHICAGO PASTA HOUSE		46.54		
CHRISTIAN, OWEN				
5/3/2010	880417	194.53		
			RETIREE MEDICAL BENEFIT	194.53
Vendor Total		194.53		
FYTD for CHRISTIAN, OWEN		2,415.29		



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CINTAS CORPORATION				
5/3/2010	202243	41.91		
			UNIFORM RNTL SVC-TRAFFIC MAINT	11.23
			UNIFORM RNTL SVC-SIGNING CREW	13.85
			UNIFORM RNTL SVC-CFD #1 STAFF	10.98
			UNIFORM RNTL SVC-GOLF CRS CREW	5.85
5/10/2010	202417	202.92		
			UNIFORM RNTL SVC-GOLF CRS CREW	5.85
			UNIFORM RNTL SVC-GOLF CRS CREW	5.85
			UNIFORM RNTL SVC-PURCHASING	3.96
			UNIFORM RNTL SVC-PURCHASING	3.96
			UNIFORM RNTL SVC-PURCHASING	3.96
			UNIFORM RNTL SVC-PURCHASING	3.96
			UNIFORM RNTL SVC-PURCHASING	3.96
			UNIFORM RNTL SVC-PARKS	53.01
			UNIFORM RNTL SVC-PARKS	53.01
			UNIFORM RNTL SVC-TRAFFIC MAINT	11.23
			UNIFORM RNTL SVC-SIGNING CREW	13.85
			UNIFORM RNTL SVC-FACILITY MAIN	16.65
			UNIFORM RNTL SVC-FACILITY MAIN	16.65
			UNIFORM RNTL SVC-CFD #1 STAFF	10.98
5/17/2010	202524	472.05		
			UNIFORM RNTL SVC-GRAFFITI CREW	8.37
			UNIFORM RNTL SVC-GRAFFITI CREW	8.37
			UNIFORM RNTL SVC-GRAFFITI CREW	8.37
			UNIFORM RNTL SVC-EQUIP MAINT	21.40
			UNIFORM RNTL SVC-EQUIP MAINT	21.40
			UNIFORM RNTL SVC-EQUIP MAINT	21.40
			UNIFORM RNTL SVC-TREE MAINT	8.37
			UNIFORM RNTL SVC-TREE MAINT	8.37
			UNIFORM RNTL SVC-TREE MAINT	8.37
			UNIFORM RNTL SVC-ST SWEEPING	5.58
			UNIFORM RNTL SVC-ST SWEEPING	5.58
			UNIFORM RNTL SVC-ST SWEEPING	5.58
			UNIFORM RNTL SVC-STRM DRN MAIN	2.79
			UNIFORM RNTL SVC-STRM DRN MAIN	2.79
			UNIFORM RNTL SVC-STRM DRN MAIN	2.79
			UNIFORM RNTL SVC-STREET MAINT	16.49
			UNIFORM RNTL SVC-STREET MAINT	41.49
			UNIFORM RNTL SVC-STREET MAINT	41.49
			UNIFORM RNTL SVC-CONCRETE MAIN	8.37
			UNIFORM RNTL SVC-CONCRETE MAIN	8.37
			UNIFORM RNTL SVC-CONCRETE MAIN	8.37
			UNIFORM RNTL SVC-TRFFC MAINT	11.23
			UNIFORM RNTL SVC-SIGNING CREW	13.85
			UNIFORM RNTL SVC-PARKS MAINT	53.01
			UNIFORM RNTL SVC-GRAFFITI CREW	8.37
			UNIFORM RNTL SVC-EQUIP MAINT	21.40
			UNIFORM RNTL SVC-TREE MAINT	8.37
			UNIFORM RNTL SVC-CFD #1 STAFF	10.98
			UNIFORM RNTL SVC-ST SWEEPING	5.58
			UNIFORM RNTL SVC-STRM DRN MAIN	2.79
			UNIFORM RNTL SVC-STREET MAINT	41.49
			UNIFORM RNTL SVC-CONCRETE MAIN	8.37
			UNIFORM RNTL SVC-FAC MAINT	16.65



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			UNIFORM RNTL SVC-GOLF CRS CREW	5.85
5/24/2010	202621	111.57		
			UNIFORM RNTL SVC-SIGNAL MAINT	11.23
			UNIFORM RNTL SVC-SIGNING CREW	13.85
			UNIFORM RNTL SVC-PARKS MAINT	53.01
			UNIFORM RNTL SVC-CFD #1 STAFF	10.98
			UNIFORM RNTL SVC-FAC MAINT	16.65
			UNIFORM RNTL SVC-GOLF CRS	5.85
Vendor Total		828.45		
FYTD for CINTAS CORPORATION		7,419.15		
CITY OF CANYON LAKE				
5/10/2010	202418	35.00		
			LCC-RIV CTY GENERAL MEETING	35.00
Vendor Total		35.00		
FYTD for CITY OF CANYON LAKE		35.00		
CITY OF CHULA VISTA				
5/3/2010	202244	20.00		
			REGISTRATION-HHW & USED OIL RE	20.00
Vendor Total		20.00		
FYTD for CITY OF CHULA VISTA		20.00		
CITY OF MORENO VALLEY VEBA TRUST				
5/10/2010	880478	4,100.00		
			EXEMPT VEBA	4,100.00
Vendor Total		4,100.00		
FYTD for CITY OF MORENO VALLEY VEBA TRUST		46,262.50		
COLONIAL SUPPLEMENTAL INSURANCE				
5/24/2010	202622	7,137.63		
			SUPPLEMENTAL INSURANCE	7,137.63
Vendor Total		7,137.63		
FYTD for COLONIAL SUPPLEMENTAL INSURANCE		86,191.41		
COMMERCE ENERGY, INC.				
5/3/2010	202245	43.70		
			REFUND-BUS LIC OVRPMT	43.70
Vendor Total		43.70		
FYTD for COMMERCE ENERGY, INC.		43.70		



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COMMUNITY ASSISTANCE PROGRAM - CAP				
5/3/2010	880418	19,887.75		
			CDBG FUNDED SVCS-FOOD DIST	2,490.60
			CDBG FUNDED SVCS-FOOD DIST	2,491.08
			CDBG FUNDED SVCS-FOOD DIST	2,650.01
			CDBG FUNDED SVCS-FOOD DIST	2,361.96
			CDBG FUNDED SVCS-FOOD DIST	2,150.00
			CDBG FUNDED SVCS-FOOD DIST	2,230.85
			CDBG FUNDED SVCS-FOOD DIST	2,233.50
			CDBG FUNDED SVCS-FOOD DIST	3,279.75
5/24/2010	880527	2,201.00		
			CDBG FUNDED SVCS-FOOD DIST	2,201.00
Vendor Total		22,088.75		
FYTD for COMMUNITY ASSISTANCE PROGRAM - CAP		24,316.85		
COMMUNITY HEALTH CHARITIES				
5/10/2010	202419	151.47		
			CHC CONTRIBUTIONS	151.47
5/24/2010	202623	151.47		
			CHC CONTRIBUTIONS	151.47
Vendor Total		302.94		
FYTD for COMMUNITY HEALTH CHARITIES		8,321.37		
CONNOLLY, DANAE & PAUL				
5/24/2010	202624	75.00		
			REFUND-S/N DEPOSIT	75.00
Vendor Total		75.00		
FYTD for CONNOLLY, DANAE & PAUL		75.00		
CONTINENTAL WESTERN TRANSPORTATION				
5/24/2010	202625	14,303.11		
			ASPHALTIC MATERIAL	2,982.84
			ASPHALTIC MATERIAL	3,707.35
			ASPHALTIC MATERIAL	4,623.72
			ASPHALTIC MATERIAL	2,989.20
Vendor Total		14,303.11		
FYTD for CONTINENTAL WESTERN TRANSPORTATION		14,303.11		
CONTINUING EDUCATION OF THE BAR				
5/10/2010	202420	295.79		
			LEGAL SUBSCRIPTIONS	152.57
			LEGAL SUBSCRIPTIONS	143.22
5/17/2010	202525	128.10		
			LEGAL SUBSCRIPTIONS	128.10
Vendor Total		423.89		
FYTD for CONTINUING EDUCATION OF THE BAR		1,209.76		



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COSTCO				
5/3/2010	202246	1,014.20		
			MISC SUPPLIES-SKATE PARK	576.40
			MISC SUPPLIES-STARS	77.06
			MISC SUPPLIES-STARS	49.55
			MISC SUPPLIES-STARS	311.19
5/10/2010	202421	824.50		
			MISC SUPPLIES-STARS	311.88
			MISC SUPPLIES-STARS	131.77
			MISC SUPPLIES-STARS	93.62
			MISC SUPPLIES-STARS	287.23
5/17/2010	202526	1,161.87		
			MISC SUPPLIES-CHILDS PLACE	1,161.87
5/24/2010	202626	1,461.32		
			MISC SUPPLIES-STARS	177.24
			MISC SUPPLIES-STARS	192.29
			MISC SUPPLIES-STARS	67.96
			MISC SUPPLIES-STARS	169.17
			MISC SUPPLIES-STARS	725.23
			MISC SUPPLIES-SKATE PARK	129.43
	Vendor Total	4,461.89		
FYTD for COSTCO		49,783.80		
COUNTY OF RIVERSIDE-TLMA-GIS				
5/24/2010	202627	2,090.31		
			INSPECTION SVCS-TRAFFIC SIGNAL	2,090.31
	Vendor Total	2,090.31		
FYTD for COUNTY OF RIVERSIDE-TLMA-GIS		5,954.87		
CREATIVE COLOR PRINTING				
5/3/2010	202247	3,715.99		
			FLYERS-EDD	3,568.00
			FLYERS-EDD	147.99
	Vendor Total	3,715.99		
FYTD for CREATIVE COLOR PRINTING		3,715.99		
CREATIVE PROMOTIONAL IDEAS				
5/17/2010	202528	1,234.31		
			WRISTBANDS	1,141.88
			WRISTBANDS	92.43
	Vendor Total	1,234.31		
FYTD for CREATIVE PROMOTIONAL IDEAS		5,603.21		



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CTAI PACIFIC GREENSCAPE				
5/24/2010	880528	5,005.11		
			LANDSCAPE MAINT-DSG1W	4,897.13
			LANDSCAPE MAINT-DSG1W	107.98
Vendor Total		5,005.11		
FYTD for CTAI PACIFIC GREENSCAPE		57,016.18		
CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH				
5/3/2010	202248	342.00		
			PERMIT RENEWAL-CELEB PARK	342.00
Vendor Total		342.00		
FYTD for CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH		31,393.61		
CURVES FOR WOMEN				
5/3/2010	202249	57.00		
			REFUND-BUS LIC OVRPMT	57.00
Vendor Total		57.00		
FYTD for CURVES FOR WOMEN		57.00		
D & D SERVICES DBA D & D DISPOSAL, INC.				
5/24/2010	202628	745.00		
			DISPOSAL SVCS-ANML SHLTR	745.00
Vendor Total		745.00		
FYTD for D & D SERVICES DBA D & D DISPOSAL, INC.		8,345.00		
D S WATERS OF AMERICA, INC.				
5/3/2010	202250	83.53		
			REFUND-BUS LIC OVRPMT	83.53
Vendor Total		83.53		
FYTD for D S WATERS OF AMERICA, INC.		83.53		
DALE, KATHLEEN				
5/3/2010	880419	315.59		
			RETIREE MEDICAL BENEFIT	315.59
Vendor Total		315.59		
FYTD for DALE, KATHLEEN		3,474.13		



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DATA TICKET, INC.				
5/3/2010	880420	6,474.53		
			CITATION PRCSSNG-POLICE	4,054.10
			CITATION PRCSSNG-CODE	2,420.43
5/17/2010	880500	21,703.61		
			CITATION PRCSSNG-CODE	9,209.16
			CITATION PRCSSNG-CODE	12,494.45
5/24/2010	880529	841.18		
			CITATION PRCSSNG-BLDG & SAFETY	736.18
			CITATION APPLIC MAINT/SUPPORT	105.00
	Vendor Total	29,019.32		
FYTD for DATA TICKET, INC.		184,193.84		
DATAQUICK CORPORATE HEADQUARTERS				
5/24/2010	202629	130.50		
			ONLINE SVCS-POLICE	130.50
	Vendor Total	130.50		
FYTD for DATAQUICK CORPORATE HEADQUARTERS		2,335.50		
DAVLYN INVESTMENTS PROPERTY MANAGEMENT				
5/24/2010	202630	78.21		
			REFUND-BUS LIC OVRPMT	78.21
	Vendor Total	78.21		
FYTD for DAVLYN INVESTMENTS PROPERTY MANAGEMENT		78.21		
DEARREADER.COM				
5/3/2010	202251	600.00		
			SUBSCRIPTION RENEWAL-LIBRARY	600.00
	Vendor Total	600.00		
FYTD for DEARREADER.COM		600.00		
DEBINAIRE COMPANY				
5/24/2010	202631	0.00		
			SWITCH RPLCMNT-ANML SVCS	549.19
			SWITCH RPLCMNT-ANML SVCS	-549.19
	Vendor Total	0.00		
FYTD for DEBINAIRE COMPANY		1,780.65		
DELTA DENTAL				
5/10/2010	202422	11,054.59		
			EMPLOYEE DENTAL INSURANCE	11,054.59
	Vendor Total	11,054.59		
FYTD for DELTA DENTAL		125,278.39		



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DELTACARE USA				
5/17/2010	202529	6,369.84	EMPLOYEE DENTAL INSURANCE	6,369.84
Vendor Total		6,369.84		
FYTD for DELTACARE USA		73,646.55		
DENNIS GRUBB & ASSOCIATES, LLC				
5/10/2010	880479	5,330.00	PLAN REVIEW SVCS-FIRE	5,330.00
5/24/2010	880530	2,060.00	PLAN REVIEW SVCS-FIRE	2,060.00
Vendor Total		7,390.00		
FYTD for DENNIS GRUBB & ASSOCIATES, LLC		17,075.00		
DHA CONSULTING				
5/3/2010	202252	150.00	CONSULTING SVCS-EDD	150.00
Vendor Total		150.00		
FYTD for DHA CONSULTING		150.00		
DIRECT CARPET AND FLOORING				
5/3/2010	202253	30.11	REFUND-BUS LIC OVRPMT	30.11
Vendor Total		30.11		
FYTD for DIRECT CARPET AND FLOORING		30.11		
DLS LANDSCAPE, INC				
5/3/2010	202254	12,390.00	LANDSCAPE MAINT-CFD #1	2,160.00
			LANDSCAPE MAINT-ZONE A	10,230.00
5/24/2010	202632	12,390.00	LANDSCAPE MAINT-CFD #1	2,160.00
			LANDSCAPE MAINT-ZONE A	10,230.00
Vendor Total		24,780.00		
FYTD for DLS LANDSCAPE, INC		136,290.00		
DONAHUE APPRAISAL ASSOCIATES				
5/10/2010	880480	3,600.00	PERRIS BLVD WIDENING PROJ SVCS	3,600.00
Vendor Total		3,600.00		
FYTD for DONAHUE APPRAISAL ASSOCIATES		65,900.00		



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DONALD H. MAYNOR				
5/3/2010	202255	9,375.00		
			LEGAL SVCS-UT USERS TAX	3,125.00
			LEGAL SVCS-UT USERS TAX	3,125.00
			LEGAL SVCS-UT USERS TAX	3,125.00
Vendor Total		9,375.00		
FYTD for DONALD H. MAYNOR		9,375.00		
DORY, ALLEEN F.				
5/3/2010	202256	194.53		
			RETIREE MEDICAL BENEFIT	194.53
Vendor Total		194.53		
FYTD for DORY, ALLEEN F.		3,168.67		
DOUBLE D PIPELINE, INC				
5/3/2010	202257	50.00		
			REFUND-BUS LIC OVRPMT	50.00
Vendor Total		50.00		
FYTD for DOUBLE D PIPELINE, INC		50.00		
DUNN, LAURA				
5/10/2010	202423	152.00		
			INSTRUCTION SVCS-4 DAYS	152.00
Vendor Total		152.00		
FYTD for DUNN, LAURA		716.00		
DURAN, BLANCA				
5/10/2010	202424	294.00		
			INSTRUCTOR SVCS-FOLKLORIC DANC	294.00
Vendor Total		294.00		
FYTD for DURAN, BLANCA		2,520.00		
E.G. BRENNAN & CO, LLC				
5/10/2010	880481	139.15		
			MAINT RENEWAL-FOLDING MACHINE	69.58
			MAINT RENEWAL-FOLDING MACHINE	69.57
Vendor Total		139.15		
FYTD for E.G. BRENNAN & CO, LLC		139.15		



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E.R. BLOCK PLUMBING & HEATING, INC.				
5/17/2010	202530	1,442.04		
			BACKFLOW TESTING-TR30319	36.40
			BACKFLOW TESTING-TR22277	532.82
			BACKFLOW TESTING-TR22277	170.00
			BACKFLOW TESTING-TR20941	532.82
			BACKFLOW TESTING-TR20941	170.00
5/24/2010	202633	582.40		
			BACKFLOW TESTING	582.40
Vendor Total		2,024.44		
FYTD for E.R. BLOCK PLUMBING & HEATING, INC.		31,130.83		
EASTERN MUNICIPAL WATER DISTRICT				
5/3/2010	202258	24,079.61		
			WATER CHRGS FOR MARCH	170.25
			WATER CHRGS FOR MARCH	596.48
			WATER CHRGS FOR APRIL	124.11
			WATER CHRGS FOR APRIL	285.38
			WATER CHRGS FOR APRIL	479.33
			WATER CHRGS FOR APRIL	6,177.71
			WATER CHRGS FOR APRIL	1,410.36
			WATER CHRGS FOR APRIL	240.28
			WATER CHRGS FOR APRIL	7,980.62
			WATER CHRGS FOR APRIL	3,003.72
			WATER CHRGS FOR APRIL	3,068.46
			WATER CHRGS FOR APRIL	28.32
			WATER CHRGS FOR APRIL	32.00
			WATER CHRGS FOR APRIL	385.62
			WATER CHRGS FOR APRIL	96.97
5/10/2010	202425	78.46		
			WATER CHRGS FOR MARCH	78.46
Vendor Total		24,158.07		
FYTD for EASTERN MUNICIPAL WATER DISTRICT		1,038,091.76		
EASY MONEY EMG				
5/3/2010	202259	72.50		
			REFUND-BUS LIC OVRPMT	72.50
Vendor Total		72.50		
FYTD for EASY MONEY EMG		72.50		
EBSCO SUBSCRIPTION SERVICE				
5/3/2010	202260	3,789.13		
			SUBSCRIPTIONS RENEWALS-LIBRARY	3,784.18
			SUBSCRIPTIONS RENEWALS-LIBRARY	4.95
Vendor Total		3,789.13		
FYTD for EBSCO SUBSCRIPTION SERVICE		3,789.13		



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EDGELANE MOBILE PARK				
5/24/2010	880531	10.00	REFUND-UT USER TAXES	10.00
Vendor Total		10.00		
FYTD for EDGELANE MOBILE PARK		109.17		
EGGERSTEN, ANNE				
5/3/2010	202261	305.60	RETIREE MEDICAL BENEFIT	305.60
Vendor Total		305.60		
FYTD for EGGERSTEN, ANNE		3,143.83		
ELITE COURT REPORTING				
5/3/2010	202262	247.50	TRANSCRIPTION SVCS	247.50
Vendor Total		247.50		
FYTD for ELITE COURT REPORTING		909.80		
EVANS ENGRAVING & AWARDS				
5/10/2010	880482	16.32	ENGRAVING SVCS-PD	16.32
5/17/2010	880501	97.88	ENGRAVING SVCS-POLICE	97.88
Vendor Total		114.20		
FYTD for EVANS ENGRAVING & AWARDS		1,854.26		
EWING IRRIGATION PRODUCTS, INC.				
5/10/2010	202427	363.82	IRRIGATION SUPPLIES	49.57
			IRRIGATION SUPPLIES	314.25
5/17/2010	202533	290.92	IRRIGATION SUPPLIES	102.26
			IRRIGATION SUPPLIES	12.02
			IRRIGATION SUPPLIES	70.85
			IRRIGATION SUPPLIES	105.79
5/24/2010	202636	1,516.86	IRRIGATION SUPPLIES	1,449.31
			IRRIGATION SUPPLIES	4.15
			IRRIGATION SUPPLIES	63.40
Vendor Total		2,171.60		
FYTD for EWING IRRIGATION PRODUCTS, INC.		15,584.55		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EXCEL LANDSCAPE, INC				
5/17/2010	202534	2,666.81		
			LANDSCAPE MAINT-E7	2,666.81
5/24/2010	202637	9,922.41		
			LANDSCAPE MAINT-E15	1,070.36
			LANDSCAPE MAINT-E8	1,501.98
			LANDSCAPE MAINT-E14	3,461.07
			LANDSCAPE MAINT-WQB	3,889.00
Vendor Total		12,589.22		
FYTD for EXCEL LANDSCAPE, INC		217,737.60		
FAIR HOUSING COUNCIL OF RIV CO, INC.				
5/3/2010	880421	5,772.34		
			CDBG FUNDED SVCS-MEDIATION PRG	5,772.34
Vendor Total		5,772.34		
FYTD for FAIR HOUSING COUNCIL OF RIV CO, INC.		48,715.14		
FANNING, JEFFREY DEAN				
5/24/2010	202638	380.00		
			INSTRUCTION SVCS-10 DAYS	380.00
Vendor Total		380.00		
FYTD for FANNING, JEFFREY DEAN		874.00		
FASHION BLINDS USA				
5/3/2010	202263	57.87		
			REFUND-BUS LIC OVRPMT	57.87
Vendor Total		57.87		
FYTD for FASHION BLINDS USA		57.87		
FEDERAL EXPRESS				
5/3/2010	202264	18.08		
			EXPRESS MAILING SVC-SR60/NASON	18.08
Vendor Total		18.08		
FYTD for FEDERAL EXPRESS		140.08		
FEENSTRA, JOHN				
5/3/2010	880422	361.25		
			RETIREE MEDICAL BENEFIT	361.25
Vendor Total		361.25		
FYTD for FEENSTRA, JOHN		3,973.75		



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FERNANDEZ, NOEMI				
5/3/2010	202265	95.00		
			REFUND-S/N DEPOSIT	75.00
			REFUND-RABIES DEP	20.00
Vendor Total		95.00		
FYTD for FERNANDEZ, NOEMI		95.00		
FINESSE PERSONNEL ASSOCIATES				
5/3/2010	202266	1,390.77		
			TEMP SVCS-BECKNER W/E 4/24	1,390.77
5/17/2010	202535	4,248.64		
			TEMP SVCS-NELSON W/E 4/10	631.80
			TEMP SVCS-NELSON W/E 4/24	874.80
			TEMP SVCS-BECKNER W/E 5/1	1,867.24
			TEMP SVCS-NELSON W/E 5/1	874.80
5/24/2010	202639	3,850.37		
			TEMP SVCS-BECKNER W/E 5/8	1,957.38
			TEMP SVCS-BECKNER W/E 5/15	1,892.99
Vendor Total		9,489.78		
FYTD for FINESSE PERSONNEL ASSOCIATES		25,878.64		
FINNERTY, MICHAEL				
5/3/2010	202267	119.98		
			REFUND-BUS LIC OVRPMT	119.98
Vendor Total		119.98		
FYTD for FINNERTY, MICHAEL		119.98		
FIRST AMERICAN CORE LOGIC, INC.				
5/24/2010	202640	730.00		
			ONLINE PROP INFO-CODE	85.00
			ONLINE PROP INFO-CDD	475.00
			ONLINE PROP INFO-EDD	170.00
Vendor Total		730.00		
FYTD for FIRST AMERICAN CORE LOGIC, INC.		5,210.00		
FIRST CHOICE SERVICES				
5/17/2010	880502	93.57		
			COFFEE SVCS-EMP PAID	93.57
5/24/2010	880532	655.31		
			COFFEE SVCS-EMP PAID	230.43
			COFFEE SVCS-EMP PAID	64.28
			COFFEE SVCS-EMP PAID	181.74
			COFFEE SVCS-EMP PAID	116.95
			COFFEE SVCS-EMP PAID	61.91
Vendor Total		748.88		
FYTD for FIRST CHOICE SERVICES		8,946.20		



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FITNESS 19 CA 155 11C				
5/24/2010	202641	281.00	GYM MEMBERSHIP DEDUCTIONS	281.00
Vendor Total		281.00		
FYTD for FITNESS 19 CA 155 11C		3,196.00		
FLYTECH PEST CONTROL				
5/3/2010	202268	78.92	REFUND-BUS LIC OVRPMT	78.92
Vendor Total		78.92		
FYTD for FLYTECH PEST CONTROL		78.92		
FONSECA, CYNTHIA				
5/24/2010	202642	64.00	REFUND-PICNIC SHLTR FEE	64.00
Vendor Total		64.00		
FYTD for FONSECA, CYNTHIA		64.00		
FOREST WOOD FIBER, INC.				
5/10/2010	202428	4,100.90	PLAYGROUND FIBER-PARKS	2,594.20
			PLAYGROUND FIBER-PARKS	1,506.70
5/17/2010	202536	3,013.40	PLAYGROUND FIBER-PARKS	1,506.70
			PLAYGROUND FIBER-PARKS	1,392.40
			PLAYGROUND FIBER-PARKS	114.30
Vendor Total		7,114.30		
FYTD for FOREST WOOD FIBER, INC.		7,114.30		
FORTNEY, YVETTE				
5/17/2010	202537	75.00	REFUND-S/N DEPOSIT	75.00
Vendor Total		75.00		
FYTD for FORTNEY, YVETTE		75.00		
FOSTER, JAMES BARRY				
5/10/2010	202429	192.00	PER DIEM-ICSC RECON CONF.	192.00
5/17/2010	202538	117.58	ICSC MONTEREY 3/16-3/17/10	117.58
Vendor Total		309.58		
FYTD for FOSTER, JAMES BARRY		735.73		



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FOSTER, NANCY A.				
5/3/2010	202269	315.59	RETIREE MEDICAL BENEFIT	315.59
Vendor Total		315.59		
FYTD for FOSTER, NANCY A.		1,581.09		
FOX, ALLAN				
5/3/2010	202270	40.00	REFUND-RABIES DEP	20.00
			REFUND-RABIES DEP	20.00
Vendor Total		40.00		
FYTD for FOX, ALLAN		115.00		
FRANCHISE TAX BOARD				
5/10/2010	202430	334.54	GARNISHMENT	12.50
			GARNISHMENT	50.00
			GARNISHMENT	27.23
			GARNISHMENT	244.81
5/24/2010	202643	100.00	REFUND-CITATION OVRPMT	100.00
5/24/2010	202644	51.90	GARNISHMENT	51.90
5/24/2010	202645	62.50	GARNISHMENT	12.50
			GARNISHMENT	50.00
Vendor Total		548.94		
FYTD for FRANCHISE TAX BOARD		12,090.03		
FRANKLIN, L. C.				
5/10/2010	202431	187.00	MILEAGE REIMBURSEMENT	187.00
5/17/2010	202539	65.94	REIMB FOR CHARGES PAID	65.94
Vendor Total		252.94		
FYTD for FRANKLIN, L. C.		1,701.64		
FREEMAN, SHANIKQUA				
5/10/2010	202432	384.00	PER DIEM-ICSC RECON CONF.	384.00
Vendor Total		384.00		
FYTD for FREEMAN, SHANIKQUA		1,300.07		



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FRIENDS OF THE SENIOR CENTER				
5/24/2010	202646	5,000.00	CDBG FUNDED SVCS-SR TRANSP	5,000.00
Vendor Total		5,000.00		
FYTD for FRIENDS OF THE SENIOR CENTER		40,000.00		
FROST, JOAN CHENG				
5/3/2010	202271	266.00	INSTRUCTION SVCS-7 DAYS	266.00
Vendor Total		266.00		
FYTD for FROST, JOAN CHENG		1,444.00		
FULBRIGHT & JAWORSKI, L.L.P.				
5/17/2010	202541	7,324.36	LEGAL SVCS-UTILITIES	7,324.36
Vendor Total		7,324.36		
FYTD for FULBRIGHT & JAWORSKI, L.L.P.		219,824.44		
G & G PLUMBING				
5/3/2010	202272	56.50	REFUND-BUS LIC OVRPMT	56.50
Vendor Total		56.50		
FYTD for G & G PLUMBING		56.50		
GARCIA, EFREN				
5/10/2010	202433	20.00	REFUND-FIELD RNTL FEE	20.00
Vendor Total		20.00		
FYTD for GARCIA, EFREN		20.00		
GASTON, RICHARD				
5/3/2010	880423	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for GASTON, RICHARD		3,506.03		



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GENERAL SECURITY SERVICES, INC.				
5/3/2010	880424	1,062.30		
			SECURITY SVCS-LIBRARY	586.76
			SECURITY SVCS-TOWNGATE	122.72
			SECURITY SVCS-TOWNGATE	76.70
			SECURITY SVCS-CONF & REC CTR	276.12
5/10/2010	880483	613.60		
			SECURITY SVCS-CONF & REC CTR	306.80
			SECURITY SVCS-CONF & REC CTR	306.80
5/17/2010	880503	279.96		
			SECURITY SVCS-CONF & REC CTR	279.96
5/24/2010	880533	997.10		
			SECURITY SVCS-CONF & REC CTR	306.80
			SECURITY SVCS-CONF & REC CTR	306.80
			SECURITY SVCS-MV UTILITY ANNX	276.12
			SECURITY SVCS-RNTL 4/17 TOWNGT	107.38
Vendor Total		2,952.96		
FYTD for GENERAL SECURITY SERVICES, INC.		49,720.91		
GENERAL UNDERGROUND FIRE PROTECTION, INC				
5/3/2010	202273	50.00		
			REFUND-BUS LIC OVRPMT	50.00
Vendor Total		50.00		
FYTD for GENERAL UNDERGROUND FIRE PROTECTION, INC		50.00		
GIBBS, GIDEN, LOCHER, TURNER & SENET LLP				
5/24/2010	880534	504.50		
			LEGAL SVCS	504.50
Vendor Total		504.50		
FYTD for GIBBS, GIDEN, LOCHER, TURNER & SENET LLP		145,105.59		
GINA'S AUTO SERVICE				
5/3/2010	202274	115.01		
			REFUND-BUS LIC OVRPMT	115.01
Vendor Total		115.01		
FYTD for GINA'S AUTO SERVICE		115.01		
GONG ENTERPRISES, INC.				
5/17/2010	202542	4,000.00		
			PLAN CHECK SVCS-PA090043	2,000.00
			PLAN CHECK SVCS-PM32215	1,000.00
			PLAN CHECK SVCS-PM35629	1,000.00
Vendor Total		4,000.00		
FYTD for GONG ENTERPRISES, INC.		12,614.50		



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GOZDECKI, DAN				
5/10/2010	880484	918.00		
			INSTRUCTOR SVCS-KUNG FU	486.00
			INSTRUCTOR SVCS-KUNG FU	432.00
Vendor Total		918.00		
FYTD for GOZDECKI, DAN		7,209.00		
GRAFFITI TRACKER, INC.				
5/24/2010	880535	8,000.00		
			GRAFFITI TRACK SVCS-CODE	2,000.00
			GRAFFITI TRACK SVCS-CODE	2,000.00
			GRAFFITI TRACK SVCS-CODE	1,000.00
			GRAFFITI TRACK SVCS-CODE	3,000.00
Vendor Total		8,000.00		
FYTD for GRAFFITI TRACKER, INC.		36,340.00		
GRANICUS, INC.				
5/24/2010	202648	1,525.22		
			MANAGED SVC-PODCASTING	130.00
			MANAGED SVC-VIDEO STREAMING	45.22
			MANAGED SVC-VIDEO STREAMING	1,350.00
Vendor Total		1,525.22		
FYTD for GRANICUS, INC.		15,867.42		
GREATER ALARM CO.				
5/3/2010	202275	46.40		
			REFUND-BUS LIC OVRPMT	46.40
Vendor Total		46.40		
FYTD for GREATER ALARM CO.		46.40		
GREINES, MARTIN, STEIN & RICHLAND, LLP				
5/3/2010	202276	80.40		
			LEGAL SVCS-RISK MGT	80.40
Vendor Total		80.40		
FYTD for GREINES, MARTIN, STEIN & RICHLAND, LLP		33,272.49		
GRIFFIN, MARLENE C				
5/3/2010	880425	305.60		
			RETIREE MEDICAL BENEFIT	305.60
Vendor Total		305.60		
FYTD for GRIFFIN, MARLENE C		2,742.41		



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GUARD SYSTEMS, INC.				
5/3/2010	202277	37.40	REFUND-BUS LIC OVRPMT	37.40
Vendor Total		37.40		
FYTD for GUARD SYSTEMS, INC.		37.40		
GUILLAN, REBECCA S.				
5/3/2010	202278	263.06	RETIREE MEDICAL BENEFIT	263.06
Vendor Total		263.06		
FYTD for GUILLAN, REBECCA S.		1,370.97		
GUILLIS, LINDA B.				
5/3/2010	202279	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for GUILLIS, LINDA B.		3,506.03		
GULU, MARGARET & NICK				
5/17/2010	202543	95.00	REFUND-ANML SVC FEES	20.00
			REFUND-ANML SVC FEES	75.00
Vendor Total		95.00		
FYTD for GULU, MARGARET & NICK		95.00		
GUTIERREZ, ROBERT				
5/3/2010	202280	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for GUTIERREZ, ROBERT		2,211.63		
GUZMAN'S CART SERVICE				
5/17/2010	880504	4,049.00	CART RTRVL SVCS	4,049.00
Vendor Total		4,049.00		
FYTD for GUZMAN'S CART SERVICE		44,539.00		
H P COMMUNICATIONS, INC				
5/10/2010	202434	25.00	REFUND-BUS LIC OVRPMT	25.00
Vendor Total		25.00		
FYTD for H P COMMUNICATIONS, INC		25.00		



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HAAKER EQUIPMENT COMPANY				
5/10/2010	202435	45.43	MISC PARTS-ANML SVCS	45.43
Vendor Total		45.43		
FYTD for HAAKER EQUIPMENT COMPANY		329.86		
HAIR SHACK				
5/3/2010	202281	111.75	REFUND-BUS LIC OVRPMT	111.75
Vendor Total		111.75		
FYTD for HAIR SHACK		111.75		
HALL, ANTHONY				
5/10/2010	202436	95.00	REFUND-S/N DEPOSIT	75.00
			REFUND-RABIES DEP	20.00
Vendor Total		95.00		
FYTD for HALL, ANTHONY		95.00		
HAMLIN, WILLIAM R.				
5/3/2010	880426	0.00	RETIREE MEDICAL BENEFIT	315.59
			RETIREE MEDICAL BENEFIT	-315.59
5/10/2010	202504	315.59	RETIREE MEDICAL BENEFIT	315.59
Vendor Total		315.59		
FYTD for HAMLIN, WILLIAM R.		3,553.63		
HANES, MARTIN D.				
5/3/2010	880427	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for HANES, MARTIN D.		3,506.03		
HARDING, JOHN S.				
5/3/2010	202282	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for HARDING, JOHN S.		3,506.03		
HATFIELD, CHARLES				
5/3/2010	202284	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for HATFIELD, CHARLES		2,868.58		



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HATZL-PATTERSON, NINA MICHELE				
5/10/2010	202437	624.61		
			TRAVEL EXP-ICSC RECON CONF.	240.61
			TRAVEL EXP-ICSC RECON CONF.	384.00
Vendor Total		624.61		
FYTD for HATZL-PATTERSON, NINA MICHELE		876.61		
HAUSER, ADRIANA				
5/24/2010	202649	532.00		
			INSTRUCTION SVCS-14 DAYS	532.00
Vendor Total		532.00		
FYTD for HAUSER, ADRIANA		3,838.00		
HEERY INTERNATIONAL, INC.				
5/24/2010	880536	9,728.00		
			NEW MAIN LIBRARY PROJ SVCS	9,728.00
Vendor Total		9,728.00		
FYTD for HEERY INTERNATIONAL, INC.		224,780.75		
HEFFLEY, ROSS W.				
5/3/2010	880428	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for HEFFLEY, ROSS W.		2,868.58		
HEMPY, STEPHANIE				
5/17/2010	202544	20.00		
			REFUND-RABIES DEP	20.00
Vendor Total		20.00		
FYTD for HEMPY, STEPHANIE		20.00		
HERRICK, ROBERT D.				
5/3/2010	202285	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for HERRICK, ROBERT D.		3,506.03		
HETHERMAN, ANTHONY CHRISTOPHER				
5/17/2010	202595	78.27		
			MILEAGE REIMB-IRRIG DESIGN TRN	78.27
Vendor Total		78.27		
FYTD for HETHERMAN, ANTHONY CHRISTOPHER		153.07		



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HODGE, MICHAEL & KALEIGH				
5/10/2010	202438	20.00	REFUND-RABIES DEP	20.00
Vendor Total		20.00		
FYTD for HODGE, MICHAEL & KALEIGH		20.00		
HOLTHAUS, ARIEALL				
5/17/2010	202545	75.00	REFUND-S/N DEPOSIT	75.00
Vendor Total		75.00		
FYTD for HOLTHAUS, ARIEALL		75.00		
HOMESITE SERVICES, INC				
5/3/2010	202286	82.00	REFUND-BUS LIC OVRPMT	82.00
Vendor Total		82.00		
FYTD for HOMESITE SERVICES, INC		82.00		
HOUSER, EDITH E.				
5/3/2010	202287	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for HOUSER, EDITH E.		3,506.03		
HOWELL, LORRAINE				
5/17/2010	202546	20.00	REFUND-RABIES DEP	20.00
Vendor Total		20.00		
FYTD for HOWELL, LORRAINE		20.00		
ICMA RETIREMENT CORP 457				
5/7/2010	2632	12,410.37	DEF COMP 457 05/07/10	12,410.37
5/21/2010	2640	12,410.37	DEF COMP 457 05/21/10	12,410.37
Vendor Total		24,820.74		
FYTD for ICMA RETIREMENT CORP 457		336,405.55		
IDEARC MEDIA SALES - WEST, INC.				
5/3/2010	202288	73.18	REFUND-BUS LIC OVRPMT	73.18
Vendor Total		73.18		
FYTD for IDEARC MEDIA SALES - WEST, INC.		73.18		



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IKON PROPERTIES & INVESTMENTS				
5/3/2010	202289	69.71	REFUND-BUS LIC OVRPMT	69.71
Vendor Total		69.71		
FYTD for IKON PROPERTIES & INVESTMENTS		69.71		
IL SORRENTO MOBILE PARK				
5/10/2010	202439	130.36	REFUND-UT USER TAXES	130.36
Vendor Total		130.36		
FYTD for IL SORRENTO MOBILE PARK		1,806.67		
ING USA ANNUITY & LIFE INSURANCE CO.				
5/10/2010	202440	475.00	NON-EXEMPT ANNUITY	475.00
Vendor Total		475.00		
FYTD for ING USA ANNUITY & LIFE INSURANCE CO.		5,225.00		
INLAND EMPIRE COURT SERVICES				
5/3/2010	202290	22.93	REFUND-BUS LIC OVRPMT	22.93
Vendor Total		22.93		
FYTD for INLAND EMPIRE COURT SERVICES		22.93		
INLAND EMPIRE LANDSCAPE, INC				
5/3/2010	202291	81.00	REFUND-BUS LIC OVRPMT	81.00
Vendor Total		81.00		
FYTD for INLAND EMPIRE LANDSCAPE, INC		81.00		
INLAND EMPIRE PROPERTY SERVICE, INC				
5/3/2010	880429	535.00	NUISANCE ABTMNT SVCS-DEBRA WAY	283.00
			NUISANCE ABTMNT SVCS-PETEDYE	252.00
5/10/2010	880485	1,320.00	NUISANCE ABTMNT SVCS-CODE	283.00
			WEED ABTMNT SVCS-PARKS	1,037.00
5/24/2010	880537	82.00	NUISANCE ABMNT SVC-260391002	82.00
Vendor Total		1,937.00		
FYTD for INLAND EMPIRE PROPERTY SERVICE, INC		77,374.10		



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INLAND EMPIRE SMALL BUSINESS DEV.CENTER				
5/3/2010	202292	10,000.00	BUSINESS COUNSELING SVCS	10,000.00
Vendor Total		10,000.00		
FYTD for INLAND EMPIRE SMALL BUSINESS DEV.CENTER		40,000.00		
INLAND PETROLEUM EQUIPMENT & REPAIR, INC				
5/17/2010	880507	2,271.15	FUEL TANK SVC-FS #2	718.42
			FUEL TANK SVC-FS #48	454.14
			FUEL TANK SVC-FS #65	658.59
			FUEL TANK SVC-FS #91	440.00
Vendor Total		2,271.15		
FYTD for INLAND PETROLEUM EQUIPMENT & REPAIR, INC		3,444.04		
INLAND TAN				
5/3/2010	202293	83.53	REFUND-BUS LIC OVRPMT	83.53
Vendor Total		83.53		
FYTD for INLAND TAN		83.53		
INSIDE PLANTS, INC.				
5/24/2010	880538	316.00	PLANT MAINT-CONF & REC CTR	316.00
Vendor Total		316.00		
FYTD for INSIDE PLANTS, INC.		3,476.00		
INTERNATIONAL AUTO CRAFTERS				
5/10/2010	202441	687.50	TOWING SERVICE	687.50
Vendor Total		687.50		
FYTD for INTERNATIONAL AUTO CRAFTERS		687.50		
ISG THERMAL SYSTEMS USA, INC				
5/10/2010	202442	1,471.26	THERMAL IMAGING RPR-PD	1,471.26
			THERMAL IMAGING RPR-SALES TAX	81.49
			THERMAL IMAGING RPR-SALES TAX	-81.49
Vendor Total		1,471.26		
FYTD for ISG THERMAL SYSTEMS USA, INC		2,436.15		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ISLAND WAVE PRODUCTION: DJ LETI				
5/3/2010	202294	33.61		
			REFUND-BUS LIC OVRPMT	33.61
Vendor Total		33.61		
FYTD for ISLAND WAVE PRODUCTION: DJ LETI		33.61		
ISS SWEEPING, INC.				
5/17/2010	880508	2,265.70		
			STREET SWEEPING SVCS	1,545.70
			STREET SWEEPING SVCS	720.00
Vendor Total		2,265.70		
FYTD for ISS SWEEPING, INC.		25,816.10		
J A M FIRE PROTECTION				
5/3/2010	202295	21.00		
			REFUND-BUS LIC OVRPMT	21.00
Vendor Total		21.00		
FYTD for J A M FIRE PROTECTION		21.00		
JAECH, JESSI				
5/3/2010	202296	75.00		
			REFUND-S/N DEPOSIT	75.00
Vendor Total		75.00		
FYTD for JAECH, JESSI		75.00		
JDEDGE SOFTWARE, LLC				
5/3/2010	880430	6,605.00		
			CONSULTING SVCS	6,605.00
5/24/2010	880539	3,775.00		
			CONSULTING SVCS	3,775.00
Vendor Total		10,380.00		
FYTD for JDEDGE SOFTWARE, LLC		117,077.68		
JOE A. GONSALVES & SON				
5/17/2010	880509	3,150.00		
			REPRESENTATION SVCS	3,150.00
Vendor Total		3,150.00		
FYTD for JOE A. GONSALVES & SON		31,500.00		
JOHNSON, DELIA				
5/24/2010	202650	144.00		
			INSTRUCTOR SVCS-AEROBICS	144.00
Vendor Total		144.00		
FYTD for JOHNSON, DELIA		576.00		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JONES, SUSAN				
5/3/2010	880431	0.00		
			RETIREE MEDICAL BENEFIT	318.73
			RETIREE MEDICAL BENEFIT	-318.73
5/26/2010	880558	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for JONES, SUSAN		3,506.03		
JORDAN, GARY				
5/17/2010	202547	50.00		
			REFUND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for JORDAN, GARY		50.00		
JURY, KARRIE OR BRICE				
5/24/2010	202651	30.00		
			REFUND-FALSE ALARM FEE	30.00
Vendor Total		30.00		
FYTD for JURY, KARRIE OR BRICE		30.00		
K HOVNIANIAN'S PARKSIDE AT TOWNGATE				
5/10/2010	202443	57.00		
			REFUND-BUS LIC OVRPMT	57.00
Vendor Total		57.00		
FYTD for K HOVNIANIAN'S PARKSIDE AT TOWNGATE		57.00		
KANOV, LORI				
5/24/2010	202652	114.00		
			INSTRUCTION SVCS-3 DAYS	114.00
Vendor Total		114.00		
FYTD for KANOV, LORI		114.00		
KELLEY'S UNDERGROUND CONSTRUCTION				
5/3/2010	202297	31.24		
			REFUND-BUS LIC OVRPMT	31.24
Vendor Total		31.24		
FYTD for KELLEY'S UNDERGROUND CONSTRUCTION		31.24		
KELLY, SHEILA				
5/10/2010	202444	50.00		
			REFUND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for KELLY, SHEILA		50.00		



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KEPLER, JANELLE				
5/17/2010	202548	51.50		
			MILEAGE REIMBURSEMENT	19.00
			MILEAGE REIMBURSEMENT	32.50
Vendor Total		51.50		
FYTD for KEPLER, JANELLE		247.65		
KHAN, SHAFIQUK				
5/17/2010	202549	183.00		
			REFUND-CITATION FEE	183.00
Vendor Total		183.00		
FYTD for KHAN, SHAFIQUK		479.00		
KING, PATRICIA A.				
5/3/2010	202298	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for KING, PATRICIA A.		2,868.58		
KOLB, CHARLES E.				
5/3/2010	880432	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for KOLB, CHARLES E.		3,506.03		
KOLLAR, KYLE				
5/3/2010	202299	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for KOLLAR, KYLE		1,593.65		
KYLE, GARY M.				
5/3/2010	880433	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for KYLE, GARY M.		2,868.58		
LA FUENTE RESTAURANT #5				
5/3/2010	202300	78.94		
			REFUND-BUS LIC OVRPMT	78.94
Vendor Total		78.94		
FYTD for LA FUENTE RESTAURANT #5		78.94		



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LAFATA, JOSEPHINE				
5/3/2010	880434	315.59	RETIREE MEDICAL BENEFIT	315.59
Vendor Total		315.59		
FYTD for LAFATA, JOSEPHINE		3,474.13		
LAMB, LINDA				
5/10/2010	202445	30.00	REFUND-FALSE ALARM FEE	30.00
Vendor Total		30.00		
FYTD for LAMB, LINDA		30.00		
LANG, TRACEY				
5/3/2010	202301	190.00	INSTRUCTION SVCS-5 DAYS	190.00
Vendor Total		190.00		
FYTD for LANG, TRACEY		722.00		
LANGENDORF, BENJAMIN				
5/3/2010	202302	111.61	RETIREE MEDICAL BENEFIT	111.61
Vendor Total		111.61		
FYTD for LANGENDORF, BENJAMIN		2,980.18		
LAW ENFORCEMENT APPRECIATION COMMITTEE				
5/20/2010	202599	50.00	APPREC. DINNER/AWARDS CEREMONY	50.00
Vendor Total		50.00		
FYTD for LAW ENFORCEMENT APPRECIATION COMMITTEE		50.00		
LAWYERS TITLE INC				
5/17/2010	202550	450.00	PRELIM RPT-MORRISON PK FIRE ST	450.00
Vendor Total		450.00		
FYTD for LAWYERS TITLE INC		212,300.50		
LE FEVER MATTSON PROPERTY MGMT				
5/3/2010	202303	23.30	REFUND-BUS LIC OVRPMT	23.30
Vendor Total		23.30		
FYTD for LE FEVER MATTSON PROPERTY MGMT		23.30		



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LEADING EDGE LEARNING CENTER				
5/24/2010	202653	264.00		
			INSTRUCTOR SVCS-LEADERSHIP ACA	66.00
			INSTRUCTOR SVCS-ESL	198.00
Vendor Total		264.00		
FYTD for LEADING EDGE LEARNING CENTER		264.00		
LEIGHTON CONSULTING, INC.				
5/10/2010	880486	10,520.00		
			LASSELLE ST WIDENING PROJ SVCS	10,520.00
Vendor Total		10,520.00		
FYTD for LEIGHTON CONSULTING, INC.		83,366.64		
LENNY'S AUTO REPAIR				
5/3/2010	202304	73.79		
			REFUND-BUS LIC OVRPMT	73.79
Vendor Total		73.79		
FYTD for LENNY'S AUTO REPAIR		73.79		
LEWIS, CAROLYN S.				
5/3/2010	880435	315.59		
			RETIREE MEDICAL BENEFIT	315.59
Vendor Total		315.59		
FYTD for LEWIS, CAROLYN S.		3,470.89		
LEWIS, DOROTHY				
5/3/2010	202305	16.00		
			REFUND-ANML LICENSE FEE	16.00
Vendor Total		16.00		
FYTD for LEWIS, DOROTHY		16.00		
LEWIS-SCOTT, CLAUDETTE				
5/3/2010	202306	86.00		
			REFUND-ANML SVC FEES	30.00
			REFUND-ANML SVC FEES	10.00
			REFUND-ANML SVC FEES	20.00
			REFUND-ANML SVC FEES	16.00
			REFUND-ANML SVC FEES	10.00
Vendor Total		86.00		
FYTD for LEWIS-SCOTT, CLAUDETTE		86.00		



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LIEBERT, CASSIDY, WHITMORE				
5/3/2010	202307	175.00		
			EMPLOYEE RELATIONS CONSORTIUM	35.00
			EMPLOYEE RELATIONS CONSORTIUM	35.00
			EMPLOYEE RELATIONS CONSORTIUM	35.00
			EMPLOYEE RELATIONS CONSORTIUM	35.00
			EMPLOYEE RELATIONS CONSORTIUM	35.00
Vendor Total		175.00		
FYTD for LIEBERT, CASSIDY, WHITMORE		3,694.00		
LIM & NASCIMENTO ENGINEERING CORP.				
5/3/2010	202308	2,056.59		
			INDIAN BASIN IMPRVMENTS PROJ	2,056.59
5/24/2010	202654	913.01		
			PERRIS BL WIDENING FROM RAM XP	913.01
Vendor Total		2,969.60		
FYTD for LIM & NASCIMENTO ENGINEERING CORP.		558,770.97		
LINDO, HERMINA G.				
5/3/2010	880436	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for LINDO, HERMINA G.		3,060.17		
LOGAN, CHARLES				
5/3/2010	880437	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for LOGAN, CHARLES		2,727.34		
LOR GEOTECHNICAL GROUP, INC.				
5/24/2010	880540	950.00		
			VOUGHT ST SIDEWALK IMPRVMENTS	135.00
			TEMCO ST SIDEWALK IMPRVMENTS	815.00
Vendor Total		950.00		
FYTD for LOR GEOTECHNICAL GROUP, INC.		64,021.60		
LUMLEY, ROBERT C.				
5/3/2010	880438	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for LUMLEY, ROBERT C.		3,506.03		



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LUTHERAN SOCIAL SERVICES OF SO. CALI F.				
5/3/2010	880439	12,824.00		
			CDBG FUNDED SVCS-SECURITY DEPO	7,000.00
			CDBG FUNDED SVCS-SECURITY DEPO	324.00
			CDBG FUNDED SVCS-UTILITY ASSIS	5,000.00
			CDBG FUNDED SVCS-UTILITY ASSIS	500.00
Vendor Total		12,824.00		
FYTD for LUTHERAN SOCIAL SERVICES OF SO. CALI F.		57,138.00		
LYNCH. PATRICK				
5/10/2010	202446	260.00		
			PER DIEM-VEH HOMICIDE SEMINAR	260.00
Vendor Total		260.00		
FYTD for LYNCH. PATRICK		260.00		
MACHUCA, ALICIA				
5/3/2010	202309	75.00		
			REFUND-S/N DEPOSIT	75.00
Vendor Total		75.00		
FYTD for MACHUCA, ALICIA		75.00		
MAGANA, OLGA				
5/17/2010	202551	200.00		
			REFUND-RNTL DEP 4/17	200.00
Vendor Total		200.00		
FYTD for MAGANA, OLGA		200.00		
MAGANA'S AUTO UPHOLSTERY & FURNITURE				
5/3/2010	202310	35.74		
			REFUND-BUS LIC OVRPMT	35.74
Vendor Total		35.74		
FYTD for MAGANA'S AUTO UPHOLSTERY & FURNITURE		35.74		
MANCILLA, MARIA				
5/24/2010	202655	50.00		
			REFUND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for MANCILLA, MARIA		50.00		
MARCH JOINT POWERS AUTHORITY				
5/17/2010	202552	6.22		
			GAS CHARGES-MARCH FIELD	5.08
			GAS CHARGES-MARCH FIELD	1.14
Vendor Total		6.22		
FYTD for MARCH JOINT POWERS AUTHORITY		68.42		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MARK BEAMISH WATERPROOFING, INC.				
5/3/2010	202311	126.74		
			REFUND-BUS LIC OVRPMT	126.74
Vendor Total		126.74		
FYTD for MARK BEAMISH WATERPROOFING, INC.		213.74		
MARKETEKs 2410943				
5/17/2010	202553	11,740.00		
			INFLATABLE LIGHT TOWERS-PD	11,400.00
			INFLATABLE LIGHT TOWERS-TAX	997.50
			INFLATABLE LIGHT TOWERS-SHIPPI	340.00
			INFLATABLE LIGHT TOWERS-USED T	-997.50
Vendor Total		11,740.00		
FYTD for MARKETEKs 2410943		27,475.00		
MARTIAL ARTS INTERNATIONAL, USKO				
5/10/2010	202447	168.00		
			INSTRUCTOR SVCS-KICKBOXING	112.00
			INSTRUCTOR SVCS-BOXING	56.00
Vendor Total		168.00		
FYTD for MARTIAL ARTS INTERNATIONAL, USKO		560.00		
MASONITE CORPORATION				
5/24/2010	202656	90.00		
			REFUND-FALSE ALARM FEE	90.00
Vendor Total		90.00		
FYTD for MASONITE CORPORATION		90.00		
MATHIS, NOLAN				
5/3/2010	202312	296.00		
			RETIREE MEDICAL BENEFIT	296.00
Vendor Total		296.00		
FYTD for MATHIS, NOLAN		3,196.80		
MATICH CORPORATION				
5/24/2010	880541	21,227.37		
			ASPHALTIC MATERIAL	7,876.84
			ASPHALTIC MATERIAL	9,256.92
			ASPHALTIC MATERIAL	2,795.83
			ASPHALTIC MATERIAL	1,297.78
Vendor Total		21,227.37		
FYTD for MATICH CORPORATION		56,951.72		



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MAXINOSKI, SUE A.				
5/3/2010	880440	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for MAXINOSKI, SUE A.		3,506.03		
MAYER HOFFMAN MCCANN P.C.				
5/24/2010	202657	13,560.00	AUDITING SVC-CITY	7,280.00
			AUDITING SVC-SINGLE	757.00
			AUDITING SVC-CITY	3,417.00
			AUDITING SVC-RDA	1,404.00
			AUDITING SVC-RDA	702.00
Vendor Total		13,560.00		
FYTD for MAYER HOFFMAN MCCANN P.C.		85,919.00		
MCCULLUM, ADRIAN				
5/24/2010	202658	50.00	REFUND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for MCCULLUM, ADRIAN		50.00		
MCDONOUGH, HOLLAND & ALLEN				
5/24/2010	202659	6.36	LEGAL SVCS	6.36
Vendor Total		6.36		
FYTD for MCDONOUGH, HOLLAND & ALLEN		69,993.56		
MELAD & ASSOCIATES				
5/3/2010	202314	2,751.46	PLAN CHECK SERVICES	2,751.46
Vendor Total		2,751.46		
FYTD for MELAD & ASSOCIATES		41,130.82		
MENDOZA, BRUNO				
5/17/2010	202554	41.00	REFUND-ANML LIC FEE	41.00
Vendor Total		41.00		
FYTD for MENDOZA, BRUNO		41.00		
MENGISTU, YESHIALEM				
5/17/2010	202555	123.00	MILEAGE REIMBURSEMENT	123.00
Vendor Total		123.00		
FYTD for MENGISTU, YESHIALEM		1,118.55		



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MESSIN, LOUIS				
5/3/2010	880441	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for MESSIN, LOUIS		2,868.58		
MILES, ROBERT				
5/3/2010	880442	0.00	RETIREE MEDICAL BENEFIT	194.53
			RETIREE MEDICAL BENEFIT	-194.53
5/12/2010	880496	194.53	RETIREE MEDICAL BENEFIT	194.53
Vendor Total		194.53		
FYTD for MILES, ROBERT		2,415.29		
MINARD, MARK E.				
5/3/2010	880443	308.17	RETIREE MEDICAL BENEFIT	308.17
Vendor Total		308.17		
FYTD for MINARD, MARK E.		3,294.68		
MIRACLE PLAYGROUND SALES				
5/10/2010	880487	942.20	PLAYGROUND EQUIP PARTS	942.20
Vendor Total		942.20		
FYTD for MIRACLE PLAYGROUND SALES		33,148.29		
MISSION PAVING AND SEALING, INC				
5/3/2010	202315	42.21	REFUND-BUS LIC OVRPMT	42.21
Vendor Total		42.21		
FYTD for MISSION PAVING AND SEALING, INC		42.21		
MOLLICA, MIKE				
5/3/2010	880444	401.42	RETIREE MEDICAL BENEFIT	401.42
Vendor Total		401.42		
FYTD for MOLLICA, MIKE		3,612.79		
MORA, PATRICIA A.				
5/3/2010	202395	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for MORA, PATRICIA A.		3,506.03		



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MORALES, KAREN R.				
5/24/2010	202660	30.99		
			TRAVEL EXP-INFOPEOPLE WORKSHOP	23.50
			TRAVEL EXP-INFOPEOPLE WORKSHOP	7.49
Vendor Total		30.99		
FYTD for MORALES, KAREN R.		30.99		
MORENO JANITORIAL				
5/3/2010	202316	62.75		
			REFUND-BUS LIC OVRPMT	62.75
Vendor Total		62.75		
FYTD for MORENO JANITORIAL		62.75		
MORENO VALLEY CHAMBER OF COMMERCE				
5/10/2010	202448	25.00		
			STUDENT OF THE YEAR DINNER	25.00
5/17/2010	202556	105.00		
			WAKE UP MEETING-4/28/10	15.00
			WAKE UP MEETING-4/28/10	15.00
			WAKE UP MEETING-4/28/10	15.00
			WAKE UP MEETING-4/28/10	15.00
			WAKE UP MEETING-4/28/10	15.00
			WAKE UP MEETING-4/28/10	15.00
Vendor Total		130.00		
FYTD for MORENO VALLEY CHAMBER OF COMMERCE		29,230.00		
MORENO VALLEY CITY EMPLOYEES ASSOC.				
5/7/2010	2631	1,579.00		
			MVCEA DUES 05/07/10	1,579.00
5/21/2010	2639	1,579.00		
			MVCEA DUES 05/21/10	1,579.00
Vendor Total		3,158.00		
FYTD for MORENO VALLEY CITY EMPLOYEES ASSOC.		38,011.50		
MORENO VALLEY CONSTRUCTION				
5/3/2010	202317	54.25		
			REFUND-BUS LIC OVRPMT	54.25
Vendor Total		54.25		
FYTD for MORENO VALLEY CONSTRUCTION		54.25		



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MORENO VALLEY GATEWAY, LLC				
5/24/2010	880542	7,934.87		
			LEASE-FAC ANNEX BLDG	2,458.97
			LEASE-TECH SVCS ANNEX BLDG	5,475.90
5/26/2010	880559	13,158.56		
			LEASE-SPCL DIST ANNEX BLDG	13,158.56
	Vendor Total	21,093.43		
FYTD for MORENO VALLEY GATEWAY, LLC		232,027.73		
MORENO VALLEY HISPANIC CHAMBER				
5/24/2010	202661	100.00		
			REFUND-RNTL DEP 5/8	100.00
	Vendor Total	100.00		
FYTD for MORENO VALLEY HISPANIC CHAMBER		343.50		
MORENO VALLEY UTILITY				
5/24/2010	202662	79.80		
			ELECTRIC SVC-UT FLD OFFICE	79.80
	Vendor Total	79.80		
FYTD for MORENO VALLEY UTILITY		679,997.78		
MORENO, DIANA				
5/10/2010	202449	260.00		
			PER DIEM-VEH HOMICIDE SEMINAR	260.00
	Vendor Total	260.00		
FYTD for MORENO, DIANA		260.00		
MORGAN, LISA A.				
5/3/2010	880446	318.73		
			RETIREE MEDICAL BENEFIT	318.73
	Vendor Total	318.73		
FYTD for MORGAN, LISA A.		3,506.03		
MR. CLEAN, INC.				
5/3/2010	202318	200.00		
			PRESSURE WASHING SERVICE	200.00
	Vendor Total	200.00		
FYTD for MR. CLEAN, INC.		1,533.41		
MYSTIK CARPET				
5/3/2010	202319	48.99		
			REFUND-BUS LIC OVRPMT	48.99
	Vendor Total	48.99		
FYTD for MYSTIK CARPET		48.99		



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NADINE THOMAS				
5/24/2010	202663	19,053.72		
			RENTAL ASSIST PMT-IRONWOOD PRJ	19,053.72
5/24/2010	202664	1,650.00		
			RESIDENTIAL MOVING PMT	1,650.00
	Vendor Total	20,703.72		
FYTD for NADINE THOMAS		20,703.72		
NARA, LOWELON				
5/10/2010	202450	82.00		
			MILEAGE REIMBURSEMENT	82.00
	Vendor Total	82.00		
FYTD for NARA, LOWELON		437.05		
NATIONAL LAW ENFORCEMENT SUPPLY, INC.				
5/24/2010	202665	157.37		
			FORENSIC SUPPLIES-PD	146.81
			FORENSIC SUPPLIES-SHIPPING	22.37
			FORENSIC SUPPLIES-USED TAX	-11.81
	Vendor Total	157.37		
FYTD for NATIONAL LAW ENFORCEMENT SUPPLY, INC.		989.36		
NATIONWIDE RETIREMENT SOLUTIONS				
5/7/2010	2629	12,812.44		
			PST DEF COMP FOR FICA 05/07/10	12,812.44
5/7/2010	2630	23,534.81		
			DEF COMP 457 & 401(A) 05/07/10	23,534.81
5/21/2010	2637	12,792.15		
			PST DEF COMP FOR FICA 05/21/10	12,792.15
	Vendor Total	49,139.40		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS		819,391.58		
NAVARRETTE, RALPH				
5/3/2010	202320	318.73		
			RETIREE MEDICAL BENEFIT	318.73
	Vendor Total	318.73		
FYTD for NAVARRETTE, RALPH		1,593.65		
NELSON PAVING				
5/3/2010	202321	6,381.79		
			INSTALL SPEED HUMP-SUPERIOR AV	6,381.79
5/17/2010	202558	4,523.00		
			PARKING LOT RPRS-SENIOR CTR	4,523.00
	Vendor Total	10,904.79		
FYTD for NELSON PAVING		21,068.39		



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NELSON, CHRIS				
5/24/2010	202666	25.00	REFUND-LOST BOOK FEE	25.00
Vendor Total		25.00		
FYTD for NELSON, CHRIS		25.00		
NELSON, ROBERT				
5/3/2010	202322	305.60	RETIREE MEDICAL BENEFIT	305.60
Vendor Total		305.60		
FYTD for NELSON, ROBERT		2,742.41		
NELSON, RUTH L.				
5/3/2010	880447	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for NELSON, RUTH L.		3,506.03		
NEUSTAEDTER, CRAIG S				
5/3/2010	202323	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for NEUSTAEDTER, CRAIG S		3,506.03		
NEW VISION CHILDREN'S SERVICES				
5/3/2010	202324	200.00	REFUND-RNTL DEP 4/12	200.00
Vendor Total		200.00		
FYTD for NEW VISION CHILDREN'S SERVICES		200.00		
NGUYEN, QUANG				
5/17/2010	202597	68.00	MILEAGE REIMBURSEMENT	68.00
Vendor Total		68.00		
FYTD for NGUYEN, QUANG		332.55		
NICKS, KRISTIN				
5/10/2010	202451	52.00	REFUND-REGIST FEE	52.00
Vendor Total		52.00		
FYTD for NICKS, KRISTIN		52.00		



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NIEBURGER, JUDITH A.				
5/3/2010	202325	401.42	RETIREE MEDICAL BENEFIT	401.42
Vendor Total		401.42		
FYTD for NIEBURGER, JUDITH A.		4,415.62		
NIETO, ANTHONY				
5/17/2010	202559	30.00	REFUND-ADOPTION FEE	30.00
Vendor Total		30.00		
FYTD for NIETO, ANTHONY		30.00		
NUNEZ MOBILE REPAIR				
5/3/2010	202326	57.00	REFUND-BUS LIC OVRPMT	57.00
Vendor Total		57.00		
FYTD for NUNEZ MOBILE REPAIR		57.00		
NUTRITIONAL MERCHANDISE				
5/3/2010	202327	84.15	REFUND-BUS LIC OVRPMT	84.15
Vendor Total		84.15		
FYTD for NUTRITIONAL MERCHANDISE		84.15		
OAKRIDGE DATA MINING				
5/3/2010	202328	32.15	REFUND-BUS LIC OVRPMT	32.15
Vendor Total		32.15		
FYTD for OAKRIDGE DATA MINING		32.15		
OAKS, MARY ANN				
5/17/2010	202560	75.00	INSTRUCTOR SVCS-CPR	75.00
Vendor Total		75.00		
FYTD for OAKS, MARY ANN		225.00		
OCGIA-ORANGE CTY GANG INVESTIGATORS ASSO				
5/17/2010	202561	40.00	5/27/10 GANG TRNG CONFERENCE	40.00
Vendor Total		40.00		
FYTD for OCGIA-ORANGE CTY GANG INVESTIGATORS ASSO		40.00		



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OMNIS, INC.				
5/10/2010	202452	2,640.00	TRAF SIG @ SR-60/REDLANDS BLVD	2,640.00
Vendor Total		2,640.00		
FYTD for OMNIS, INC.		11,163.04		
OPERATION SAFEHOUSE, INC.				
5/17/2010	202562	867.18	SHELTER PRGM-CDBG	867.18
Vendor Total		867.18		
FYTD for OPERATION SAFEHOUSE, INC.		6,911.46		
ORTIZ FIRE PROTECTION				
5/24/2010	202667	516.00	REFUND-FIRE PERMIT FEES	270.00
			REFUND-FIRE PERMIT FEES	225.00
			REFUND-FIRE PERMIT FEES	21.00
Vendor Total		516.00		
FYTD for ORTIZ FIRE PROTECTION		516.00		
OVERLAND PACIFIC & CUTLER, INC.				
5/17/2010	202563	7,560.00	RIGHT OF WAY SVCS-VARIOUS PROJ	7,560.00
Vendor Total		7,560.00		
FYTD for OVERLAND PACIFIC & CUTLER, INC.		158,889.50		
PACIFIC GREEN HORTICULTURAL SVC				
5/10/2010	202453	817.83	LANDSCAPE MAINT-E3	235.54
			LANDSCAPE MAINT-E4	433.49
			LANDSCAPE MAINT-E1	108.51
			LANDSCAPE MAINT-E7	40.29
5/24/2010	202668	975.00	TREE PESTICIDE INJECTIONS	975.00
Vendor Total		1,792.83		
FYTD for PACIFIC GREEN HORTICULTURAL SVC		11,896.12		
PACIFIC TELEMAGEMENT SERVICES				
5/17/2010	202564	438.48	PAYPHONE CHRGS	375.84
			PAYPHONE CHRGS-POLICE	62.64
Vendor Total		438.48		
FYTD for PACIFIC TELEMAGEMENT SERVICES		3,019.24		



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PACIFIC UTILITY INSTALLATION, INC				
5/24/2010	202669	850.00	PROF SVCS-MVU	850.00
Vendor Total		850.00		
FYTD for PACIFIC UTILITY INSTALLATION, INC		896.65		
PAINTING BY ZEB BODE				
5/10/2010	202454	300.00	GYMNASIUM TOUCH UP SVC	300.00
Vendor Total		300.00		
FYTD for PAINTING BY ZEB BODE		6,250.00		
PAMINIANO, VANESSA				
5/10/2010	202455	124.80	REFUND-SHELTER RNTL FEE	124.80
Vendor Total		124.80		
FYTD for PAMINIANO, VANESSA		124.80		
PARSONS TRANSPORTATION GROUP, INC.				
5/10/2010	202456	4,755.23	SR-60/NASON ST OVRCRSSNG PROJ	4,755.23
Vendor Total		4,755.23		
FYTD for PARSONS TRANSPORTATION GROUP, INC.		1,006,277.56		
PATTERSON, ALFREY				
5/3/2010	202329	194.53	RETIREE MEDICAL BENEFIT	194.53
Vendor Total		194.53		
FYTD for PATTERSON, ALFREY		2,306.44		
PATTERSON, PATRICK				
5/3/2010	202330	75.00	REFUND-S/N DEPOSIT	75.00
Vendor Total		75.00		
FYTD for PATTERSON, PATRICK		75.00		
PATTON, LARRY				
5/24/2010	202670	20.00	REFUND-RABIES DEP	20.00
Vendor Total		20.00		
FYTD for PATTON, LARRY		20.00		



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PEDLEY SQUARE VETERINARY CLINIC				
5/17/2010	202598	7,963.00	EMERG VET SVCS	7,963.00
Vendor Total		7,963.00		
FYTD for PEDLEY SQUARE VETERINARY CLINIC		74,046.75		
PELLAND, KENT				
5/24/2010	202672	50.00	REFUND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for PELLAND, KENT		50.00		
PEP BOYS				
5/3/2010	202331	1,715.52	REFUND-BUS LIC OVRPMT	1,715.52
Vendor Total		1,715.52		
FYTD for PEP BOYS		1,715.52		
PERRY, NORMA				
5/3/2010	202332	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for PERRY, NORMA		3,506.03		
PERS LONG TERM CARE PROGRAM				
5/10/2010	202457	433.87	LONG TERM CARE INSURANCE	433.87
5/24/2010	202673	433.87	LONG TERM CARE INSURANCE	433.87
Vendor Total		867.74		
FYTD for PERS LONG TERM CARE PROGRAM		12,155.27		
PLUMMERS ELEVATOR SERVICE, INC				
5/3/2010	202333	127.94	REFUND-BUS LIC OVRPMT	127.94
Vendor Total		127.94		
FYTD for PLUMMERS ELEVATOR SERVICE, INC		127.94		
POIEMA LANDSCAPE, INC.				
5/24/2010	880544	3,464.85	LANDSCAPE MAINT-ZN S	834.37
			LANDSCAPE MAINT-ZN S	499.48
			LANDSCAPE MAINT-E12	2,131.00
Vendor Total		3,464.85		
FYTD for POIEMA LANDSCAPE, INC.		34,023.98		



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POSTMASTER				
5/3/2010	202334	2,961.93		
			POSTAGE	592.41
			POSTAGE	592.38
			POSTAGE	592.38
			POSTAGE	592.38
			POSTAGE	592.38
5/10/2010	202458	865.00		
			PERMIT RENEWAL	750.23
			PERMIT RENEWAL	84.24
			PERMIT RENEWAL	30.53
Vendor Total		3,826.93		
FYTD for POSTMASTER		18,679.21		
PRESS ENTERPRISE LEGAL & CLASSIFIED ADVE				
5/17/2010	202565	4,350.15		
			LEGAL AD PLACEMENTS	1,291.50
			LEGAL AD PLACEMENTS	1,425.38
			LEGAL AD PLACEMENTS	1,633.27
Vendor Total		4,350.15		
FYTD for PRESS ENTERPRISE LEGAL & CLASSIFIED ADVE		11,721.15		
PRICE, GEORGE E.				
5/3/2010	880448	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for PRICE, GEORGE E.		3,506.03		
PROTECTION ONE, INC.				
5/17/2010	202566	40.00		
			SECURITY MNTRNG SVC-PRO SHOP	20.00
			SECURITY MNTRNG SVC-GOLF CTR	20.00
Vendor Total		40.00		
FYTD for PROTECTION ONE, INC.		440.00		
PSOMAS				
5/10/2010	202459	5,950.00		
			LASSELLE ST WIDENING PROJ SVCS	5,950.00
5/10/2010	202460	10,991.44		
			LASSELLE ST WIDENING PROJ SVCS	10,991.44
Vendor Total		16,941.44		
FYTD for PSOMAS		195,642.70		



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PULLIAM, TRENT D.				
5/3/2010	202335	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for PULLIAM, TRENT D.		3,506.03		
PW ENHANCEMENT CENTER				
5/3/2010	880449	7,208.99	PARTNERSHIP PRGM-EDD	7,208.99
Vendor Total		7,208.99		
FYTD for PW ENHANCEMENT CENTER		123,955.07		
PYRO SPECTACULARS, INC.				
5/10/2010	202461	16,500.00	FIREWORKS DISPLAY-7/4/10	16,500.00
Vendor Total		16,500.00		
FYTD for PYRO SPECTACULARS, INC.		16,500.00		
QUINN AME CHURCH				
5/3/2010	202336	200.00	REFUND-RNTL DEP 4/10	200.00
Vendor Total		200.00		
FYTD for QUINN AME CHURCH		400.00		
QUIZNOS SUBS #11109				
5/3/2010	202337	66.34	REFUND-BUS LIC OVRPMT	66.34
Vendor Total		66.34		
FYTD for QUIZNOS SUBS #11109		66.34		
R & S OVERHEAD DOORS, INC.				
5/17/2010	880512	2,247.50	LIFT MASTER-FS #2	2,247.50
5/24/2010	880545	717.00	DOOR RAIL-FS #2	717.00
Vendor Total		2,964.50		
FYTD for R & S OVERHEAD DOORS, INC.		29,709.00		
RAIN FRESH CLEANERS				
5/3/2010	202338	36.00	REFUND-BUS LIC OVRPMT	36.00
Vendor Total		36.00		
FYTD for RAIN FRESH CLEANERS		36.00		



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RALLY MANAGEMENT SERVICES, LLC				
5/3/2010	202339	1,438.56		
			TEMP SVCS-HENDERSON W/E 2/7	719.28
			TEMP SVCS-HENDERSON W/E 4/11	719.28
5/10/2010	202462	719.28		
			TEMP SVCS-HENDERSON W/E 4/18	719.28
5/24/2010	202674	719.28		
			TEMP SVCS-HENDERSON W/E 4/25	719.28
Vendor Total		2,877.12		
FYTD for RALLY MANAGEMENT SERVICES, LLC		15,119.21		
REFLEX TRAFFIC SYSTEMS, INC.				
5/3/2010	202341	92.05		
			REFUND-BUS LIC OVRPMT	92.05
Vendor Total		92.05		
FYTD for REFLEX TRAFFIC SYSTEMS, INC.		111,872.05		
REGENTS UC / UNIVERSITY OF CALIFORNIA				
5/17/2010	202567	54.00		
			CUC BREAKFAST MEETING	18.00
			CUC BREAKFAST MEETING	18.00
			CUC BREAKFAST MEETING	18.00
Vendor Total		54.00		
FYTD for REGENTS UC / UNIVERSITY OF CALIFORNIA		94.00		
REISH LUFTMAN REICHER & COHEN				
5/3/2010	202342	5,715.00		
			LEGAL SVCS-HR	5,715.00
Vendor Total		5,715.00		
FYTD for REISH LUFTMAN REICHER & COHEN		45,425.50		
RENERIA, CARLOS				
5/3/2010	202343	20.00		
			REFUND-RABIES DEP	20.00
Vendor Total		20.00		
FYTD for RENTERIA, CARLOS		20.00		
RESCUE ROOTER				
5/3/2010	202344	99.00		
			PLUMBING REPAIRS-PSB	99.00
Vendor Total		99.00		
FYTD for RESCUE ROOTER		6,585.50		



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REVENUE EXPERTS, INC.				
5/3/2010	202345	1,594.18	CITATION PRCSNG-ANML SVCS	1,594.18
Vendor Total		1,594.18		
FYTD for REVENUE EXPERTS, INC.		37,586.23		
REYNA, MARTIN				
5/3/2010	202346	30.00	REFUND-FALSE ALARM FEE	30.00
Vendor Total		30.00		
FYTD for REYNA, MARTIN		30.00		
RHA LANDSCAPE ARCHITECTS-PLANNERS				
5/10/2010	202463	984.60	SHADOW MTN PARK LIGHTING PROJ	984.60
Vendor Total		984.60		
FYTD for RHA LANDSCAPE ARCHITECTS-PLANNERS		7,432.58		
RIVERSIDE COUNTY ASSESSOR				
5/3/2010	202347	6.00	PARCEL MAP COPY SVC	1.50
			PARCEL MAP COPY SVC	1.50
			PARCEL MAP COPY SVC	1.50
			PARCEL MAP COPY SVC	1.50
Vendor Total		6.00		
FYTD for RIVERSIDE COUNTY ASSESSOR		201.00		
RIVERSIDE COUNTY AUDITOR-CONTROLLER				
5/10/2010	202464	35.00	TAX RATE BOOK ANNL PUBLICATION	35.00
Vendor Total		35.00		
FYTD for RIVERSIDE COUNTY AUDITOR-CONTROLLER		35.00		
RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH				
5/10/2010	202465	300.00	LICENSE TESTING	300.00
Vendor Total		300.00		
FYTD for RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH		1,750.00		



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RIVERSIDE COUNTY INFORMATION TECHNOLOGY				
5/3/2010	202348	1,789.70		
			RADIO SERVICES-POLICE	1,789.70
5/10/2010	202466	231.01		
			RADIO LEASE/MAINT	187.15
			RADIO LEASE/MAINT	9.85
			RADIO LEASE/MAINT	34.01
Vendor Total		2,020.71		
FYTD for RIVERSIDE COUNTY INFORMATION TECHNOLOGY		22,869.34		
RIVERSIDE COUNTY SHERIFF				
5/3/2010	202396	10,587.84		
			BOOKING FEES-PD	10,587.84
5/17/2010	880513	11,362.56		
			BOOKING FEES-PD	11,362.56
Vendor Total		21,950.40		
FYTD for RIVERSIDE COUNTY SHERIFF		33,101,772.67		
RIVERSIDE COUNTY SHERIFF COURT SERVICES				
5/10/2010	202467	800.14		
			GARNISHMENT	800.14
5/24/2010	202675	816.88		
			GARNISHMENT	816.88
Vendor Total		1,617.02		
FYTD for RIVERSIDE COUNTY SHERIFF COURT SERVICES		10,912.95		
RIVERSIDE COUNTY SHERIFF MV				
5/17/2010	202569	1,173.04		
			EXTRA DUTY SVC-POLICE	233.42
			EXTRA DUTY SVC-POLICE	584.09
			EXTRA DUTY SVC-POLICE	355.53
Vendor Total		1,173.04		
FYTD for RIVERSIDE COUNTY SHERIFF MV		11,192.14		
RIVERSIDE COUNTY SHERIFF'S DEPT.				
5/17/2010	202570	1,958.04		
			MVFB-I-CEP CHRGS	1,305.36
			MVFB-I-CEP CHRGS	652.68
Vendor Total		1,958.04		
FYTD for RIVERSIDE COUNTY SHERIFF'S DEPT.		762,001.26		



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RIVERSIDE RUBBER STAMP & ENGRAVING				
5/17/2010	202571	60.56		
			DATE STAMP-M&O	54.56
			DATE STAMP-SHIPPING	6.00
Vendor Total		60.56		
FYTD for RIVERSIDE RUBBER STAMP & ENGRAVING		77.07		
RIVERSTONE RESIDENTIAL CA, INC				
5/3/2010	202349	52.93		
			REFUND-BUS LIC OVRPMT	52.93
Vendor Total		52.93		
FYTD for RIVERSTONE RESIDENTIAL CA, INC		52.93		
RLZ ENGINEERING				
5/10/2010	880489	5,254.50		
			TEMP STAFFING SVCS-CAP PROJS	5,254.50
Vendor Total		5,254.50		
FYTD for RLZ ENGINEERING		135,854.25		
ROBINSON, JOAQUIN				
5/3/2010	202350	304.00		
			INSTRUCTION SVCS-8 DAYS	304.00
Vendor Total		304.00		
FYTD for ROBINSON, JOAQUIN		304.00		
ROGERS, EUGENE				
5/3/2010	880451	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for ROGERS, EUGENE		2,868.58		
ROSS, DAVID T.				
5/3/2010	880452	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for ROSS, DAVID T.		3,506.03		
ROSSON, LOUIS A.				
5/3/2010	880453	193.36		
			RETIREE MEDICAL BENEFIT	193.36
Vendor Total		193.36		
FYTD for ROSSON, LOUIS A.		2,952.93		



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RUSSELL, MARGARET				
5/24/2010	202676	190.00	INSTRUCTION SVCS-5 DAYS	190.00
Vendor Total		190.00		
FYTD for RUSSELL, MARGARET		190.00		
RUSSO, JOHN				
5/3/2010	880454	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for RUSSO, JOHN		3,506.03		
RUTAN & TUCKER, LLP				
5/24/2010	202677	550.00	LEGAL SVCS	550.00
Vendor Total		550.00		
FYTD for RUTAN & TUCKER, LLP		550.00		
RYMAX ELECTRIC, INC.				
5/17/2010	202572	5,610.61	TREE LIGHT INSTALL-E7	3,850.00
			TREE LIGHT MAINT-E1	125.00
			TREE LIGHT MAINT-E2	125.00
			TREE LIGHT MAINT-E3	125.00
			TREE LIGHT MAINT-E7	125.00
			TREE LIGHT MAINT-ZN M	125.00
			TREE LIGHT RPRS-E1	385.00
			TREE LIGHT RPRS-E3	580.85
			TREE LIGHT RPRS-E7	169.76
Vendor Total		5,610.61		
FYTD for RYMAX ELECTRIC, INC.		20,033.41		
SA ASSOCIATES				
5/24/2010	880546	9,450.00	TEMP STAFFING SVCS-CAP PROJS	9,450.00
Vendor Total		9,450.00		
FYTD for SA ASSOCIATES		120,562.50		
SANDOVAL, PATRICK				
5/17/2010	202573	95.00	REFUND-ANML SVC FEES	20.00
			REFUND-ANML SVC FEES	75.00
Vendor Total		95.00		
FYTD for SANDOVAL, PATRICK		95.00		



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SCHINDLER ELEVATOR CORP				
5/3/2010	202351	36.12		
			REFUND-BUS LIC OVRPMT	36.12
Vendor Total		36.12		
FYTD for SCHINDLER ELEVATOR CORP		36.12		
SCHLECHTER, JOHN A.				
5/3/2010	202352	91.86		
			REFUND-BUS LIC OVRPMT	91.86
Vendor Total		91.86		
FYTD for SCHLECHTER, JOHN A.		91.86		
SCREENVISION DIRECT				
5/10/2010	202468	2,240.00		
			ADVERTISING SVCS-SPCL DIST	1,044.00
			ADVERTISING SVCS-SPCL DIST	596.00
			ADVERTISING SVCS-SPCL DIST	450.00
			ADVERTISING SVCS-SPCL DIST	150.00
5/24/2010	202678	1,328.00		
			ADVERTISING SVCS-EDD	768.00
			ADVERTISING SVCS-EDD	560.00
Vendor Total		3,568.00		
FYTD for SCREENVISION DIRECT		11,108.00		
SEAL ELECTRIC, INC				
5/3/2010	202353	23.29		
			REFUND-BUS LIC OVRPMT	23.29
Vendor Total		23.29		
FYTD for SEAL ELECTRIC, INC		23.29		
SECTRAN SECURITY, INC				
5/3/2010	202354	463.50		
			TRANSPORT SVCS-PARKS	154.50
			TRANSPORT SVCS-TREASURY	154.50
			TRANSPORT SVCS-SPCL DIST	154.50
Vendor Total		463.50		
FYTD for SECTRAN SECURITY, INC		4,635.00		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SECURITY LOCK & KEY				
5/3/2010	880455	144.08		
			DOOR LOCK SVCS-ANML SHLTR	144.08
5/10/2010	880491	156.31		
			DOOR LOCK SVC-PARKS	156.31
5/24/2010	880547	167.02		
			CABINET LOCK SVC-MAINT & OPS	105.52
			DOOR LOCK SVC-TOWNGATE PARK	61.50
Vendor Total		467.41		
FYTD for SECURITY LOCK & KEY		16,545.69		
SHAH, JAGDISH				
5/17/2010	880515	18,360.00		
			TEMP STAFFING SVCS-CAP PROJS	9,760.00
			TEMP STAFFING SVCS-CAP PROJS	8,600.00
Vendor Total		18,360.00		
FYTD for SHAH, JAGDISH		203,640.00		
SHARRETT, SHARON K.				
5/3/2010	202355	193.36		
			RETIREE MEDICAL BENEFIT	193.36
Vendor Total		193.36		
FYTD for SHARRETT, SHARON K.		2,041.76		
SHELDON, STUART H.				
5/3/2010	202356	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for SHELDON, STUART H.		3,506.03		
SHELL OIL CO.				
5/10/2010	202470	70.00		
			FUEL PURCHASE-ANIMAL SVCS	70.00
5/24/2010	202679	1,685.59		
			FUEL PURCHASE-PW TREE EQUIP.	16.25
			FUEL PURCHASES-PD MOTORCYCLES	1,669.34
Vendor Total		1,755.59		
FYTD for SHELL OIL CO.		18,640.01		
SHURTLEFF, JEANNETTE L.				
5/24/2010	202680	532.00		
			INSTRUCTION SVCS-14 DAYS	532.00
Vendor Total		532.00		
FYTD for SHURTLEFF, JEANNETTE L.		3,800.00		



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SIGMA ENGINEERNG, INC				
5/10/2010	202471	12,005.00		
			ASBESTOS/LEAD SURVEY	4,400.00
			ASBESTOS/LEAD SURVEY	7,605.00
Vendor Total		12,005.00		
FYTD for SIGMA ENGINEERNG, INC		12,005.00		
SIMPLEX GRINNELL, LP				
5/3/2010	202357	20.66		
			REFUND-BUS LIC OVRPMT	20.66
Vendor Total		20.66		
FYTD for SIMPLEX GRINNELL, LP		20.66		
SINGER & COFFIN, APC				
5/24/2010	880549	7,906.97		
			LEGAL SVCS-SR60/NASON ST PROJ	1,443.75
			LEGAL SVCS-SR60/NASON ST PROJ	6,463.22
Vendor Total		7,906.97		
FYTD for SINGER & COFFIN, APC		76,958.62		
SKONBERG, HEATHER ALLISON				
5/24/2010	202681	1,000.00		
			CONSULTING SVCS	1,000.00
Vendor Total		1,000.00		
FYTD for SKONBERG, HEATHER ALLISON		6,300.00		
SKY PUBLISHING				
5/3/2010	202358	8,773.50		
			RECREATION GUIDES	8,773.50
Vendor Total		8,773.50		
FYTD for SKY PUBLISHING		57,218.00		
SKY TRAILS MOBILE VILLAGE				
5/24/2010	202682	18.69		
			REFUND-UT USER TAXES	18.69
Vendor Total		18.69		
FYTD for SKY TRAILS MOBILE VILLAGE		247.29		
SLAGERMAN, SUSAN A.				
5/3/2010	880456	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for SLAGERMAN, SUSAN A.		4,068.49		



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SMITH, MARIA A.				
5/3/2010	880457	315.59	RETIREE MEDICAL BENEFIT	315.59
Vendor Total		315.59		
FYTD for SMITH, MARIA A.		1,861.69		
SMUS, PAULA				
5/24/2010	202683	61.70	MILEAGE REIMBURSEMENT	61.70
Vendor Total		61.70		
FYTD for SMUS, PAULA		166.42		
SO - CAL STRUCTURAL STEEL FABRICATION, I				
5/3/2010	202359	27.00	REFUND-BUS LIC OVRPMT	27.00
Vendor Total		27.00		
FYTD for SO - CAL STRUCTURAL STEEL FABRICATION, I		27.00		
SO. CALIF SCHOOL OF MUSIC				
5/10/2010	202472	1,134.00	INSTRUCTOR SVCS-GUITAR	270.00
			INSTRUCTOR SVCS-PIANO	216.00
			INSTRUCTOR SVCS-PIANO	108.00
			INSTRUCTOR SVCS-PIANO	189.00
			INSTRUCTOR SVCS-PIANO	189.00
			INSTRUCTOR SVCS-PIANO	55.75
			INSTRUCTOR SVCS-PIANO	106.25
Vendor Total		1,134.00		
FYTD for SO. CALIF SCHOOL OF MUSIC		11,024.25		
SOLANO, ALEX				
5/17/2010	202575	395.00	AUDIO VISUAL SVCS-CONF & REC C	395.00
Vendor Total		395.00		
FYTD for SOLANO, ALEX		1,101.00		
SOLIS, WENDY				
5/3/2010	202360	750.00	REFUND-RNTL DEP 4/17	750.00
Vendor Total		750.00		
FYTD for SOLIS, WENDY		750.00		



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SOSA, JORGE				
5/10/2010	202473	503.34		
			INSTRUCTOR SVCS-NINPO	96.00
			INSTRUCTOR SVCS-KARATEDO	407.34
Vendor Total		503.34		

FYTD for SOSA, JORGE	4,107.54
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SOUTHERN CALIFORNIA EDISON				
5/3/2010	202361	419.66		
			NEW METER/SVC-KITCHING ST. TS	419.66
5/3/2010	202363	4,829.54		
			ELECTRICITY	42.22
			ELECTRICITY	678.06
			ELECTRICITY	1,306.54
			ELECTRICITY	113.12
			ELECTRICITY	226.67
			ELECTRICITY	498.82
			ELECTRICITY	661.92
			ELECTRICITY	136.98
			ELECTRICITY	842.94
			ELECTRICITY	161.05
			ELECTRICITY	70.87
			ELECTRICITY	46.23
			ELECTRICITY	44.12
5/10/2010	202475	4,106.66		
			ELECTRICITY	65.58
			ELECTRICITY	89.64
			ELECTRICITY	20.38
			ELECTRICITY	893.78
			ELECTRICITY	899.94
			ELECTRICITY	443.18
			ELECTRICITY	449.06
			ELECTRICITY	318.32
			ELECTRICITY	21.50
			ELECTRICITY	649.18
			ELECTRICITY	45.19
			ELECTRICITY	149.62
			ELECTRICITY	61.29
5/17/2010	202577	347.36		
			ELECTRICITY	347.36
Vendor Total		9,703.22		

FYTD for SOUTHERN CALIFORNIA EDISON	6,749,896.42
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SOUTHERN CALIFORNIA GAS CO.				
5/24/2010	202685	5,977.22		
			GAS CHARGES	29.74
			GAS CHARGES	975.30
			GAS CHARGES	2,433.45
			GAS CHARGES	16.35
			GAS CHARGES	73.70
			GAS CHARGES	652.71
			GAS CHARGES	149.05
			GAS CHARGES	50.11
			GAS CHARGES	486.19
			GAS CHARGES	286.88
			GAS CHARGES	143.78
			GAS CHARGES	128.06
			GAS CHARGES	125.78
			GAS CHARGES	240.38
			GAS CHARGES	185.74
Vendor Total		5,977.22		
FYTD for SOUTHERN CALIFORNIA GAS CO.		267,365.01		
SOUTHERN PET SUPPLIES				
5/10/2010	880492	256.15		
			MISC SUPPLIES-ANML SVCS	256.15
Vendor Total		256.15		
FYTD for SOUTHERN PET SUPPLIES		1,773.10		
SPARKLETTS				
5/3/2010	202364	4.50		
			WATER SVCS-EMERG OPS	4.50
5/24/2010	202686	30.70		
			WATER SVCS-CREEKSIDE ELEM	8.60
			WATER SVCS-SUNNYMEAD ELEM	4.50
			WATER SVCS-CREEKSIDE ELEM	8.60
			WATER SVCS-GOLF COURSE	4.50
			WATER SVCS-EMERG OPS	4.50
Vendor Total		35.20		
FYTD for SPARKLETTS		430.19		
SPECK, GARY B.				
5/3/2010	880458	318.73		
			RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for SPECK, GARY B.		3,506.03		



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SPECTRUM CARE				
5/3/2010	880459	12,333.33		
			LANDSCAPE MAINT-E1A	1,793.33
			LANDSCAPE MAINT-E1	10,540.00
5/24/2010	880550	12,333.33		
			LANDSCAPE MAINT-E1A	1,793.33
			LANDSCAPE MAINT-E1	10,540.00
	Vendor Total	24,666.66		
FYTD for SPECTRUM CARE		123,407.30		
SPENCER, MARTHA				
5/3/2010	880460	194.53		
			RETIREE MEDICAL BENEFIT	194.53
	Vendor Total	194.53		
FYTD for SPENCER, MARTHA		2,415.29		
SPORTS INNOVATORS				
5/10/2010	202476	1,995.00		
			SPORTS OFFICIATING SVCS	1,995.00
	Vendor Total	1,995.00		
FYTD for SPORTS INNOVATORS		27,890.00		
SPRINT/NEXTEL				
5/17/2010	880516	33.11		
			CELL PH SVC-GTF	33.11
	Vendor Total	33.11		
FYTD for SPRINT/NEXTEL		729.29		
STANDARD INSURANCE CO				
5/3/2010	202365	1,652.56		
			SUPPLEMENTAL INSURANCE	1,652.56
	Vendor Total	1,652.56		
FYTD for STANDARD INSURANCE CO		359,149.29		



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STANLEY CONVERGENT SECURITY SOLUTNS, INC				
5/3/2010	880461	1,606.50		
			MONITORING SVCS-GTF	99.00
			MONITORING SVCS-TECH SVCS	330.00
			MONITORING SVCS-ASES	354.00
			MONITORING SVCS-ANNX #1	207.00
			MONITORING SVCS-ASES	123.00
			MONITORING SVCS-CITY HALL	493.50
5/10/2010	880493	644.55		
			MONITORING SVCS-CONF & REC CTR	301.00
			MONITORING SVCS-CONF & REC CTR	14.00
			MONITORING SVCS-LIBRARY	156.35
			MONITORING SVCS-LIBRARY	173.20
Vendor Total		2,251.05		
FYTD for STANLEY CONVERGENT SECURITY SOLUTNS, INC		28,359.51		
STATE BOARD OF EQUALIZATION				
5/21/2010	43010	3,930.00		
			SALES & USE TAX 4/1-4/30/10	3,930.00
Vendor Total		3,930.00		
FYTD for STATE BOARD OF EQUALIZATION		39,848.29		
STATE DISBURSEMENT UNIT				
5/13/2010	2628	1,137.82		
			CHILD SUPPORT W/H 05/13/10	1,137.82
5/27/2010	2636	1,183.98		
			CHILD SUPPORT W/H 05/27/10	1,183.98
Vendor Total		2,321.80		
FYTD for STATE DISBURSEMENT UNIT		41,536.30		
STATE OF CALIFORNIA DEPT. OF CONSUMER AF				
5/17/2010	202578	187.50		
			LICENSE RNWL-ERIC LEWIS	187.50
Vendor Total		187.50		
FYTD for STATE OF CALIFORNIA DEPT. OF CONSUMER AF		937.50		
STATE OF CALIFORNIA DEPT. OF JUSTICE				
5/3/2010	202366	2,935.00		
			FINGERPRINTING SVCS-PD	2,920.00
			FINGERPRINTING SVCS-PD	15.00
5/10/2010	202478	980.00		
			BLOOD ALCHL ANLYS-PD	980.00
Vendor Total		3,915.00		
FYTD for STATE OF CALIFORNIA DEPT. OF JUSTICE		55,459.00		



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STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV				
5/24/2010	202687	167.29		
			REFUND-MV UTILITY	100.02
			REFUND-MV UTILITY	67.27
Vendor Total		167.29		
FYTD for STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV		1,555.82		
STEEL SYSTEMS ERECTORS				
5/3/2010	202367	88.45		
			REFUND-BUS LIC OVRPMT	88.45
Vendor Total		88.45		
FYTD for STEEL SYSTEMS ERECTORS		88.45		
STENO SOLUTIONS TRANSCRIPTION SVCS., IN				
5/24/2010	202688	2,313.12		
			TRANSCRIPTION SVCS-PD	2,313.12
Vendor Total		2,313.12		
FYTD for STENO SOLUTIONS TRANSCRIPTION SVCS., IN		34,642.40		
STEWART TITLE OF CALIFORNIA				
5/12/2010	1005041	14,112.00		
			ESCROW DEPOSIT-EASEMENT PURCH.	14,112.00
5/12/2010	1005051	6,087.00		
			ESCROW DEPOSIT-EASEMENT PURCH.	6,087.00
5/17/2010	1005121	9,597.00		
			ESCROW DEP/APN 475-300-018&019	9,597.00
Vendor Total		29,796.00		
FYTD for STEWART TITLE OF CALIFORNIA		2,540,007.50		
STEWART, CLIFFORD				
5/3/2010	880462	251.09		
			RETIREE MEDICAL BENEFIT	251.09
Vendor Total		251.09		
FYTD for STEWART, CLIFFORD		2,247.90		
STEWART, JONATHAN L.				
5/17/2010	202579	1,007.00		
			REFUND-ANML SVC FEES	1,007.00
Vendor Total		1,007.00		
FYTD for STEWART, JONATHAN L.		1,007.00		



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STEWART, LINDA				
5/10/2010	202479	75.00	REFUND-S/N DEPOSIT	75.00
Vendor Total		75.00		
FYTD for STEWART, LINDA		75.00		
STILES ANIMAL REMOVAL, INC.				
5/3/2010	202368	450.00	ANIMAL REMOVAL SVCS	450.00
Vendor Total		450.00		
FYTD for STILES ANIMAL REMOVAL, INC.		610.00		
STOP THE VIOLENCE INCREASE THE PEACE FOU				
5/3/2010	202369	174.27	REFUND-BUS LIC OVRPMT	158.88
			REFUND-BUS LIC OVRPMT	1.14
			REFUND-BUS LIC OVRPMT	14.25
Vendor Total		174.27		
FYTD for STOP THE VIOLENCE INCREASE THE PEACE FOU		174.27		
STRADLING, YOCCA, CARLSON & RAUTH				
5/3/2010	202370	10,846.61	LEGAL SVCS-EDD	200.06
			LEGAL SVCS-EDD	200.00
			LEGAL SVCS-EDD	125.00
			LEGAL SVCS-EDD	5,787.43
			LEGAL SVCS-EDD	3,689.79
			LEGAL SVCS-EDD	740.33
			LEGAL SVCS-SPCL DIST	104.00
5/10/2010	202480	7,604.78	LEGAL SVCS-EDD	1,515.79
			LEGAL SVCS-EDD	1,301.08
			LEGAL SVCS-EDD	1,200.00
			LEGAL SVCS-EDD	125.00
			LEGAL SVCS-EDD	100.00
			LEGAL SVCS-EDD	385.39
			LEGAL SVCS-EDD	2,977.52
5/24/2010	202689	21,976.37	LEGAL SVCS-EDD	7,392.40
			LEGAL SVCS-EDD	6,309.47
			LEGAL SVCS-EDD	720.00
			LEGAL SVCS-EDD	1,200.00
			LEGAL SVCS-EDD	2,080.00
			LEGAL SVCS-EDD	1,776.00
			LEGAL SVCS-EDD	736.00
			LEGAL SVCS-EDD	1,762.50
Vendor Total		40,427.76		
FYTD for STRADLING, YOCCA, CARLSON & RAUTH		121,810.54		



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STREICH, TERRY L.				
5/3/2010	202371	30.33	RETIREE MEDICAL BENEFIT	30.33
Vendor Total		30.33		
FYTD for STREICH, TERRY L.		610.64		
STRICKLER ASSOCIATION, THE				
5/17/2010	202580	7,345.00	CONSULTING SVCS-EDD	4,940.00
			CONSULTING SVCS-EDD	2,405.00
Vendor Total		7,345.00		
FYTD for STRICKLER ASSOCIATION, THE		38,220.00		
STRICKLER II, JOHN W.				
5/3/2010	202372	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for STRICKLER II, JOHN W.		2,868.58		
STUCKEY, HARRIETTE				
5/17/2010	202581	84.00	INSTRUCTOR SVCS-LINE DANCING	67.20
			INSTRUCTOR SVCS-LINE DANCING	16.80
Vendor Total		84.00		
FYTD for STUCKEY, HARRIETTE		978.60		
SUNGLASS HUT STORE #4536				
5/3/2010	202373	57.67	REFUND-BUS LIC OVRPMT	57.67
Vendor Total		57.67		
FYTD for SUNGLASS HUT STORE #4536		57.67		
SUNNYMEAD ACE HARDWARE				
5/3/2010	202374	31.50	MISC SUPPLIES-PD	15.21
			MISC SUPPLIES-PD	16.29
5/10/2010	202481	21.93	MISC SUPPLIES-POLICE	21.93
5/17/2010	202582	142.53	MISC SUPPLIES-PD	110.69
			MISC SUPPLIES-PD	17.39
			MISC SUPPLIES-PD	14.45
5/24/2010	202690	22.26	MISC SUPPLIES-PD	22.26
Vendor Total		218.22		
FYTD for SUNNYMEAD ACE HARDWARE		3,734.24		



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SUPER RX, INC.				
5/3/2010	202375	0.00		
			REFUND-BUS LIC OVRPMT	83.80
			REFUND-BUS LIC OVRPMT	-83.80
5/17/2010	202583	83.80		
			REFUND-BUS LIC OVRPMT	83.80
Vendor Total		83.80		
FYTD for SUPER RX, INC.		83.80		
SWARTZ, DENNIS				
5/10/2010	202482	20.00		
			REFUND-RABIES DEP	20.00
Vendor Total		20.00		
FYTD for SWARTZ, DENNIS		20.00		
TARGET SPECIALTY PRODUCTS				
5/17/2010	880517	11,498.92		
			LNDSCP HERBICIDES	247.82
			LNDSCP HERBICIDES	11,251.10
Vendor Total		11,498.92		
FYTD for TARGET SPECIALTY PRODUCTS		19,251.10		
THERMAL-COOL INC.				
5/10/2010	202483	249.30		
			SVC TO FREEZER @ ANIMAL SHLTR	249.30
Vendor Total		249.30		
FYTD for THERMAL-COOL INC.		19,099.66		
THYSSENKRUPP ELEVATOR CORPORATION				
5/3/2010	202377	45.43		
			REFUND-BUS LIC OVRPMT	45.43
Vendor Total		45.43		
FYTD for THYSSENKRUPP ELEVATOR CORPORATION		45.43		
TIME WARNER CABLE				
5/3/2010	202378	16,719.21		
			FAC. RELOCATION-DAY ST. PROJ	16,719.21
Vendor Total		16,719.21		
FYTD for TIME WARNER CABLE		16,719.21		



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T-MOBILE				
5/3/2010	202376	114.00		
			REFUND-BUS LIC OVRPMT	57.00
			REFUND-BUS LIC OVRPMT	57.00
Vendor Total		114.00		
FYTD for T-MOBILE		296.00		
TORRES, REBECCA				
5/10/2010	202484	260.00		
			PER DIEM-VEH HOMICIDE SEMINAR	260.00
Vendor Total		260.00		
FYTD for TORRES, REBECCA		580.00		
TRACSYSTEMS, INC.				
5/10/2010	202485	3,919.50		
			PHAROS SOFTWARE LIC/SUPPORT	3,919.50
Vendor Total		3,919.50		
FYTD for TRACSYSTEMS, INC.		3,919.50		
TRICHE, TARA				
5/24/2010	202692	1,642.80		
			INSTRUCTOR SVCS-BALLET	244.20
			INSTRUCTOR SVCS-BALLET/ACRO	66.60
			INSTRUCTOR SVCS-DANCE EXPLOR.	397.40
			INSTRUCTOR SVCS-DANCE EXPLOR.	623.80
			INSTRUCTOR SVCS-HIP HOP DANCE	222.00
			INSTRUCTOR SVCS-INTERMD BALLET	88.80
Vendor Total		1,642.80		
FYTD for TRICHE, TARA		20,934.60		
TRI-CITY LINEN SUPPLY, INC.				
5/3/2010	202379	50.00		
			LINEN RENTAL FOR CRC	25.00
			LINEN RENTAL FOR CRC	25.00
5/10/2010	202486	113.00		
			LINEN RENTAL	63.00
			LINEN RENTAL FOR CRC	25.00
			LINEN RENTAL FOR CRC	25.00
5/17/2010	202584	22.50		
			LINEN RENTAL	22.50
5/24/2010	202691	50.00		
			LINEN RENTAL FOR CRC	25.00
			LINEN RENTAL FOR CRC	25.00
Vendor Total		235.50		
FYTD for TRI-CITY LINEN SUPPLY, INC.		1,876.20		



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TROPICAL PLAZA NURSERY, INC.				
5/10/2010	202487	360.00		
			LNDSCP WORK IN ZONE E-2	360.00
5/17/2010	202585	18,673.63		
			LNDSCP MAINT-ZONE E-2	15,700.00
			LNDSCP MAINT-ZONE E-16	2,217.45
			IRRIG REPAIRS-ZONE E-2	756.18
Vendor Total		19,033.63		
FYTD for TROPICAL PLAZA NURSERY, INC.		202,285.38		
TRUGREEN LANDCARE				
5/3/2010	202380	11,904.55		
			LNDSCP MAINT-ZONE E-3	10,038.43
			LNDSCP MAINT-ZONE E-3A	1,676.12
			TRIM TREE-ZONE E-2	190.00
5/17/2010	202586	3,670.00		
			RETAINING WALL-SUNNYMD BL PROJ	1,990.00
			INSTALL 21 TREES-TRACT #19912	1,680.00
5/24/2010	202709	24,578.70		
			STUMP GRIND TREES-ZONE M	300.00
			STUMP GRIND TREES-TRACT 20120	300.00
			INSTALL 18-FT PALM ON KRAMERIA	2,450.00
			LNDSCP MAINT-ZONE M	5,324.89
			LNDSCP MAINT-ZONE DSG1-E	7,403.38
			LNDSCP MAINT-ZONE DSG-2	8,420.43
			REMOVE Y-STRAINER FROM BACKFLW	380.00
Vendor Total		40,153.25		
FYTD for TRUGREEN LANDCARE		343,170.27		
TUNTLAND, JAMES				
5/3/2010	880463	251.09		
			RETIREE MEDICAL BENEFIT	251.09
Vendor Total		251.09		
FYTD for TUNTLAND, JAMES		2,247.90		
TURBOSCAPE, INC.				
5/3/2010	880464	13,385.00		
			ANNL MULCHING IN ZONE E-4	6,424.80
			ANNL MULCHING IN ZONE DSG-1E	2,409.30
			ANNL MULCHING IN ZONE DSG-2	2,677.00
			ANNL MULCHING IN ZONE E-1	1,338.50
			ANNL MULCHING IN ZONE E-1A	535.40
5/24/2010	880552	9,904.90		
			ANNL MULCHING IN ZONE E-4	535.40
			ANNL MULCHING IN ZONE E-8	5,354.00
			ANNL MULCHING IN ZONE E-15	4,015.50
Vendor Total		23,289.90		
FYTD for TURBOSCAPE, INC.		32,867.10		



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For Period 5/1/2010 through 5/31/2010

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TWRITE, INC.				
5/24/2010	202693	7,841.25	CITY WEBSITE MAINTENANCE	7,841.25
Vendor Total		7,841.25		
FYTD for TWRITE, INC.		19,578.75		
U.S. HEALTHWORKS MEDICAL GROUP				
5/24/2010	202694	1,190.00	PRE-EMPLOYMENT PHYSICALS	686.00
			PRE-EMPLOYMENT PHYSICALS	414.00
			PRE-EMPLOYMENT PHYSICALS	90.00
Vendor Total		1,190.00		
FYTD for U.S. HEALTHWORKS MEDICAL GROUP		16,326.00		
UNION BANK OF CALIFORNIA				
5/10/2010	202488	510.00	STANDBY LOC TRANSFER FEE	170.00
			STANDBY LOC TRANSFER FEE	170.00
			STANDBY LOC TRANSFER FEE	170.00
5/10/2010	202489	729.00	INVESTMNT SAFEKEEPING SVCS	729.00
5/17/2010	202587	170.00	STANDBY LOC TRANSFER FEE	170.00
Vendor Total		1,409.00		
FYTD for UNION BANK OF CALIFORNIA		288,988.49		
UNITED POWER GENERATION, INC.				
5/10/2010	202490	233.00	EMERG GENERATOR REPAIRS-FS #91	11.40
			EMERG GENERATOR REPAIRS-FS #91	221.60
5/24/2010	202695	209.00	EMERG GENERATOR REPAIRS-FS #2	10.57
			EMERG GENERATOR REPAIRS-FS #2	198.43
Vendor Total		442.00		
FYTD for UNITED POWER GENERATION, INC.		22,432.66		
UNITED SITE SERVICES OF CA, INC.				
5/10/2010	880494	77.33	PORTABLE TOILET SVC-GOLF CTR	77.33
5/17/2010	880518	204.94	PORTABLE TOILET SVC-M&O DIV.	97.55
			FENCE RENTAL-ANIMAL SHELTER	107.39
Vendor Total		282.27		
FYTD for UNITED SITE SERVICES OF CA, INC.		9,733.92		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNITED STATES TREASURY				
5/10/2010	202491	50.00		
			PAYROLL DEDUCTION AGREEMENT	50.00
5/24/2010	202696	50.00		
			PAYROLL DEDUCTION AGREEMENT	50.00
Vendor Total		100.00		
FYTD for UNITED STATES TREASURY		5,670.00		
UNITED WAY OF INLAND VALLEYS				
5/10/2010	202492	667.18		
			UNITED WAY CONTRIBUTIONS	667.18
5/24/2010	202697	667.18		
			UNITED WAY CONTRIBUTIONS	-2.31
			UNITED WAY CONTRIBUTIONS	2.31
			UNITED WAY CONTRIBUTIONS	667.18
Vendor Total		1,334.36		
FYTD for UNITED WAY OF INLAND VALLEYS		19,498.26		
URBAN CROSSROADS, INC.				
5/3/2010	202381	6,600.00		
			MV TRAFFIC MODEL UPDATE SVCS	1,327.50
			MV TRAFFIC MODEL UPDATE SVCS	5,272.50
Vendor Total		6,600.00		
FYTD for URBAN CROSSROADS, INC.		17,465.00		
VA CONSULTING, INC.				
5/10/2010	202493	17,527.24		
			AUTO MALL IMPRVMNTS PROJ SVCS	7,200.00
			AUTO MALL IMPRVMNTS PROJ SVCS	10,327.24
5/24/2010	202698	2,255.40		
			AUTO MALL IMPRVMNTS PROJ SVCS	2,255.40
Vendor Total		19,782.64		
FYTD for VA CONSULTING, INC.		291,846.35		



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VACATE PEST ELIMINATION COMPANY				
5/3/2010	880465	2,440.00	TENT/FUMIGATE UTILITY FLD OFFC	2,440.00
<hr/>				
5/10/2010	880495	1,205.00	PEST CNTRL-PUB SFTY BLDG	75.00
			PEST CNTRL-CITY YARD	115.00
			PEST CNTRL-ANIMAL SHELTER	115.00
			PEST CNTRL-ANNEX BLDG 1	55.00
			PEST CNTRL-FAC HOBBY SHOP/MARB	45.00
			PEST CNTRL-STARS BLDG AT MARB	45.00
			PEST CNTRL-MARCH FLD PARK C.C.	45.00
			PEST CNTRL-TRANSP TRLR	45.00
			PEST CNTRL-UTILITY FLD OFFICE	45.00
			PEST CNTRL-CITY HALL	75.00
			PEST CNTRL-CONF & REC CTR	75.00
			PEST CNTRL-GOLF CTR PRO SHOP	22.50
			PEST CNTRL-MVTV STUDIO	22.50
			PEST CNTRL-LIBRARY	55.00
			PEST CNTRL-TOWNGATE COMM CTR	45.00
			PEST CNTRL-SENIOR CTR	55.00
			PEST CNTRL-FIRE ST #48	45.00
			PEST CNTRL-FIRE ST #2	45.00
			PEST CNTRL-FIRE ST #58	45.00
			PEST CNTRL-FIRE ST #65	45.00
			PEST CNTRL-FIRE ST #6	45.00
			PEST CNTRL-FIRE ST #91	45.00
Vendor Total		3,645.00		
FYTD for VACATE PEST ELIMINATION COMPANY		18,920.00		
<hr/>				
VALADEZ, RICHARD				
5/3/2010	202382	20.00	REFUND-RABIES DEP	20.00
<hr/>				
Vendor Total		20.00		
FYTD for VALADEZ, RICHARD		20.00		
<hr/>				
VALLEY CITIES/ GONZALES FENCE INC				
5/10/2010	202494	2,680.00	INSTALL FENCE-PIGEON PASS RD	475.00
			INSTALL FENCE-PIGEON PASS RD	1,830.00
			FENCE-PIGEON PASS/SUNNYMD	375.00
<hr/>				
Vendor Total		2,680.00		
FYTD for VALLEY CITIES/ GONZALES FENCE INC		13,955.00		
<hr/>				
VALLEY PARTY RENTALS				
5/3/2010	202383	75.63	REFUND-BUS LIC OVRPMT	75.63
<hr/>				
Vendor Total		75.63		
FYTD for VALLEY PARTY RENTALS		75.63		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VAS ASSOCIATES, INC.				
5/24/2010	880553	18,360.00	TEMP STAFFING SVCS-CAP PROJS	18,360.00
Vendor Total		18,360.00		
FYTD for VAS ASSOCIATES, INC.		203,085.00		
VERIZON				
5/17/2010	202588	1,718.78	BACKBONE CHRGS	1,718.78
Vendor Total		1,718.78		
FYTD for VERIZON		18,551.63		
VERIZON CALIFORNIA				
5/10/2010	202495	327.63	PHONE LISTING CHARGE	286.68
			PHONE LISTING CHARGE	40.95
5/17/2010	202589	170.28	PHONE LISTING CHARGE	170.28
Vendor Total		497.91		
FYTD for VERIZON CALIFORNIA		100,798.00		
VICTOR MEDICAL CO				
5/10/2010	202496	973.31	ANIMAL MEDICAL SUPPLIES	973.31
Vendor Total		973.31		
FYTD for VICTOR MEDICAL CO		13,550.36		
VIGIL, ERNEST				
5/3/2010	880466	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for VIGIL, ERNEST		3,506.03		
VILLANUEVA, RUBEN & LISA				
5/10/2010	202497	20.00	REFUND-RABIES DEP	20.00
Vendor Total		20.00		
FYTD for VILLANUEVA, RUBEN & LISA		20.00		
VISION SERVICE PLAN				
5/3/2010	880467	4,346.56	EMPLOYEE VISION INSURANCE	4,346.56
Vendor Total		4,346.56		
FYTD for VISION SERVICE PLAN		48,547.77		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VISTA PAINT CORPORATION				
5/17/2010	202590	186.83		
			PAINT/SUPPL-GRAFFITI RMVL PRGM	66.58
			PAINT/SUPPL-GRAFFITI RMVL PRGM	8.25
			PAINT/SUPPL-GRAFFITI RMVL PRGM	112.00
5/24/2010	202699	158.50		
			PAINT FOR GRAFFITI RMVL	158.50
Vendor Total		345.33		
FYTD for VISTA PAINT CORPORATION		12,278.82		
VOLUNTEER CENTER OF RIVERSIDE COUNTY				
5/10/2010	202498	818.69		
			RENTAL ASSIST SVCS-ADMIN FEES	718.69
			RENTAL ARREARS SVCS-ADMIN FEES	100.00
Vendor Total		818.69		
FYTD for VOLUNTEER CENTER OF RIVERSIDE COUNTY		96,100.92		
VOLUNTEER CENTER OF RIVERSIDE COUTY				
5/24/2010	202700	750.00		
			REFUND-RNTL DEP 4/28	750.00
Vendor Total		750.00		
FYTD for VOLUNTEER CENTER OF RIVERSIDE COUTY		750.00		
VOYAGER FLEET SYSTEM, INC.				
5/24/2010	880554	4,036.95		
			CNG FUEL FOR STREET PRGM	2,016.46
			CNG FUEL FOR DRAIN MAINT PRGM	75.02
			CNG FUEL FOR STREET PRGM	1,755.93
			CNG FUEL FOR DRAIN MAINT PRGM	189.54
Vendor Total		4,036.95		
FYTD for VOYAGER FLEET SYSTEM, INC.		21,681.59		
VULCAN MATERIALS CO, INC.				
5/17/2010	202591	2,119.97		
			ASPHALTIC MATERIAL	2,119.97
5/24/2010	202701	1,473.00		
			ASPHALTIC MATERIAL	163.56
			ASPHALTIC MATERIAL	130.94
			ASPHALTIC MATERIAL	292.39
			ASPHALTIC MATERIAL	98.31
			ASPHALTIC MATERIAL	98.31
			ASPHALTIC MATERIAL	196.84
			ASPHALTIC MATERIAL	262.09
			ASPHALTIC MATERIAL	98.97
			ASPHALTIC MATERIAL	131.59
Vendor Total		3,592.97		
FYTD for VULCAN MATERIALS CO, INC.		105,465.05		



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WAGGONER JR., GLENN C.				
5/3/2010	880468	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for WAGGONER JR., GLENN C.		3,506.03		
WAGNER, GARY D.				
5/3/2010	880469	315.59	RETIREE MEDICAL BENEFIT	315.59
Vendor Total		315.59		
FYTD for WAGNER, GARY D.		3,490.33		
WAGONER, ROBERT				
5/3/2010	202397	360.40	RETIREE MEDICAL BENEFIT	360.40
Vendor Total		360.40		
FYTD for WAGONER, ROBERT		2,085.20		
WAGY, CARYLON				
5/3/2010	202385	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for WAGY, CARYLON		3,506.03		
WALKER, ANTHONY				
5/3/2010	202386	50.00	REFUND-TRAP DEPOSIT	50.00
Vendor Total		50.00		
FYTD for WALKER, ANTHONY		50.00		
WALKER, DONNA				
5/3/2010	202387	38.00	INSTRUCTION SVCS-1 DAY	38.00
Vendor Total		38.00		
FYTD for WALKER, DONNA		38.00		
WASSON, KIRK				
5/24/2010	880555	228.00	INSTRUCTION SVCS-6 DAYS	228.00
Vendor Total		228.00		
FYTD for WASSON, KIRK		2,128.00		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WASTE MANAGEMENT OF THE INLAND EMPIRE				
5/24/2010	202702	1,244.51	STORAGE BIN RENTALS	1,244.51
Vendor Total		1,244.51		
FYTD for WASTE MANAGEMENT OF THE INLAND EMPIRE		14,584.22		
WELLS FARGO CORPORATE TRUST				
5/3/2010	1005011	1,444.67	INTEREST ON VARIABLE RATE BOND	1,444.67
Vendor Total		1,444.67		
FYTD for WELLS FARGO CORPORATE TRUST		9,030,930.10		
WEST GOVERNMENT SERVICES				
5/24/2010	202703	500.00	"CLEAR" AUTO TRACK SVCS FOR PD	500.00
Vendor Total		500.00		
FYTD for WEST GOVERNMENT SERVICES		5,000.00		
WEST GROUP				
5/24/2010	880556	351.37	ONLINE CHRGS-LEGAL INFO	199.09
			LEGAL PUBLICATIONS SUBSCRPTNS	152.28
Vendor Total		351.37		
FYTD for WEST GROUP		7,907.98		
WESTERN MUNICIPAL WATER DISTRICT				
5/24/2010	202704	1,520.72	WATER CHRGS-MARB BALLFIELDS	708.72
			WATER CHRGS-MFPCC LNDSCP	756.70
			WATER CHRGS-MFPCC BLDG	55.30
Vendor Total		1,520.72		
FYTD for WESTERN MUNICIPAL WATER DISTRICT		22,944.70		
WHITE'S BIKES				
5/3/2010	202388	93.73	REFUND-BUS LIC OVRPMT	93.73
Vendor Total		93.73		
FYTD for WHITE'S BIKES		93.73		
WIELIN, RONALD A.				
5/3/2010	880471	318.73	RETIREE MEDICAL BENEFIT	318.73
Vendor Total		318.73		
FYTD for WIELIN, RONALD A.		3,506.03		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WILBURN, YOLANDA				
5/10/2010	202499	149.98	REFUND-PERMIT FEE	149.98
Vendor Total		149.98		
FYTD for WILBURN, YOLANDA		149.98		
WILLDAN AND ASSOCIATES				
5/17/2010	202592	5,580.48	PLAN CHECK SVCS	5,580.48
5/24/2010	202705	3,225.00	MORENO BEACH DR WIDENING PROJ	3,225.00
Vendor Total		8,805.48		
FYTD for WILLDAN AND ASSOCIATES		403,687.78		
WILLIAMS, COURTNEY				
5/3/2010	202390	190.00	INSTRUCTION SVCS-5 DAYS	190.00
Vendor Total		190.00		
FYTD for WILLIAMS, COURTNEY		646.00		
WILLIAMS, JANE L.				
5/3/2010	202391	122.38	RETIREE MEDICAL BENEFIT	122.38
Vendor Total		122.38		
FYTD for WILLIAMS, JANE L.		1,344.00		
WINZLER & KELLY CONSULTING ENGINEERS				
5/24/2010	202706	18,810.00	TEMP STAFFING SVCS-CAP PROJS	18,810.00
Vendor Total		18,810.00		
FYTD for WINZLER & KELLY CONSULTING ENGINEERS		436,511.18		
WOMEN'S HEALTH				
5/3/2010	202392	57.00	REFUND-BUS LIC OVRPMT	57.00
Vendor Total		57.00		
FYTD for WOMEN'S HEALTH		57.00		
WOW PARTY RENTAL, INC.				
5/20/2010	202600	300.00	RENTALS-5/22/10 PUB SFTY FAIR	300.00
Vendor Total		300.00		
FYTD for WOW PARTY RENTAL, INC.		300.00		



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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.				
5/17/2010	202593	8,874.00	TUMF RESIDENTIAL FEES	8,874.00
Vendor Total		8,874.00		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.		1,124,341.42		
WRIGHT SEPTIC TANK PUMPING				
5/24/2010	202707	450.00	SEPTIC TANK PUMPING-CITY YARD	100.00
			SEPTIC TANK PUMPING-CITY YARD	350.00
Vendor Total		450.00		
FYTD for WRIGHT SEPTIC TANK PUMPING		1,350.00		
WURM'S JANITORIAL SERVICES, INC.				
5/3/2010	880472	1,440.70	JANITORIAL SVCS-TOWNGATE	360.00
			CARPET CLEANING-SR CTR CLASSRM	125.00
			JANITORIAL SVCS-MARCH FLD C.C.	955.70
5/17/2010	880519	22,233.49	CLEANING OF UPHOLSTERED CHAIRS	75.00
			JANITORIAL SVCS-RED MAPLE ELEM	310.19
			JANITORIAL SVCS-RAINBOW RIDGE	310.19
			JANITORIAL SVCS-SUNNYMD ELEM	184.10
			JANITORIAL SVCS-CITY HALL	4,588.23
			JANITORIAL SVCS-CITY YARD	346.90
			JANITORIAL SVCS-TRANSP TRAILER	98.40
			JANITORIAL SVCS-EMP RES CTR	348.96
			JANITORIAL SVCS-ESA ANNEX	735.73
			JANITORIAL SVCS-FAC. ANNEX	124.29
			JANITORIAL SVCS-LIBRARY	1,771.79
			JANITORIAL SVCS-GOLF PRO SHOP	644.70
			JANITORIAL SVCS-PUB SFTY BLDG	5,564.25
			JANITORIAL SVCS-GANG TSK FORCE	112.82
			JANITORIAL SVCS-MVTV STUDIO	58.05
			JANITORIAL SVCS-SENIOR CTR	1,916.18
			JANITORIAL SVCS-STARS HDQTRS	298.87
			JANITORIAL SVCS-SUNNYMD MIDDLE	152.10
			JANITORIAL SVCS-TOWNGATE C.C.	691.38
			JANITORIAL SVCS-TS ANNEX	453.43
			JANITORIAL SVCS-CONF & REC CTR	3,447.93
5/24/2010	880557	3,965.70	JANITORIAL SVCS-MARCH FLD PARK	955.70
			JANITORIAL SVCS-TOWNGATE	360.00
			JANITORIAL SVCS-CONF & REC CTR	1,630.00
			DAY PORTER SERVICES	1,020.00
Vendor Total		27,639.89		
FYTD for WURM'S JANITORIAL SERVICES, INC.		286,027.66		



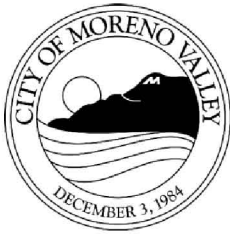
City of Moreno Valley

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Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
XEROX				
5/3/2010	202393	1,115.93		
			COPIER RNTL/MAINT/PRNTS-GRPHCS	1,115.93
5/17/2010	202594	1,216.66		
			COPIER RNTL/MAINT/PRINTS-PARKS	1,216.66
5/24/2010	202708	1,574.12		
			COPIER RNTL/MAINT-PD	65.00
			COPIER RNTL/MAINT-PD	71.80
			COPIER RNTL/MAINT-PD	59.80
			COPIER RNTL/MAINT/PRNTS-GRPHCS	979.73
			COPIER RNTL/MAINT-GRAPHICS DIV	397.79
	Vendor Total	3,906.71		
FYTD for XEROX		63,769.70		
ZEE MEDICAL INC				
5/3/2010	202394	289.05		
			FIRST AID ITEMS FOR KITS	289.05
	Vendor Total	289.05		
FYTD for ZEE MEDICAL INC		289.05		
ZUMAR INDUSTRIES, INC.				
5/17/2010	880520	940.03		
			SIGNS FOR TRANSP. DIV.	549.51
			SIGNS FOR TRANSP. DIV.	390.52
	Vendor Total	940.03		
FYTD for ZUMAR INDUSTRIES, INC.		37,651.19		
	Subtotal	1,341,996.10		
	GRAND TOTAL	19,967,907.47		

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rut</i>
CITY MANAGER	<i>WIB</i>

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 13, 2010

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS PROJECT NO. 08-89791725

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the Auto Mall Improvements project, in the form attached hereto, and to subsequently assign said Agreement to the Community Redevelopment Agency.

Staff recommends that the Community Redevelopment Agency (RDA):

1. Accept the assignment of the Agreement with VA Consulting, Inc. from the City in the form attached hereto.
2. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement in the form attached hereto on behalf of the Community Redevelopment Agency.
3. Authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of \$50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties (Account No. 897.91725).

BACKGROUND

The preliminary engineering and conceptual design plan for the Auto Mall Improvements was awarded to VA Consulting, Inc. (VA Consulting) by the City Council at its meeting on September 23, 2008. On January 13, 2009, the City Council approved the Auto Mall Improvements Project as part of the reprioritization of Capital Projects to be funded by 2007 RDA Bonds. A final conceptual plan to rejuvenate the mall was presented to the City Council Study Session on March 17, 2009 and was approved for final design. VA Consulting was authorized to proceed with the final design plans and specifications by the City Council at its meeting on April 28, 2009. A purchase order was issued in the amount of \$187,067 (\$155,889 for the original proposal plus 20% contingency amount of \$31,178).

DISCUSSION

The Moreno Valley Auto Mall is currently comprised of five (5) auto dealerships and six (6) vacant parcels. The City and the Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase public awareness by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The increase in Auto Mall business has the potential to increase additional opportunities for employment and enhance other long term related business benefits for the local community.

The Auto Mall project consists of two phases – the re-construction of the pylon sign and the street improvements. The construction agreement for the pylon sign was awarded to San Pedro Sign Company by the City Council and the Community Redevelopment Agency at its meeting on June 22, 2010.

Street improvement enhancements and revitalization are integral elements of the final conceptual plan. Recent changes in the Auto Mall ownership and lot line adjustments of the parcels fronting Motor Way will necessitate design revisions to the project's street improvement plans. VA Consulting has been retained to provide professional consultant design services under their current on-call agreement that expires May 1, 2011. An estimated \$50,000 increase to VA Consulting's purchase order allows for additional design services and design-related support services. This change order brings the purchase order total to \$237,067 (\$205,889 plus contingency) which is reflected in the Project Specific Agreement. Staff recommends executing a Project Specific Agreement with VA Consulting for the continuation of their services.

ALTERNATIVES

1. Authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the

Auto Mall Improvements project, in the form attached hereto, and to subsequently assign said Agreement to the Community Redevelopment Agency; accept the assignment of the Agreement with VA Consulting, Inc. from the City in the form attached hereto; authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement in the form attached hereto on behalf of the Community Redevelopment Agency; authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of \$50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties. *This alternative will allow for much needed improvements.*

2. Do not authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the Auto Mall Improvements project, in the form attached hereto, and to subsequently assign said Agreement to the Community Redevelopment Agency; do not accept the assignment of the Agreement with VA Consulting, Inc. from the City in the form attached hereto; do not authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement in the form attached hereto on behalf of the Community Redevelopment Agency; do not authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of \$50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties. *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Moreno Valley Auto Mall Improvements construction phase of this project is included in Fiscal Year 2009-2010 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). **These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

AVAILABLE FUNDS:

Fiscal Year 2009/2010 Budget (Account No. 897.91725)	\$1,742,000
Total Estimated Pylon Sign Related Construction Costs.....	\$890,000
Estimated Additional Design Related Services	<u>\$50,000</u>
Remaining Available Balance for Street Improvements	\$802,000

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:

Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

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 and neighborhood restoration.

SUMMARY

The street improvement plans are an integral element of the final conceptual plan to rejuvenate Auto Mall. Staff is recommending that the City Council authorize the execution of the Project Agreement with VA Consulting and the Community Redevelopment Agency is requested to accept the assignment of said Agreement and to authorize a change order to the purchase order in the amount of \$50,000 for additional design services.

ATTACHMENTS

Attachment "A" – Project Specific Agreement

Attachment "B" – Assignment Agreement

Attachment "C" – Change Order

Prepared By:
 Guy Pegan, P.E.
 Senior Engineer

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:

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**PROJECT SPECIFIC AGREEMENT FOR ON-CALL
PROFESSIONAL CONSULTANT SERVICES**

This Agreement is made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and VA Consulting, Inc., a California corporation hereinafter described as "Consultant."

RECITALS

WHEREAS, the City has pre-qualified Consultant for on-call consultant work in an Agreement ("On-call Agreement") executed on May 29, 2008, for services hereinafter described as "Project"; and

WHEREAS, the City wishes to engage the services of Consultant for the Project set forth in Exhibit "A".

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

1. The previously executed On-call Agreement between City and Consultant is incorporated herein and made a part of this Agreement as if set forth in full. In the event of a conflict between this Agreement and the On-call Agreement, the most current amendment shall prevail.
2. The City's scope of service is for Professional Consultant Design Services for the Moreno Valley Auto Mall Improvements and is described in detail on Exhibit "A" attached hereto and incorporated herein by this reference.

ATTACHMENT "A"

**PROJECT AGREEMENT FOR PROFESSIONAL
CONSULTANT SERVICES**

3. The Consultant's scope of service for Professional Consultant Design Services is described in detail on Exhibit "B" attached hereto and incorporated herein by this reference.

4. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

5. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee in accordance with the payment terms provided in Exhibit "D," attached hereto and incorporated herein by this reference.

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. Consultant shall provide updated insurance documentation, certificates or endorsements unless specifically waived by the City's Risk Manager.

SIGNATURE PAGE FOLLOWS

**AGREEMENT FOR PROFESSIONAL
CONSULTANT SERVICES**

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

City of Moreno Valley

VA Consulting, Inc.

BY: _____
City Manager

BY: _____

Name: _____

Date

TITLE: _____
(President or Vice President)

Date

BY: _____

TITLE: _____
(Corporate Secretary)

Date

APPROVED AS TO LEGAL FORM:

City Attorney

DATE: _____

- Enclosures: Exhibit "A" – City Request for Proposal/Scope of Services
 Exhibit "B" – Consultant Scope of Services/Proposal
 Exhibit "C" – City's Responsibility
 Exhibit "D" – Terms of Payment

MORENO VALLEY AUTO MALL IMPROVEMENTS

PROJECT NO: 08-89791725

SCOPE OF SERVICES

I. INVITATION

You are hereby invited to submit a Proposal for Professional Consultant Design Services associated with the **Moreno Valley Auto Mall Improvements** as shown on the attached location map.

Three (3) copies (one of the copies shall be unbound and paper clipped) of your proposal shall be submitted no later than **5:00 p.m., Monday, June 23, 2008**, addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (Mail delivery), **Attention: Reza Zolghadr, Consultant Project Manager**. The unbound copy of the proposal is to have no tabs, holes, perforations, or cardboard inserts, and be suitable for copying with an automatic-feed copy machine.

Note: If choosing not to propose, please contact Mr. Zolghadr within two days after the receipt of the Request for Proposal, to inform him of such intent.

II. GENERAL PROJECT DESCRIPTION

The Moreno Valley Auto Mall is currently comprised of seven Auto dealerships and two vacant parcels. It is the City's objective to reconfigure the traffic circulation at the Mall to entice customers to visit the Mall. The City and the Redevelopment Agency are currently exploring opportunities to increase business opportunities by creating attractive visual displays of dealer products and other aesthetic elements. They will provide the ability for an increased interaction between business owners and prospective customers. As part of this effort the City is hereby seeking proposals for a conceptual plan with alternatives to accomplish the above goals and rejuvenate the Mall.

The project site is bordered by SR 60 on the north and Moreno Beach Drive, on west.

III. PROPOSED BUDGET AND SCHEDULE

The project budget is \$1.8 million and the project schedule is as follows:

Conceptual and Preliminary Design.....	July 2008 – October 2008
Environmental Document	October 2008 - March 2009
Final Design/ROW	December 2008 - April 2009
Construction	August 2009 - March 2010

IV. SCOPE OF SERVICES

The City is requesting firms to provide Conceptual, Preliminary and Final Design based on proposed budget and anticipated schedules for the **Moreno Valley Auto Mall Improvements**.

Exhibit "A"

A. PROJECT CONSTRAINTS:

1. Vacation of southerly portion of Motor Way.
2. Vacation of "short-street" segment between Auto Mall Drive and easterly property line, south of Eucalyptus Avenue as shown on the project exhibit.
3. Maintenance of existing and proposed street lights, parkways and medians needs to be clearly identified.

B. PROJECT TASKS AND SUGGESTED ANALYSES NEEDED:

1. Analyze the ingress/egress, realignment, and extension of Trail Ridge Way, easterly to Motor Way from the intersection of Moreno Beach Drive.
2. Analyze and provide a conceptual design, as an interim improvement, the alignment of the proposed east leg of the intersection of Trail Ridge Way and Moreno Beach Drive with the existing southerly driveway entrance to the car dealership on Motor Way. Review all associated landscaping in parkway and medians, existing lighting and develop new lighting concepts.
3. Analyze and provide a conceptual design for the southerly portion of Motor Way to be vacated from its intersection on the south with Auto Mall Drive to the proposed intersection with the Trail Ridge Way realignment, on the north. All affected street improvements within this vacated corridor segment need to be abandoned, demolished and re-graded. Any existing utilities affected by this vacation will be abandoned, retrofitted, or retained in place by easements across said parcels.
4. Analyze and provide a conceptual design for the portion of Motor Way from its northerly intersection with Eucalyptus Avenue to a new fire/emergency vehicle-accessible City standard cul-de-sac constructed at its now south end, just north of the alignment of Trail Ridge Way. Other circulation elements shall also be considered on Motor Way.
5. Analyze and provide a conceptual design for traffic signal system modifications to the existing traffic signal at Trail Ridge Way and Moreno Beach Drive to accommodate these proposed improvements.
6. Analyze entry features/monument signage and vehicle display pads locations at key street intersections and corners throughout the Auto Mall.
7. Analyze other immediate area enhancements that would improve traffic circulation and attract more customers to the Auto Mall.
8. Review the project budget to determine and recommend how best to utilize and prioritize it, including using some funds to provide incentives to attract development of the remaining unused parcels within the mall.
9. The Consultant shall complete planning and traffic studies.

10. Attend and present the development of alternatives, conceptual plans and report to property owners, City Staff, and all stakeholders prior to commencing the work and at various stages to get consensus from all stakeholders.

C. SCOPE OF ENGINEERING SERVICES:

1. GENERAL DESCRIPTION

The Consultant will be required to provide services for preliminary engineering and conceptual plans. These services are described in more detail below. Please be advised that the following is not intended to be a complete description of the scope of services; projects of this nature do need occasional un-foreseen work, meetings, coordination etc. to meet the stated goal and objectives of the project and as such the Consultant needs to anticipate such work and include it in the proposed not to exceed fee proposal.

Preliminary Engineering:

- Prepare project summary memorandum and conceptual plans with project alternatives and construction estimates.
- Prepare traffic circulation report.
- Collect traffic data, review traffic signal modification with preliminary design for the signal at the intersection of Trail Ridge Way and Moreno Beach Drive.
- Prepare traffic control concept for project.
- Prepare and maintain a project schedule identifying the critical path for the expeditious project completion.

2. RESEARCH OF RECORD INFORMATION

- a. The Consultant shall perform general research to secure all the information required to identify, locate, and accurately lay out streets centerline, right-of-way, and other ancillary items that may affect the improvement project.
- b. The City will provide copies of available pertinent City records, such as Street Improvement Plans, Striping Plans, Tract and Parcel Maps that the City knowingly has in its possession.

3. MEETINGS

The Consultant shall schedule and attend meetings in the planning phase as follows:

- Kickoff meeting including Sub-Consultants
- Project Development Team (PDT) monthly (or sooner if necessary) progress meetings
- Other meetings as necessary but not limited to stakeholder agencies, field reviews, utilities, and meetings with individuals
- Periodic meetings during construction to provide design clarification when required

The Consultant shall prepare meeting agendas and minutes for all meetings. The minutes shall be distributed to all attendees, invitees, and the City's project manager within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

4. PROJECT SCHEDULE

The Consultant shall provide a digital version of the project schedule using the Microsoft Project scheduling program, hard copies shall be provided for reports and staff usage.

The project schedule shall be divided into tasks and subtasks in full detail showing their critical path for expeditious project completion.

5. COMPENSATION FOR SERVICES PERFORMED

Please submit an itemized breakdown for the work described herein, in a separate sealed envelope as part of your proposal. Payment will be made on completion of the following deliverables:

- a Development of alternatives
- b Preparation of conceptual plans and report

6. STATEMENT OF QUALIFICATIONS FOR FINAL DESIGN

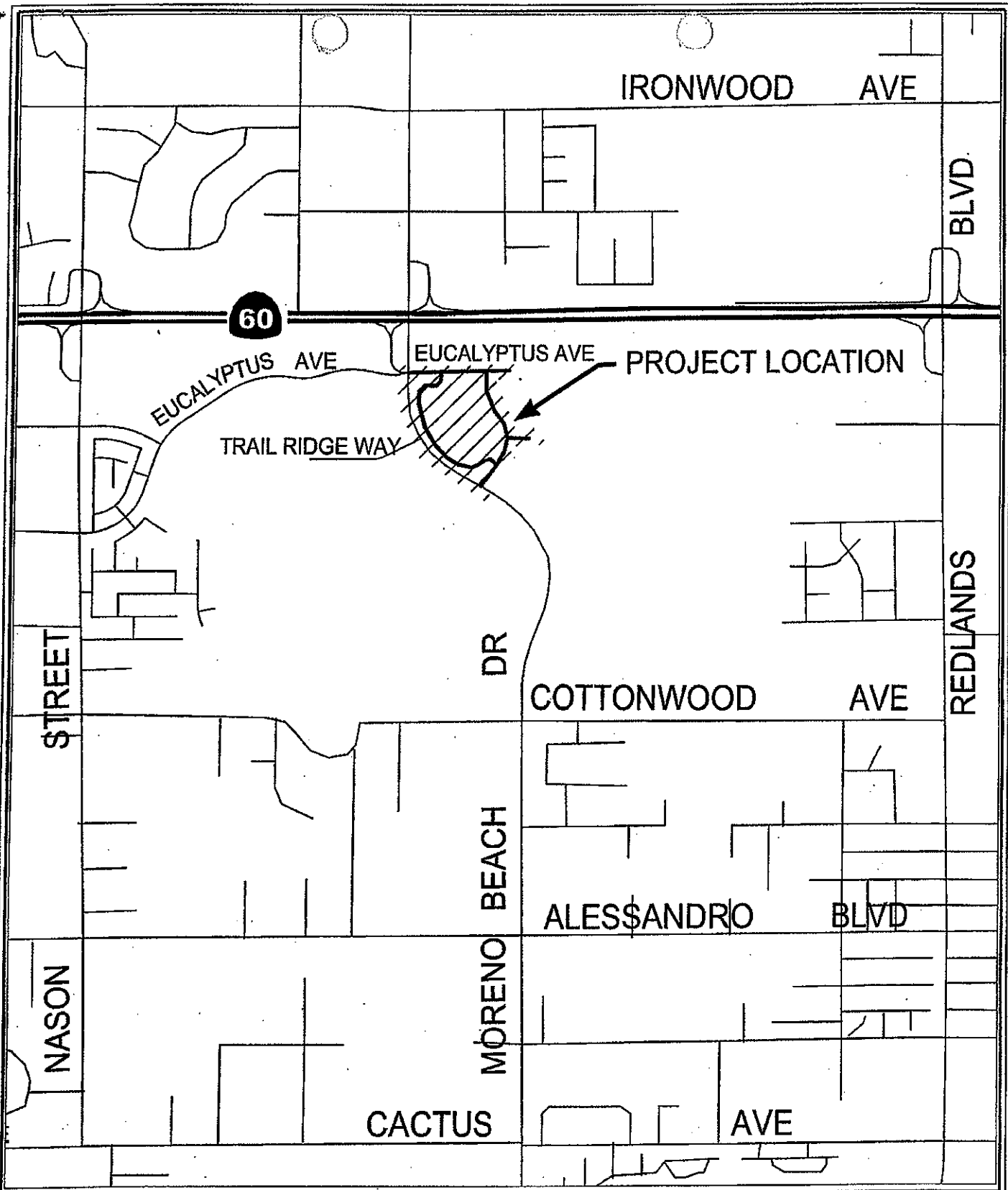
Consultant shall submit a Statement of Qualification for preparation of final design to cover the following items of work:

- a. Prepare and maintain a project design schedule identifying the critical path for expeditious project completion.
- b. Conduct and attend design kick-off meeting with all stakeholders.
- c. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
- d. Schedule, facilitate, and attend public meetings as necessary.
- e. Provide progress reports at a minimum monthly basis.
- f. Compose all correspondences to keep the project on schedule.
- g. Attend and present the project to City Council and property owners as required by City Staff.
- h. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
- i. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.

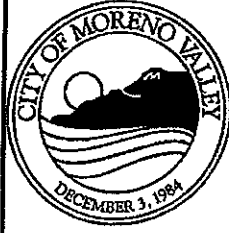
- j. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
- k. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.
- l. Oversee and arrange for an independent and timely plan check review, either through in-house appropriate experienced staff or outside sub-consultant, including, but not limited to Project Summary Memorandum, Geotechnical Report, Traffic Study, Environmental Documents, 35% Plans, 65%, 95%, 100% and final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, and all documents related to right-of-way acquisition.
- m. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:
 - Various City Council Staff Reports.
 - Utility correspondence letters and e-mails.
 - Federal, State and local correspondence.
 - Federal, State, and local documentation required for the project.
 - Right-of-way related documents and correspondence.
 - Necessary communication and reports to the funding agencies.
- n. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and biddability, constructability, and claim avoidance emphasis.
- o. Coordinate and ensure that all stakeholders and city Divisions and Departments complete plan check of all appropriate project documents.
- p. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments.
- q. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated.

Reza Zolghadr, P.E.
Consultant Project Manager

Exhibit "A" – Location Maps



LOCATION MAP



Public Works Department
 Capital Projects Division

Scale: None

ATTACHMENT "A"

PROJECT NO. 08-89791725
 MORENO VALLEY AUTO MALL
 IMPROVEMENTS



**ADDENDUM NO. 1
TO THE REQUEST FOR SCOPE OF SERVICES
PROJECT NO. 08-89791725
PROFESSIONAL CONSULTANT DESIGN SERVICES
FOR THE MORENO VALLEY
AUTO MALL IMPROVEMENTS**

June 18, 2008

TO: PROSPECTIVE PROPOSERS

This Addendum forms a part of the Request for Proposal (RFP) for the above-identified project and modifies the original RFP as noted below. Portions of the RFP, not specifically mentioned by the Addendum, remain in force.

1. Proposal Submittal Date Change:

The date for submittal of the Moreno Valley Auto Mall Improvements proposal has been extended from June 23, 2008 as referenced in the Request for Proposal, page 1, section I "Invitation", first paragraph shall be modified to read as follows: **"...Proposal shall be submitted no later than Monday, 5:00 p.m., July 7, 2008"**.

All consultants submitting proposals for this project shall acknowledge receipt of and make this addendum no. 1 a part of their proposal.

If you have any questions, please contact me, at 951.818.8419.

Sincerely,

Reza Zolghadr, P.E.
Consultant Project Manager

RZ:dmc

c: File

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April 7, 2009

Mr. Reza Zolghadr
Consultant Project Manager
City of Moreno Valley
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805

Dear Mr. Zolghadr:

VA Consulting, Inc. (VA) is pleased to submit this revised proposal to provide professional consultant services associated with the final engineering and design of **Moreno Valley Auto Mall Improvements** (Project No. 08-89791725) in response to the City of Moreno Valley (City) request. Your project will benefit from the familiarity and experience the VA Team has with the Conceptual Design of the Auto Mall Improvements. A copy of the Conceptual Plan dated March 4, 2009 is enclosed for reference. This proposal supersedes our proposal submitted on March 17, 2009.

A detailed scope of services is provided in Section I and proposed fees in Section II of this proposal. We will provide our services on a time-and-materials, not-to-exceed basis in accordance with the attached estimated fees and expenses (Exhibit "A") and fee schedule (Exhibit "B").

I. SCOPE OF SERVICES

1. Topographic Survey

VA will provide a topographic survey of the areas of work on Moreno Beach Drive, Eucalyptus Avenue and Auto Mall Drive within the project limits. Control data will be assembled and established for the project area (to include record map monuments for centerline control/right-of-way and City benchmark). This survey will include topographic survey shots for proposed areas of design and 10' outside of those areas. Survey will pick up any visible surface utilities (manholes/inverts, water valves, fire hydrants, catch basins, utility boxes, utility poles, guy wires, vaults, etc.) curb/gutter, driveways, fences, landscape, trees, striping, paving, walks, handicap ramps, walls, adjoining building corners, signage, etc. In areas of longitudinal street reconstruction such as along Motor Way, cross-sections will be taken at 25-foot intervals.

The survey data will be down loaded and compiled to create topographic mapping of the area, including surface features, recovered monumentation, right-of-way,

Exhibit "B"

VA Consulting, Inc.
Corporate Office
Orange County Division
6400 Oak Canyon, Suite 150
Irvine, CA 92618

Phone 949.474.1400
Fax 949.261.8482

adjoining lot lines, assessor parcel numbers, addresses, culture and contours for design purposes. The final map (24" x 36") will be at a scale of 1" = 20' with 1' contours.

2. Legal Descriptions and Exhibits

VA will prepare metes and bounds legal description/plat exhibit for four (4) vacations of Motor Way. This proposal includes reviewing a 6 month current preliminary title report, deeds, easements, and record maps of each affected property and legal description/plat exhibit preparation based on four (4) exhibits. The City will provide all current Title Reports, and will keep an active and open order with the Title Company. Processing of legal description/plat exhibit for vacation is not a part of this proposal.

3. Utility Coordination and Notification

VA will identify all public utilities within the project limits and will assist City staff with utility coordination. VA will prepare utility notifications and will request utility maps. The City will send out all utility verifications and relocation notices. VA will prepare a Utility Base Map depicting all existing utilities found within project limits based on available information, and indicate any proposed utility adjustments or relocations on the construction plans.

4. Traffic Study

VA will prepare a traffic study brief for the project intersections which will include analysis of am and pm peak hour traffic turning movement counts (turning and through) as collected during the preliminary design phase of this project in 2008. The turning movement counts were performed by National Data & Survey Services (NDS) for a typical weekday. VA will analyze the traffic counts and evaluate the level of service at the intersections surrounding the project. Level of service D or better will be maintained for traffic movements through the intersections. VA will identify and provide recommendations in a summary report for traffic signal phasing, lane configurations, and design queues for left and right turn movements at the intersections.

5. Geotechnical Report

The scope of geotechnical services presented in this proposal is developed based on the requirements and guidelines stated in the RFP and Leighton Consulting, Inc. (LCI) past experience with similar projects. The following scope of services is proposed:

- Review of existing geotechnical/geologic maps, reports or other related documents.
- Conduct a field exploration to evaluate subsurface conditions and collect representative soil samples.

- Evaluate the physical soil properties including in-situ moisture and density, maximum dry density, soil Resistance Values (R-Values) of representative soil materials along subject street improvement areas.
- Provide a letter report that includes geotechnical-engineering recommendations and coring logs.
- Post report consultation- Review of project plans and specification during the design process with consideration of geotechnical issues.

A detail description of the proposed field exploration, laboratory testing, engineering (office) studies and reports is discussed further below.

A. Field Exploration

This task includes 1) drilling, sampling and logging of 1-2 hollow stem auger borings to a depth of 5 ft. with a hand auger. The shallow 5-foot boring will be drilled in the area of the proposed street paving; and, 2) drilling, sampling and logging of 2 hollow stem auger borings to a depth of 15 feet with a conventional drill rig at the 2 locations of the proposed monument signs (Lots G and H). All excavated soil borings will be backfilled with soil cuttings and quick set concrete mix, if needed.

Before the start of fieldwork, the exploration locations will be marked out and Underground Service Alert (USA) will be notified so that known public or private underground utilities can be identified. Traffic control will be provided when drilling within the public street in accordance with the W.A.T.C.H manual. An encroachment permit application with a map showing the proposed soil boring and pavement coring locations will be submitted to the City prior to the field exploration.

Identification, handling and treatment of hazardous materials are beyond the scope of the geotechnical engineering services. If such materials are encountered, the City will be notified immediately, and a proposal for handling of such materials will be submitted, if requested.

B. Geotechnical Laboratory Testing

Geotechnical testing on the representative soil samples will be performed to evaluate subgrade soils and aggregate base resistance values (in place moisture content and density tests, R-Value, maximum dry density and optimum moisture content, expansion index as needed).

C. Office Studies and Report

LCI will review the field and laboratory data and perform engineering analyses to develop geotechnical recommendations. The geotechnical report will include the coring logs, laboratory test results, summary of the findings and geotechnical recommendations.

D. Time Schedule

Depending on site access constraints, permitting, weather and exploration equipment availability, field exploration may begin 5 to 10 working days after receipt of an order to proceed and a signed contract. California law requires that Underground Service Alert (USA) be provided at least two working days advanced notice to locate registered utilities in the proposed exploration area, before exploration can begin. LCI anticipates submitting the final report in 4 to 5 weeks after receipt of written authorization to proceed or after obtaining the permit from the City.

The following is assumed:

- LCI is not responsible for damage to unidentified utilities or structures.
- No inclement weather or environmental issues are to preclude drilling.
- Encroachment permit will be provided by the City (at no cost) and the field investigation can be performed during normal weekday daylight-hours.

6. Demolition Plan

VA will prepare a demolition plan at 1"=20' scale on four (4) 24" x 36", "double-stacked" plan sheets showing existing paving, street features, Project site structures, and other elements to be removed and relocated.

7. Street Modification Plans

VA will prepare street plans and profiles at a scale of 1" = 20' horizontal, 1" = 4' vertical (where applicable), for the Project on 24" x 36" sheets for the proposed improvements per the City's approved Conceptual Plan. Plans will show proposed finish grade elevations, sidewalks, finish paving elevations, curb and gutter and wheel chair ramps, as well as construction notes, details and quantities. Plan set to include the following:

- (1) Title Sheet;
- (1) Detail Sheet; and
- (7) Street Modification Plan and Profile Sheets with horizontal control data, vertical design data, hardscape improvements, surface drainage improvements, and applicable construction notes. Included on the Street Modification Plans will be the following:
 - a. Signage and striping improvements, showing the new striping and pavement markings within the project limits. The plans will also include existing signs and new signs if necessary to meet current California Manual on Uniform Traffic Control Devices (CA MUTCD) standards. The traffic sign work will be based on an inventory of existing signs and an assessment of new project signage upgrade requirements, if any. All

improvements will be based on the latest California Manual on Uniform Traffic Control Devices (CA MUTCD) and City standards.

- b. Final disposition of miscellaneous utility relocations and adjustments.
- c. Details for construction of Lot G display area.

8. Erosion Control Plan

VA will prepare an Erosion Control Plan for the Project work at a scale of 1"= 40' on two (2) 24" x 36" "double-stacked" plan sheets. Erosion Control Plans will be incorporated into the Street Modification Plan set.

9. Landscape and Irrigation Plans

SJA, Inc. will prepare plans for the following areas as delineated on the Conceptual Plan (dated March 4, 2009):

- The easterly parkway of Moreno Beach Drive from Eucalyptus Avenue to Auto Mall Drive;
- Lot G and Lot H; and
- Areas created by new landscape fingers and "bulb out" locations per the plan along Eucalyptus Avenue, Auto Mall Drive, and on Motor Way between the new entry from Moreno Beach Drive and Eucalyptus Avenue.

Included are landscape and irrigation plans consistent with existing landscape and irrigation systems (served by domestic water), attendance at Project Team meetings, and incorporation of City review comments. Prepare Final Construction Documents to the appropriate progress levels (35%, 65%, 95%, and 100%), more specifically described as:

- Prepare final construction documents for circulation to City/agencies;
 - Irrigation Plans and Details;
 - Planting Plans;
 - Planting Details; and
 - Specifications.
- Update Preliminary Estimate of Probable Construction Costs;
- Submit plans for agency submittal (four sets each);
- Revise plans per agency comments / in house plan check; and
- Project development team meetings.

Preliminary or Concept Drawings are not included. The following optional services may be provided as requested. Compensation for optional services will be paid per SJA, Inc. hourly billing schedule.

- Water Budgeting Calculations; and
- Water Auditing.

10. Lighting Plan

VA's subconsultant, JCA Engineering (JCA), will provide electrical engineering services for the preparation of lighting plans for the project. JCA will perform the following tasks:

- Design of power distribution from existing site service and sub-panels to each new light fixture and devices to meet City's requirements;
- Design relocation of existing tree accent up lighting;
- Design new tree accent up lighting;
- Design of new pedestrian walkway lighting to meet all building codes presently adopted by the authority having jurisdiction, as required;
- Design of monument sign accent up lighting;
- Provide revisions necessary as a part of Building Department review and submit construction documents for bid issue and construction. Respond to requests for information and prepare any addenda as necessary;
- Review all shop drawings relating to the electrical work for compliance with the construction documents;
- Provide structural pole base calculations for walkway poles;
- Provide electrical book specifications; and
- Provide electrical engineer's stamp and signature.

11. Traffic Signal Modification Plan

VA will prepare a traffic signal modification plans using AutoCAD at 1" = 20' scale on one (1) 24 x 36" sheet for signal improvements required for adding a new east-west crosswalk over the southerly leg of the Trail Ridge Way and Moreno Beach Drive intersection. Traffic signal plans will be prepared in accordance with City of Moreno Valley and Caltrans standards. As part of this task, VA will conduct a thorough field inventory of the existing signal improvements at this location to confirm and supplement the as-built plans.

12. Traffic Control Plans

Traffic control plans will be prepared using AutoCAD, at 1" = 40' scale and will follow the guidelines established in the California Manual on Uniform Traffic Control Devices (CA MUTCD). Traffic control plans will be five (5) sheets, "double stacked" with two horizontal layout strips placed on each plan. The plans will show traffic control measures required for the construction of the project including all traffic control devices, temporary lane delineation, and construction signing. VA will make every effort to reduce the impacts of traffic control and lane closures on adjacent properties by implementation of an efficient design that emphasizes public and worker safety and cost-effective construction.

13. Final Quantities and Engineer's Opinion of Probable Construction Costs

VA will prepare final quantity estimates and an engineer's opinion of probable construction costs for the work shown on the plans onsite improvements. The opinion of costs will be prepared once upon first plan check submittal of Project plans, and upon final 100% submittal of plans.

14. Specifications

VA will prepare project specifications for the project work items including Special Provisions (including traffic control and detour information) and Bid Schedule forms in a format consistent with current City projects and boiler plate. Specifications will be provided with the 65% and 100% plan submittals. The specifications will also include requirements for erosion and pollution control during construction. VA will use Standard General Provisions and Construction Contract Agreement documents supplied by the City.

15. Structural Design

VA will prepare a structural design detail and calculations for a typical Lot G and H Monument Sign caisson footing. VA will engage a third party structural engineer to perform a peer review of the design.

16. Project Management

A. Meetings, Coordination and Processing

- VA will report directly to the City Program Manager.
- VA will schedule, facilitate, and attend public meetings as necessary. VA will attend and present the project to City Council and property owners as required by City Staff. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services. VA will assist the City in determining if the project meets all applicable Federal, State, and local construction requirements.
- VA will provide coordination services including attendance at project meetings, coordination with design team and consultants under contract to Client, investigate project issues as requested by Client, and will assist Client concerning processing of plans with jurisdictional agencies.
- VA will address plan checks completely for the appropriate project documents. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments, such that updates necessary as a result of plan check review are communicated and incorporated.

B. Project Schedule

- Prepare and maintain a project design schedule identifying the critical path for expeditious project completion.
- Conduct and attend design kick-off meeting.
- Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within one (1) week.

C. Document Submittal and Plan Information

The plan submittals for each project will comply with City's requirements as stated in the RFP. All project files will be maintained in accordance with the City boiler format or as otherwise directed by the City Program Manager.

- First Submittal: 65% complete geometric plans with survey information, draft Specifications, Preliminary Opinion of Costs and draft Soils Report;
- Second Submittal: 95% complete plans, specifications, and opinion of costs sets;
- Third Submittal: 100% complete plans, specifications, and opinion of costs; and
- Final Submittal: Original Mylar Plans, Specifications, Opinion of Costs, and other Contract Documents in hard copy and electronic format.

D. Project Progress Reporting

- Provide progress reports on a monthly basis by email.
- Oversee all measures of the specific project's scope of services for timely completion and in a professional manner with an emphasis on providing the City with a high quality project.
- Complete all appropriate communication, correspondence, and reports on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the VA Team will review and/or provide in the course of the work:
 - Various City Council Staff Reports;
 - Utility correspondence letters and e-mails;
 - Agency correspondence;
 - Right-of-way related documents and correspondence.

- Provide a detailed independent review of the 95% PS&E package by VA's in-house Construction Manager. Include an in-depth field review with biddability, constructability, and claim avoidance emphasis.
- During Plan Check, VA will oversee and arrange for an independent and timely plan check review, through in-house appropriate experienced staff. Review materials may include the Project Summary Memorandum, Geotechnical Report, Traffic Study, Environmental Documents, 35% Plans, 65%, 95%, 100% and final PS&E packages, Legal and Plats, and documents related to right-of-way acquisition/vacation.

During the Final Design Phase, approximately five (5) hours per week for four (4) months, for a total of 77 staff hours has been budgeted for the project management task.

17. Bid Support Services

VA will assist the City in preparation of contract documents for bidding, and attend the pre-bid meeting. VA will be available to respond to questions from bidders, provide clarification of plans and specifications, and prepare addenda as needed to modify or clarify the Contract Documents during the bid phase. VA will also assist the City in evaluating the submitted bids. The budget for this task assumes approximately 40 hours of combined VA staff time.

18. Record Drawings

Upon completion of construction, VA will prepare Record Drawings based on markups provided by the Contractor and City inspector. The budget for this task assumes approximately 32 hours of combined VA staff time. For the landscape plans, another 12 hours is assumed.

Optional Tasks

19. Conceptual Landscape Plan (Lots G & H)

- Meet with client/city to develop program and define scope of work, review conceptual sketches and discuss alternatives
- Prepare conceptual sketches for presentation to client/city.
- Prepare preliminary estimate of probable construction costs based on agreed upon design alternative, and review overall design and estimates with City.
- Refine concept per minor City comments for final review.
- Prepare final color plan suitable for mounting to 30x42 foam core boards.

The following optional services may be provided as requested. Compensation for optional services will be paid per SJA, Inc. hourly billing schedule.

- Water Budgeting Calculations; and
- Water Auditing.

20. Construction Support Services (Civil and Landscape)

VA will assist the City during the construction phase and will attend the Pre-Construction Meeting. During construction VA will attend periodic (bi-weekly) construction meetings, review shop drawings/submittals, and respond to requests for information (RFI) from the Contractor and the City.

VA will also perform site visits at major milestones of the completion of construction to observe in general if the work is being performed in substantial conformance with the construction documents. For the civil work, The budget for this task assumes approximately 52 hours of combined VA staff time and a construction duration of approximately (3) three months (13 weeks) beginning in 2009. For the landscape work, another 40 hours is assumed.

21. Legal Description/Exhibit

VA will prepare legal description/exhibit for vacation of the stubbed street east of Auto Mall Drive and between Parcels 6 and 7. Title Report to be provided by City.

22. Stakeholder Coordination

VA will assist the City in coordination, notifications, presentations and meetings with Project stakeholders. The budget for this task assumes approximately 30 hours of VA management time.

Assumptions and Exclusions

1. Mapping will be based on available City/County vertical datum and an assumed horizontal control, unless specifically requested otherwise.
2. The project will be designed and constructed as a single phase.
3. The project will not require storm drain pipes 12-inches in diameter and larger.
4. The boundary corners for the site have been established and monumented by others. VA will use record data for establishing the project boundaries and right of ways.
5. Investigation and documentation of "as-built" electrical assumes existing drawings are available. Field investigation is limited to visual observation of panels and overcurrent devices without exposing live parts. City shall furnish licensed electrician, if necessary, to determine panel capacity.
6. The following services are not included in this Scope of Services, but may be provided by VA or sub-consultant per supplemental City authorization:

- Water, sewer, storm drain, or dry utility plans;
 - Revisions to work completed or underway due to a change in information or instruction provided to VA by City or revised Agency Policy;
 - SWPPP, WQMP and NOI unless specifically included in the Scope;
 - Environmental forms or assessment;
 - Design of remedial electrical work where existing conditions are in violation of California Electric Code;
 - Design or specification for removal of existing or addition of new street lighting or street signal (City to provide for bid, if required);
 - Re-establishment of missing survey monumentation;
 - Potholing of underground facilities; and
 - Obtaining permission to enter upon private properties.
7. Revisions requested by City to VA's agency-approved plans will be billed on a time-and-materials basis, subject to supplemental City authorization.
8. City may set up an account with a blueprint company or may elect to have VA process as a reimbursable expense. VA will surcharge all reimbursable expenses 10% to cover costs of invoicing, processing and carrying charges.

II. PROPOSED FEES

1. Topographic Survey	\$10,820
2. Legal Descriptions and Exhibits (4 total)	\$ 6,896
3. Utility Coordination and Notification	\$ 3,568
4. Traffic Study	\$ 3,900
5. Geotechnical Report	\$ 8,000
6. Demolition Plan	\$ 7,304
7. Street Modification Plans	\$37,676
8. Erosion Control Plan	\$ 4,000
9. Landscape and Irrigation Plans	\$20,500
10. Lighting Plan	\$ 4,000
11. Traffic Signal Modification Plan	\$ 5,600

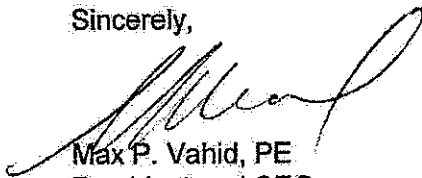
12. Traffic Control Plans	\$ 7,500
13. Final Quantities and Engineer's Opinion of Probable Construction Costs....	\$ 3,000
14. Specifications	\$ 4,090
15. Monument Sign Footing Structural Design	\$ 4,100
16. Project Management	\$11,100
17. Bid Support Services	\$ 5,152
18. Record Drawings	\$ 6,232
Reimbursable Expenses.....	\$ 2,451
TOTAL FEES.....	\$155,889

Optional Tasks

19. Conceptual Landscaping Plans for Lots G & H.....	\$ 5,900
20. Construction Support Services	\$13,200
21. Legal Description/Exhibit (1 total).....	\$ 2,000
22. Stakeholder Coordination	\$ 4,800

We appreciate the opportunity to submit this proposal and look forward to being of service to you on this project. Should you have questions, please contact Wayne Richardson or me at (949) 474-1400.

Sincerely,



Max P. Vahid, PE
President and CEO

MPV/cmj

Enclosures: Exhibit "A" - Estimated Fees & Expenses
Exhibit "B" - Fee Schedule
Project Schedule
Conceptual Plan (dated January 30, 2009)

cc: Wayne Richardson; Jeff Wilkerson; Contracts

EXHIBIT "A"

CITY OF MORENO VALLEY
AUTO MALL FINAL ENGINEERING

ESTIMATED FEES & EXPENSES

Tasks	Description	No of mtgs reports	P/DJR hrs	PM hrs	PE hrs	SDE hrs	DE hrs	ZMC hrs	Clerical hrs	VA hrs	VA Fees	Subconsultants hrs	Fees							
FINAL ENGINEERING																				
1	Topographic Survey	1	2	6	12		16	30		66	\$10,820									
2	Legal Descriptions and Exhibits	4	2	4	24		24			54	\$6,896									
3	Utility Coordination and Notification		1	4	16		6			27	\$3,568									
4	Traffic Study	1	6	4	17				2	29	\$3,800									
5	Geotechnical Report	1	1	2			2		1	6	\$800	ne	\$7,200							
6	Demolition Plan	4	2	4	20		32			58	\$7,304									
7	Street Modification (and Striping) Plans	9	16	40	60	32	148			296	\$37,676									
8	Erosion Control Plan	1	2	4	8		17			31	\$4,000									
9	Landscape and Irrigation Plan	2	2	4	4		8		1	19	\$2,425	120	\$18,075							
10	Lighting Plan	1	2	2			2			4	\$500	26	\$3,500							
11	Traffic Signal Modification	1	8		18		16			42	\$5,600									
12	Traffic Control Plans	5	4		34		20			58	\$7,500									
13	Opinion of Costs	1	2	4	9		8			23	\$3,000									
14	Specifications	1	4	8	16				2	30	\$4,090									
15	Monument Sign Footing Structural Design	1	4	17			8			29	\$4,100									
16	Project Management (4 mtgs)		4	69					4	77	\$11,100									
17	Bid Support Services	2	2	11	9		16		2	40	\$5,152									
18	Record Drawings	9	4	6	4		17		1	32	\$4,132	12	\$2,100							
TOTAL HOURS												\$122,563	158	\$30,675						
SUBCONSULTANT TOTAL																				
REIMBURSABLE EXPENSES																				
TOTAL FEES																				
OPTIONAL ITEMS																				
19	Lot G and H Concept Landscaping Plan	1	1	2			2			5	\$700	35	\$5,200							
20	Construction Support Services		4	42			4		2	52	\$7,500	40	\$5,700							
21	Legal Description and Exhibit (ea.)	1	1	5			9			15	\$2,000									
22	Stakeholder Coordination		28						2	30	\$4,800									
23	Reimbursables for Optional Items@1.5%										\$225									
Rate (\$/hr)												\$166	\$147	\$132	\$122	\$117	\$205	\$89	\$15,225	\$10,900

EXHIBIT "B"

VA CONSULTING, INC.

FEE SCHEDULE - 2009

Staff Classification

Civil Engineering and Planning Services **Hourly Rate**

President.....	\$190
Division President/Division Manager.....	\$173
Sr. Vice President/Vice President/ Exec. Director.....	\$163
Director.....	\$160
Senior Project Manager.....	\$155
Project Manager.....	\$147
Assistant Project Manager.....	\$142
Senior Project Engineer/Senior Design Supervisor/Senior Planner.....	\$137
Project Engineer/Design Supervisor.....	\$132
Senior Design Engineer/Senior Designer.....	\$122
Design Engineer/Planner.....	\$117
Designer.....	\$110
Assistant Engineer/Assistant Planner.....	\$100
Research and Processing Coordinator.....	\$95
Senior CADD Technician.....	\$90
Junior Engineer.....	\$85
CADD Technician.....	\$80
Engineering Intern.....	\$70
Office Support/Clerical.....	\$69

Field Survey and Mapping Services

Director of Survey and Mapping.....	\$158
Manager of Field Survey.....	\$130
Survey and Mapping Associate.....	\$95
Survey and Mapping Technician.....	\$75
3-Man GPS Crew.....	\$235
2-Man GPS Crew.....	\$205
1-Man GPS Crew.....	\$175

Special Services

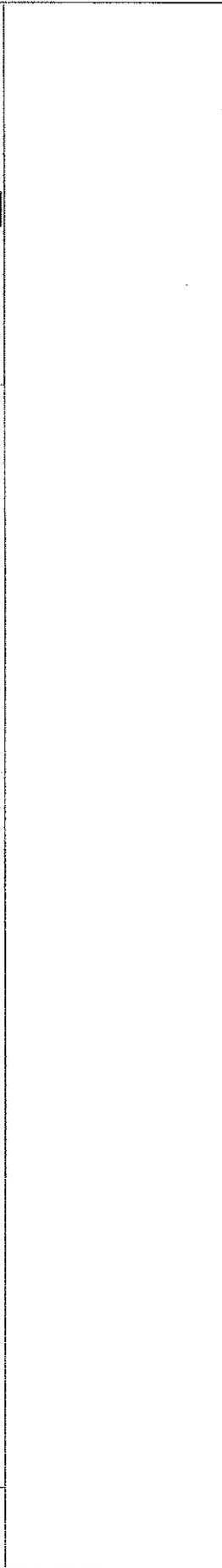
Litigation.....	\$450
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Notes:

1. Invoices will be prepared for all services through the end of each calendar month. Invoices are due and payable on presentation.
2. Overtime, when requested by the client, will be surcharged at a rate of 135% of the standard hourly rates. Sundays and holidays will be surcharged at a rate of 170% of the standard hourly rates.
3. Reprographics, messenger service, travel (including lodging and meals), and other direct expenses will be charged at cost plus 10%. The services of outside consultants will be charged at cost plus 15% to cover administration and overhead.
4. In-house reprographics charges: B&W Bond copies \$0.66/sq.ft, Color Bond \$6.00/sq.ft.
5. Mileage will be billed at standard mileage rates set by IRS. 2009 rates currently listed at \$0.55 per mile.

**CITY OF MORENO VALLEY
AUTOMALL FINAL ENGINEERING
PROJECT SCHEDULE**

ID	Task Name	Duration	Start	Finish	Apr	May	Jun	Jul	Aug	Sep	Oct
1	Notice to Proceed / Kick Off Meeting	1 day	Mon 5/4/09	Mon 5/4/09		5/4					
2	Preliminary Engineering	25 days	Mon 5/4/09	Fri 6/5/09							
3	Surveying and Topo Mapping	2 wks	Mon 5/4/09	Fri 5/15/09							
4	Utility Coordination	2 wks	Mon 5/4/09	Fri 5/15/09							
5	Traffic Study	2 wks	Mon 5/4/09	Fri 5/15/09							
6	Geotechnical Report	5 wks	Mon 5/4/09	Fri 6/5/09							
7	Improvement Plans	91 days	Mon 5/11/09	Mon 9/14/09							
8	Prepare 35% Submittal (Plans and Estimates)	4 wks	Mon 5/11/09	Fri 6/5/09							
9	City Review of 35% Submittal	3 wks	Mon 6/8/09	Fri 6/26/09							
10	Prepare 65% Submittal (Plans)	3 wks	Mon 6/29/09	Fri 7/17/09							
11	City Review of 65% Submittal	2 wks	Mon 7/20/09	Fri 7/31/09							
12	Prepare 90% Submittal (Plans and Specifications)	2 wks	Mon 8/3/09	Fri 8/14/09							
13	City Review of 90% Submittal	2 wks	Mon 8/17/09	Fri 8/28/09							
14	Prepare 100% Submittal (Plans, Specifications, and Estimates)	1 wk	Mon 8/31/09	Fri 9/4/09							
15	City Review of 100% Submittal	6 days	Mon 9/7/09	Mon 9/14/09							
16	Plans, Specifications and Estimates Completed	1 day	Mon 9/14/09	Mon 9/14/09							
17	Right-of-Way Engineering	55 days	Mon 5/4/09	Fri 7/17/09							
18	Obtain Title Reports (By City)	8 wks	Mon 5/4/09	Fri 6/26/09							
19	Prepare Legal Descriptions and Plats	3 wks	Mon 6/29/09	Fri 7/17/09							



VA Consulting, Inc.
March 9, 2009

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Page 1

Task: [Solid Bar]

Milestone: [Diamond]

Split: [Bar with Dotted Line]

Summary: [Thick Bar]

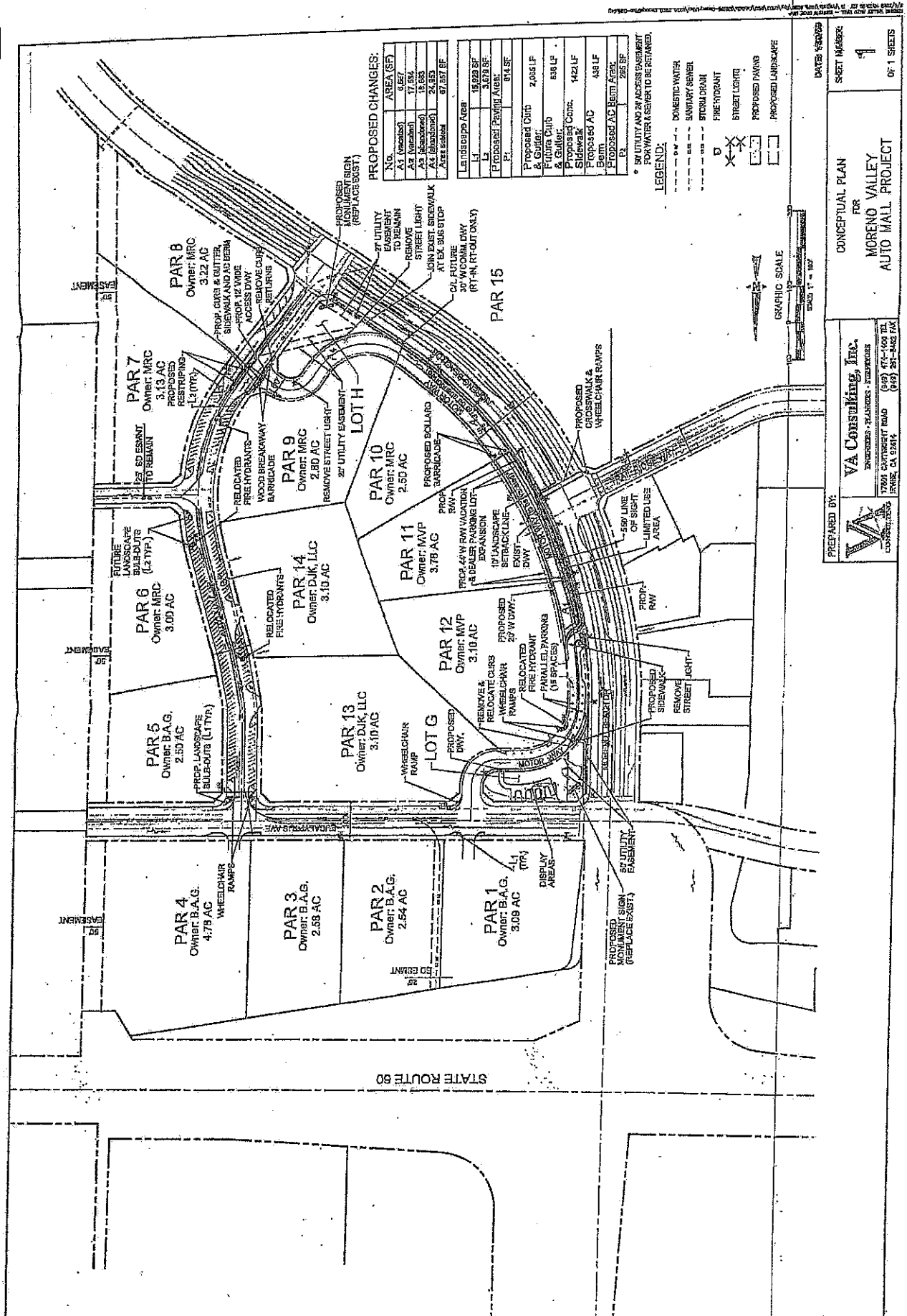
Progress: [Thin Bar]

External Tasks: [Hatched Bar]

External Milestone: [Diamond]

Project Summary: [Thick Bar]

Deadline: [Arrow]



DATE: 11/11/11

SHEET NUMBER: 1

OF 1 SHEETS

CONCEPTUAL PLAN FOR MORENO VALLEY AUTO MALL PROJECT

PREPARED BY: VA Consulting, Inc.
 17001 BURNBERRY ROAD
 IRVINE, CA 92614
 (949) 475-1000 TEL
 (949) 251-8482 FAX

**CITY - SERVICES TO BE PROVIDED
TO CONSULTANT**

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

TERMS OF PAYMENT

1. This Agreement and Project shall have a Not-to-Exceed Fixed Fee of \$237,067.
2. Rates for personnel and services shall be as provided in the attached "Rate Sheet."
3. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work covered by this Proposal.
4. The City will pay the Consultant for work completed as identified in the Payment Schedule. Work can only commence after a Project Agreement has been executed and the City issues a notice to proceed.
5. Progress payments shall be based on tasks performed as identified in the Payment Schedule. Monthly invoices will specifically identify job title, person-hours, and costs incurred by each task.
6. Sub-categorization of tasks is permitted to better define the task for payment.
7. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fixed Fee."
8. All tasks including labor and reimbursable costs such as mileage, printing, telephone, photographs, postage, and delivery shall have supporting documentation presented at the time payment is requested.
9. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services" and the "Project Agreement."
10. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services" or the "Project Agreement," an "Amendment to the Agreement" will be executed between the City and Consultant.
11. Payment will be based on hourly rate for work completed associated with each applicable task as identified in the scope of work.
12. A resource loaded progress schedule shall be submitted with the proposal. All payments will be made if the Consultant demonstrates adequate progress per the resource loaded schedule.

EXHIBIT "D"

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\Design Phase\Consultant -\Agreement\VA Consulting\Project Specific On-call Agreement - VA Consulting (July 2010).doc

ASSIGNMENT OF PROJECT SPECIFIC AGREEMENT

Whereas, on _____, the City of Moreno Valley entered into a Project Specific Agreement for the Auto Mall Freeway Improvements Project ("Agreement") with VA Consulting, Inc., hereinafter referred to as "Consultant".

Whereas, for accounting, clarity, and other purposes, the City of Moreno Valley desires to assign all of its interest, rights, and obligations in the Agreement to the Community Redevelopment Agency of the City of Moreno Valley, hereinafter referred to as "RDA".

Section 1. Assignment

1.1 The City of Moreno Valley hereby assigns all of its interests, rights, and obligations in and to the Agreement to the Community Redevelopment Agency of the City of Moreno Valley. The RDA shall be obligated to the same terms of the City in the Agreement.

1.2 By signing this Assignment, the City of Moreno Valley, the RDA, and the Contractor agree to this Assignment.

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

City of Moreno Valley

VA Consulting, Inc.

By: _____
William Bopf
City Manager

By: _____
Name
President

Date: _____

Date: _____

Community Redevelopment Agency of the City of Moreno Valley

By: _____
William Bopf
Executive Director

Date: _____

Approved as to Legal Form:

Suzanne Bryant
Deputy City Attorney

Date: _____

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CHANGE ORDER FORM

VENDOR NAME:

VA Consulting, Inc.

CITY OF MORENO VALLEY, CA

VENDOR NO.#

ORIGINAL PO NUMBER

TODAY'S DATE: 6/2/10

37386

Project Number:

DESCRIPTION OF NEEDED CHANGE

Note: If text does not fill across the row shorten the text (under 260 characters) and use two or more rows

Increase purchase order 37386 by \$50,000 for design revisions and design-related construction support services for the Moreno Valley Auto Mall Improvements, Project Number 08-89791725,

per Project Specific Agreement executed by the City Manager on _____.

On-Call Agreement with VA Consulting expires on May 15, 2011. The On-Call Civil Engineering Design Services Agreement is on file with the Purchasing Division.

Notes:

Change Order Sub Total from Above: \$50,000.00

Original P.O. and Prior Change Order Amount: \$187,067.00

Revised Total Spend: \$237,067.00

Signatures below are based on the total accumulated expenditure amount of original PO and all subsequent change orders (Revised Total Spend).

Requested by: Guy Pegan

Date:

Division Manager (\$15k)

100.0%

Department Head (\$30K)

Date:

Financial & Admin. Svcs. Director (\$50K)

Date:

City Manager (\$100K)

Date:

Purchasing Manager's Signature:

100.0%

Split Allocated Total Spend: \$237,067.00

Business Unit and Expenditure Code

(e.g. 31510.6221.225)

Cannot split between fund numbers

Split Amounts

\$237,067.00

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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: July 13, 2010

TITLE: SIXTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE IRONWOOD AVENUE WIDENING PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD
PROJECT NO. 06-50182625-2

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc., 1501 Quail Street, Newport Beach, California 92660.
2. Authorize the City Manager to execute said "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc. in the form attached hereto.
3. Authorize a Change Order to increase the Purchase Order with AECOM Technical Services, Inc. for \$99,975 (Account No. 415.70227) for additional storm drain design, engineering support for Southern California Edison's power pole relocation, right-of-way, and environmental services when the Sixth Amendment to Agreement for Professional Consultant Services has been signed by all parties.

BACKGROUND

On June 14, 2005, the City Council adopted Resolution No. 2005-49 and Resolution No. 2005-50 allowing the City to expedite design and construction funding for eight (8) important projects that would otherwise wait several years before adequate funding was available. One of those projects was Ironwood Avenue from Heacock Street to Perris Boulevard and was intended to construct missing street improvements, acquire right of way, and relocate major utilities and storm drains.

On August 22, 2006, the City Council approved the Prioritization of Four (4) 2005 Lease Revenue Bonds Street Improvement Projects, based on price escalation, commitments by the City, and refined cost estimates. The initial scope for the Ironwood Avenue project from Heacock Street to Perris Boulevard was reduced to a paved walkway with minor right of way acquisition and project planning to determine the cost of full widening improvements, from two (2) lanes to four (4) lanes.

On November 28, 2006, the City Council approved the Agreement for Professional Consultant Services with Lim and Nascimento Engineering Corporation (LAN) for the planning of full widening improvements, and design for construction of a paved walkway along Ironwood Avenue from Heacock Street to Perris Boulevard.

On May 27, 2008, the City Council awarded the construction contract for the Ironwood Avenue Sidewalk/Walkway project to Grand Pacific Contractors, Inc. of Corona. This construction was completed and accepted by City Council on January 13, 2009.

On July 8, 2008, the City Council approved the Transportation Uniform Mitigation Fee (TUMF) Program Agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley. WRCOG had approved its Central Zone 5-Year Transportation Improvement Program (TIP) on May 5, 2007, which included the Ironwood Avenue Improvements project, which identified specific improvements on this project as eligible for reimbursement by WRCOG.

On July 8, 2008, the City Council approved the Agreement for Professional Consultant Services TUMF-Zonal with LAN for the design of the full widening improvements, environmental, right of way easement, appraisals, and negotiations, and construction support.

On March 24, 2009, the City Council adopted a Mitigated Negative Declaration for the Ironwood Avenue Improvements from Heacock Street to Perris Boulevard and the Indian Detention Basin Improvements/Ironwood Avenue Improvements (south side) from Heacock Street to Nita Drive.

On September 1, 2009 the City Council authorized staff to negotiate and acquire the properties needed to widen Ironwood Avenue from Heacock Street to Perris Boulevard. There are twenty-six (26) parcels from which right of way (ROW) is required.

On May 24, 2010, the City Manager approved the Fourth Amendment to Agreement with LAN (the subsidiary) which transferred all services required under the Agreement to AECOM Technical Services, Inc. (AECOM) (the parent company).

A total of five amendments to the agreement for this project have been executed within the Purchase Order contingency amount due to the expanded Consultant's scope of work to include additional improvements to the project, time extensions, and reassignment of contract ownership.

DISCUSSION

Ironwood Avenue is designated as a four (4) lane minor arterial roadway in the City's adopted circulation plan. The Ironwood Avenue improvement project will construct full street improvements on both sides of Ironwood Avenue from Heacock Street to Perris Boulevard. The construction will build missing improvements and add additional lanes. During the full improvement planning process, Transportation Uniform Mitigation Fee (TUMF) program funding became available through the Western Riverside Council of Governments (WRCOG), as well as Development Impact Fee (DIF) funds for the full design and construction of two (2) additional lanes on Ironwood Avenue from Heacock Street to Perris Boulevard.

Design is almost 100% complete and right of way acquisition is underway. Staff requests City Council to authorize the Sixth Amendment to Agreement for Professional Consultant Services with AECOM for additional design, right of way, and environmental services. The additional services will include design of a storm drain pipe extension, engineering support for Southern California Edison's power pole relocation, additional effort in right of way negotiation and closing escrows, and pre-construction environmental services.

ALTERNATIVES

1. Approve the "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc., 1501 Quail Street, Newport Beach, California 92660, authorize the City Manager to execute said "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc. in the form attached hereto, and authorize a Change Order to increase the Purchase Order with AECOM Technical Services, Inc. for \$99,975 (Account No. 415.70227) for additional storm drain design, engineering support for Southern California Edison's power pole relocation, right-of-way, and environmental services when the Sixth Amendment to Agreement for Professional Consultant Services has been signed by all parties. *This alternative will facilitate the construction of needed improvements.*
2. Do not approve the "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc., 1501 Quail Street, Newport Beach, California 92660, do not authorize the City Manager to execute said "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc. in the form attached hereto, and do not authorize a Change Order to increase the Purchase Order with AECOM Technical Services, Inc. for \$99,975 (Account No. 415.70227) for additional storm drain design, engineering support for Southern California Edison's power pole relocation, right-of-way, and environmental services when the Sixth Amendment to Agreement for Professional Consultant Services has been signed by all parties. *This alternative will delay the construction of needed improvements.*

FISCAL IMPACT

City Council approved a Purchase Order for LAN on July 8, 2008 in the amount of \$637,000 (\$579,300 plus 10% contingency) for design services. Due to the need for additional services, a Change Order to increase the Purchase Order by \$99,975 is required as part of the Sixth Amendment to the Agreement. There are sufficient funds to increase the Purchase Order. The expiration date of June 31, 2012 will not change with the proposed Sixth Amendment.

The Ironwood Avenue Improvement project is being funded with TUMF (Fund 415), Development Impact Fee (Fund 416), and 2005 Lease Revenue Bonds (Fund 501) monies. The funding for this project is restricted to the Ironwood Avenue capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2009/2010 - TUMF (Account No. 415.70227).....	\$3,106,000.00
Fiscal Year 2009/2010 - DIF (Account No. 416.78727).....	\$1,116,000.00
Fiscal Year 2009/2010 - 501 Lease Revenue Bonds (Account No. 501.82625).....	\$1,046,000.00
Total Available Funds	\$5,268,000.00

ESTIMATED DESIGN COST:

Consultant Design Agreement (including 10% contingency).....	\$637,000.00
Consultant Design Sixth Amendment	\$100,000.00
Project Administration*	\$100,000.00
Total Estimated Design Cost.....	\$837,000.00

ESTIMATED RIGHT OF WAY AND UTILITY CONSTRUCTION RELATED**EXPENDITURES:**

Southern California Edison (SCE) Transmission Pole Relocation.....	\$1,578,000.00
Right of Way Acquisition	\$622,000.00
Storm Drain Line H-1A Construction	\$2,040,000.00
Total Estimated Project Related Expenditures	\$4,240,000.00

*City staff will provide Project Administration

ANTICIPATED SCHEDULE:

Complete Right of Way Acquisition	August 2010
Complete Design.....	October 2010
Complete SCE Power Pole Relocation and Storm Drain Construction	June 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

Ironwood Avenue is designated as a four (4) lane minor arterial roadway in the City's adopted circulation plan. The Ironwood Avenue improvement project will construct full street improvements on both sides of Ironwood Avenue from Heacock Street to Perris Boulevard. The Sixth Amendment to Agreement for Professional Consultant Services with AECOM will provide for additional design, right of way, and environmental services.

ATTACHMENTS

Attachment "A" – Location Map

Attachment "B" – Sixth Amendment to Agreement for Professional Consultant Services
with Exhibits

Attachment "C" – Change Order to the Purchase Order

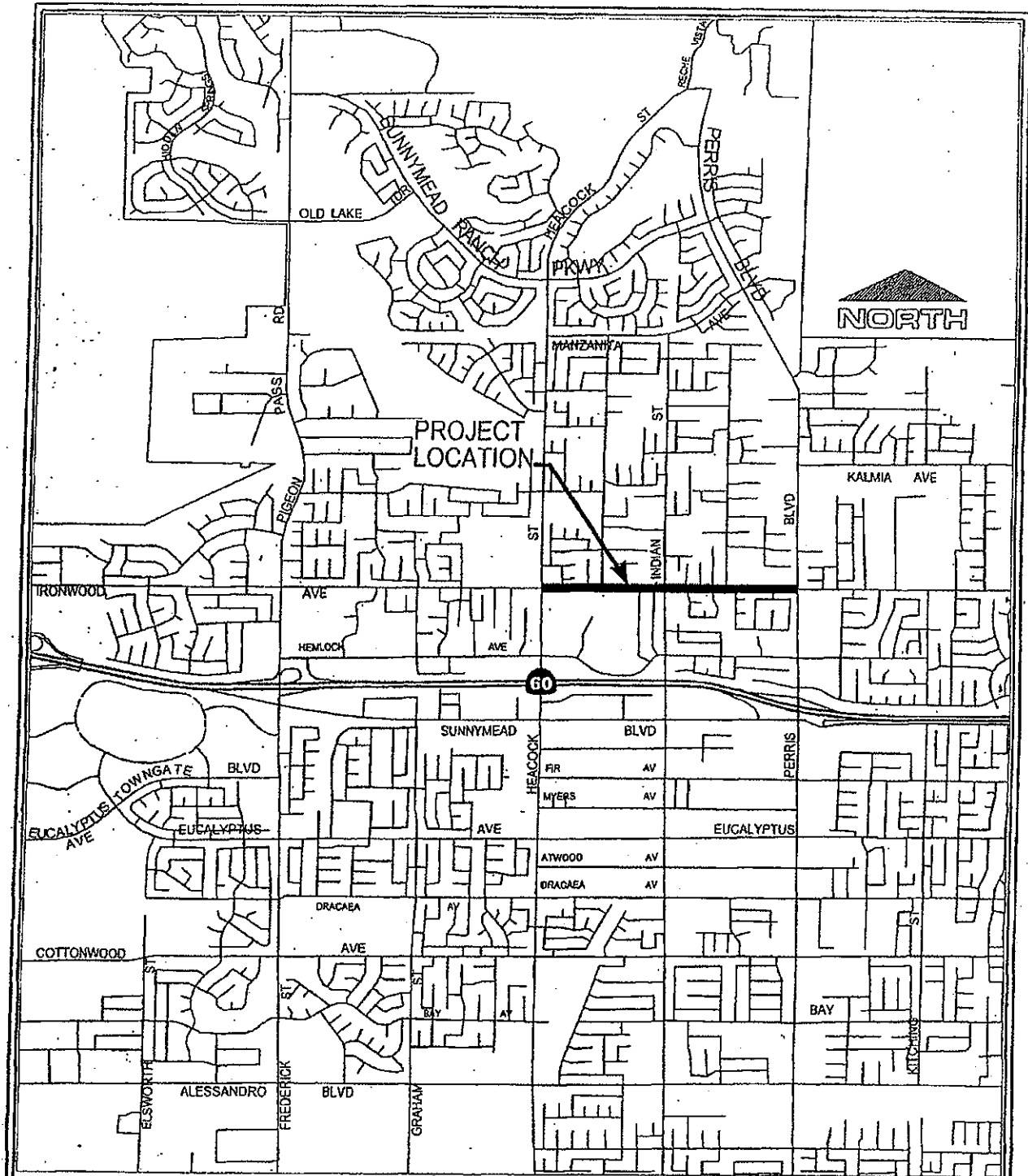
Prepared By:
Henry Ngo
Senior Engineer, P.E.

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

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

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

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LOCATION MAP



Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

IRONWOOD AVENUE

HEACOCK STREET TO PERRIS BOULEVARD

PROJECT NUMBER 06-50182625

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**SIXTH AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 06-50182625-2**

This Sixth Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and AECOM Technical Services, Inc., a California corporation, hereinafter referred to as "Consultant." This Sixth Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "Agreement for Professional Consultant Services Transportation Uniform Mitigation Fee (TUMF) - Zonal, Project No. 06-50182625-2" hereinafter referred to as "Agreement," dated July 15, 2008.

Whereas, the Consultant is providing consultant design services for Street Improvements on Ironwood Avenue from Heacock Street to Perris Boulevard.

Whereas, the Agreement was amended on November 3, 2008 to increase the scope of work for the professional consultant design services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on February 11, 2009 to increase the scope of work for the professional consultant design services in the Second Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on August 20, 2009 to increase the scope of work for the professional consultant design services in the Third Amendment to Agreement for Professional Consultant Services.

Attachment "B"

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 06-50182625-2**

Whereas, the Agreement was amended on May 24, 2010 to transfer all services required under the Agreement from Lim and Nascimento Engineering Corporation to AECOM Technical Services, Inc. for the professional consultant design services in the Fourth Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on _____, 2010 to increase the scope of work for the professional consultant design services in the Fifth Amendment to Agreement for Professional Consultant Services.

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

Whereas, the Consultant has submitted a Proposal dated May 25, 2010 (Revised June 11, 2010), for expansion of the scope of work to be performed. A copy of said Proposal is attached as "Exhibit A – Sixth Amendment" to the Sixth Amendment and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date of **June 31, 2012** is not extended by this Amendment.

1.2 Exhibit "B" to the Agreement is hereby amended by adding to the scope of work section described in "Exhibit A – Sixth Amendment," entitled "Change Order Request No. 5 – Additional Work and Change of Project Scope, Project No. 06-50182625, Street Improvements for Ironwood Avenue from Heacock Street to Perris Boulevard."

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 06-50182625-2**

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section described in "Exhibit B - Sixth Amendment," entitled "Cost Proposal."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of \$99,975, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant's performance of the work set forth in "Exhibit A - Sixth Amendment."

1.5 The total "Not to Exceed" fee for this contract is \$736,839.10 (\$579,300.00 for the original Agreement, plus \$7,679.10 for the First Amendment to Agreement, plus \$2,475 for the Second Amendment to Agreement, plus \$17,618 for the Third Amendment to Agreement, plus \$0 for the Fourth Amendment to Agreement, plus \$29,792 for the Fifth Amendment to Agreement, plus \$99,975 for the Sixth Amendment to Agreement).

SECTION 2

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

SIGNATURE PAGE TO FOLLOW

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 06-50182625-2**

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

City of Moreno Valley

AECOM Technical Services, Inc.

BY: _____
City Manager

BY: _____

TITLE: _____
(President or Vice President)

Date

Date

INTERNAL USE ONLY
APPROVED AS TO LEGAL FORM:
_____ City Attorney
_____ Date
RECOMMENDED FOR APPROVAL:
_____ Department Head (if contract exceeds \$15,000)
_____ Date

BY: _____

TITLE: _____
(Corporate Secretary)

Date

Attachments: "Exhibit A – Sixth Amendment"
"Exhibit B – Sixth Amendment"

W:\CapProj\CapProj\PROJECTS\Henry - 06-50182625 Ironwood - Heacock to Perris\Design Phase\Consultant -\Agreement\LAN
Phase 2\6th Amendment\6th Amendment-Ironwood-060310.DOC

May 25, 2010
(Revised June 11, 2010)

City of Moreno Valley
Public Works Department
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

Attention: Mr. Henry Ngo, P.E.

Subject: Change Order Request No. 5 - Additional Work and Change of Project Scope
Project No. 06-50182625
Street Improvements for Ironwood Ave
From Heacock Street to Perris Blvd

Dear Mr. Ngo:

AECOM has been requested by the City of Moreno Valley to provide additional professional services for the Street Improvements for Ironwood Ave (from Heacock Street to Perris Blvd). The additional services are for the tasks requested by the City and which were not identified in the City's original request for proposal (RFP) nor were they included in the authorized scope of work.

These unanticipated efforts have caused us to exceed our available budget for the project. To assure that we will be able to complete the project, we need to request a change order. The additional services requested by the City include:

- Preparing storm drain pipe extension design to 820 feet east of Ironwood Ave/ Hubbard Street
- Additional Right of Way Services and Improvements for Various Buildings
- Environmental - Pre-Construction Nesting Bird Survey
- Additional Design Services for SCE's Power Pole Relocation

SCOPE OF SERVICES

The Scope of Services covered by this change order are as follows:

1. Prepare Storm Drain Pipe Extension Design to 820 Feet East of Ironwood Ave/Hubbard St

AECOM will provide additional lateral pipe extension to 820 feet east of Ironwood Ave/ Hubbard St. The need for the additional storm drain is to eliminate a local drainage deficiency arising from an existing storm drain pipe that runs from Escondido Ct. and

out-flows to Ironwood Ave. via an existing parkway drain. The existing parkway drain is not graded to drain completely and causes a flooding problem.

AECOM will also provide the undersidewalk box drain to replace the existing parkway drain outlet to the street as an alternative design solution.

2. Additional Right of Way Services and Improvements at Various Buildings

AECOM has been assisting OPC in the pre-planning and coordination of the full take of properties. Some of them subsequently changed to partial takes and we needed to revise the estimate for compensation costs. Other OPC services including Relocation Plan and Relocation Assistance, Property Negotiations, Project Management and Coordination also required AECOM's involvement in additional meetings, coordination and revised plans and estimates. OPC also needed to perform additional Escrow Coordination Services.

Also, the noise study prepared by Wieland Acoustics through ECORP contained recommendations for noise mitigation options for the house behind the proposed house removal at 11987 Davis Street, for the existing house at 11990 Kilgore and for the existing house at 11989 Hubbard Street. The noise mitigation options include construction of block walls and building upgrades. AECOM needed to coordinate with the City, sub-consultants and the owners to provide the final solution for the noise mitigation, including plan changes, additional meetings and cost estimates.

3. Environmental - Pre-Construction Nesting Bird Survey

In accordance with the project's Mitigation Measures, and the Migratory Bird Treaty Act (MBTA)/California Department of Fish & Game (CDFG) Game Code Section 3513, ECORP will conduct a pre-construction nesting bird survey within 30 days prior to any grading, tree or brush clearing or trimming, grubbing or other project related ground disturbances that is proposed to occur between February 1 through August 31.

If no nesting birds are observed during the survey, site preparation and construction activities may begin. If an active bird nest is located, the nest site shall be fenced to a distance recommended by the monitoring biologist. Typically this is a minimum of 300 feet from the nest site in all directions (500 feet is typically recommended by CDFG for raptors), until the juveniles have fled and there has been no evidence of a second attempt at nesting.

4. Additional Services for SCE's Power Pole Relocation

AECOM will provide additional services for Southern California Edison's power pole relocation, per City's request.

FEE PROPOSAL

The proposed Not-to-Exceed fee for the above services is **\$99,975**. Attached is a breakdown of the costs by the Change Order task.

Please review the proposed scope and fee estimates and process the Change Order No. 5 so that we may proceed with the tasks. Should you have any questions, please do not hesitate to call me at (909) 895-0520.

Very truly yours,

AECOM



Edward Ng, PE
Project Manager
en/td

cc:

Attachment: Fee Estimates

COST PROPOSAL

	TOTALS
AECOM.	\$39,861
ECORP	\$1,204
OPC	\$58,909
TOTALS	\$99,975

6/13/2010

AECOM

"Exhibit B – Sixth Amendment"

COMPANY: AECOM SCOPE OF WORK: Project Design DATE: 6/13/2010 REV: PROJECT: Ironwood Ave from Heacock St to Perris Blvd - CCO No. 5

DIRECT LABOR					
	FUNCTION	HOURS		RATE	AMOUNT
1. Storm Drain Design					
Edward Ng, PE	Project Manager	8	@	\$170.00	\$1,360.00
Paul Lau, PE	Project Engineer	12	@	\$115.00	\$1,380.00
Robert Wong	Drainage Engineer	48	@	\$115.00	\$5,520.00
Julian Yap	Asst. Engineer	12	@	\$85.00	\$1,020.00
Phong Mai	Asst. Engineer	80	@	\$85.00	\$6,800.00
					Subtotal
					\$16,080.00
2. Coordination for Additional Right-of-Way					
Edward Ng, PE	Project Manager	8	@	\$170.00	\$1,360.00
Paul Lau, PE	Project Engineer	24	@	\$115.00	\$2,760.00
Julian Yap	Asst. Engineer	24	@	\$85.00	\$2,040.00
					Subtotal
					\$6,160.00
3. Additional Design Per SCE					
Edward Ng, PE	Project Manager	20	@	\$170.00	\$3,400.00
Paul Lau, PE	Project Engineer	30	@	\$115.00	\$3,450.00
Julian Yap	Asst. Engineer	32	@	\$85.00	\$2,720.00
Phong Mai	Asst. Engineer	24	@	\$85.00	\$2,040.00
					Subtotal
					\$11,610.00
		TOTAL HOURS	322	TOTAL DIRECT LABOR	\$33,850.00

MULTIPLIERS	
ESCALATION @	(Rate)
OVERHEAD @	(of Total Direct Labor + Escalation)
PAYROLL ADDITIVES @	(of Total Direct Labor + Escalation)
TOTAL MULTIPLIERS	

OTHER DIRECT EXPENSES *** Billed at Actual Cost ***				
ITEM	QUANTITY	UNIT	UNIT COST	AMOUNT
Printing			\$1.00	
Mileage			\$0.55	
				TOTAL OTHER DIRECT EXPENSES

OUTSIDE SERVICES (w/o fee)				
COMPANY	LABOR	MULTIPLIER	EXPENSES	TOTAL
ECORP				\$1,204.25
OPC				\$58,909.00
KDMM				
				TOTAL OUTSIDE SERVICES
				\$60,113.25

FEES		
OUTSIDE SERVICES ADMIN FT	10.00% (of Total Outside Services & Outside Services Fees)	\$60,113.25
AECOM @	(of Total Direct Labor + Total Multipliers)	
OUTSIDE SERVICES @	10.00% (of Total Labor + Total Multiplier for Outside Services)	
		TOTAL FEES
		\$6,011.33
TOTAL COST		\$39,861.33

COMPANY: ECORP	SCOPE OF WORK Environmental Survey & Permit Application	DATE: 6/13/2010	REV:
PROJECT: Ironwood Ave from Heacock St to Perris Blvd - CCO No. 5			

DIRECT LABOR				
PERSONNEL	FUNCTION	HOURS	RATE	AMOUNT
Scott Taylor	Biology Manager	1	\$130.00	\$130.00
Anthony Mann	Biologist	10	\$80.00	\$800.00
		TOTAL HOURS	11	TOTAL DIRECT LABOR
				\$930.00

MULTIPLIERS	
ESCALATION @	(Rate)
OVERHEAD @	(of Total Direct Labor + Escalation)
PAYROLL ADDITIVES @	(of Total Direct Labor + Escalation)
TOTAL MULTIPLIERS	

OTHER DIRECT EXPENSES --- Billed at Actual Cost ---					
ITEM	QUANTITY	UNIT	UNIT COST	AMOUNT	
digital camera	1	@	\$3.50	\$3.50	
GIS	1	@	\$20.00	\$20.00	
photographs/film	1	@	\$3.00	\$3.00	
cell phone	1	@	\$1.00	\$1.00	
GPS rental	1	@	\$10.00	\$10.00	
Mileage	100	@	\$0.51	\$50.50	
Rental Vehicle	1	@	\$30.00	\$30.00	
aerial photos	1	@	\$100.00	\$100.00	
photocopies b/w	175	@	\$0.15	\$26.25	
photocopies color	30	@	\$1.00	\$30.00	
TOTAL OTHER DIRECT EXPENSES				\$274.25	

OUTSIDE SERVICES (w/o fee)				
COMPANY	LABOR	MULTIPLIER	EXPENSES	TOTAL
TOTAL OUTSIDE SERVICES				

FEES	
OUTSIDE SERVICES ADMIN FEE @	(of Total Outside Services & Outside Services Fees)
ECORP @	(of Total Direct Labor + Total Multipliers)
OUTSIDE SERVICES @	(of Total Labor + Total Multiplier for Outside Service)
TOTAL FEES	
TOTAL COST	
\$1,204.25	

COMPANY: OPC		SCOPE OF WORK	DATE: 6/13/2010	REV:
PROJECT: Ironwood Ave from Heacock St to Perris Blvd - CCO No. 5				
DIRECT LABOR				
PERSONNEL	FUNCTION	HOURS	RATE	AMOUNT
	Principal/Director		\$165.00	
	Senior Project Manager	25	@ \$135.00	\$3,375.00
	Project Manager	130	@ \$125.00	\$16,250.00
	Senior Acq/Relo Consultant		\$115.00	
	Acq/Relo Consultant	233	@ \$105.00	\$24,465.00
	Project Support	203	@ \$73.00	\$14,819.00
		TOTAL HOURS	591	TOTAL DIRECT LABOR
				\$58,909.00
MULTIPLIERS				
ESCALATION @		(Rate)		
OVERHEAD @		(of Total Direct Labor + Escalation)		
PAYROLL ADDITIVES @		(of Total Direct Labor + Escalation)		
				TOTAL MULTIPLIERS
OTHER DIRECT EXPENSES *** Billed at Actual Cost ***				
ITEM	QUANTITY	UNIT	UNIT COST	AMOUNT
				TOTAL OTHER DIRECT EXPENSES
OUTSIDE SERVICES (w/o fee)				
COMPANY	LABOR	MULTIPLIER	EXPENSES	TOTAL
				TOTAL OUTSIDE SERVICES
FEES				
OUTSIDE SERVICES ADMIN FEE @		(of Total Outside Services & Outside Services Fees)		
OPC @		(of Total Direct Labor + Total Multipliers)		
OUTSIDE SERVICES @		(of Total Labor + Total Multiplier for Outside Service)		
				TOTAL FEES
				TOTAL COST
				\$58,909

COMPANY: AECOM	SCOPE OF WORK	DATE: 6/13/2010	REVISION:
PROJECT: Ironwood Ave from Heacock St to Perris Blvd - CCO No. 5		Project Summary	

AECOM Summary

	\$170.00	\$115.00	\$115.00	\$85.00	\$85.00	\$170.00	\$115.00	RPEFI	\$25.00	\$170.00	\$115.00	
Subtotal	36	66	48	68	104							322
Totals	36	66	48	68	104							322

ECORP Summary

	\$130.00	\$88.00										
	1	10										11

OPC Summary

	\$105.00	\$135.00	\$125.00	\$115.00	\$105.00	\$75.00						
		25	130		233	203						591

Summary

Summary

COMPANY: OPC		SCOPE OF WORK	DATE: 6/13/2010	REVISION:
PROJECT: Ironwood Ave from Haacock St to Perris Blvd - CCD No. 5				



	Total Manhours		25	130		233	203												591
1. Pre-planning & Coordination			5	25		20	10												60
2. Relocation Plan & Assistance			5	25		50	10												90
3. Property Negotiations			5	30		116													151
4. Escrow Coordination Services				10		47	183												240
5. Project Management & Coord.			10	40															50

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CHANGE ORDER FORM

CITY OF MORENO VALLEY, CA

TODAY'S DATE: 6/14/10

VENDOR NAME:

AECOM Technical Services, Inc. (formerly LAN)

VENDOR NO. #

2064471

ORIGINAL PO NUMBER

35827

Project Number:

06-50182625-2

DESCRIPTION OF NEEDED CHANGE

Note: If text does not fill across the row shorten the text (under 260 characters) and use two or more rows

COST

(use negative sign to reduce amount)

Increase PO # 35827 by \$99,975 for additional design, right-of-way, and environmental services for the Ironwood Avenue Improvements from Heacock Street to Perris Boulevard (Project No. 06-50182625-2)

\$99,975.00

Notes:

Change Order Sub Total from Above: \$99,975.00

Original P.O. and Prior Change Order Amount: \$637,230.00

Revised Total Spend: \$737,205.00

Signatures below are based on the total accumulated expenditure amount of original PO and all subsequent change orders (Revised Total Spend):

Percentage Split

(to split, fill in % amounts below to equal 100%)

Requested by: Henry Ngo & Lee Ann Florez Date: 06/08/2010

Division Manager (\$15K) Date:

Department Head (\$30K) Date:

Financial & Admin. Svcs. Director (\$50K) Date:

City Manager (\$100K) Date:

Purchasing Manager's Signature:

Business Unit and Expenditure Code

(e.g. 31510.6221.225)

Cannot split between fund numbers

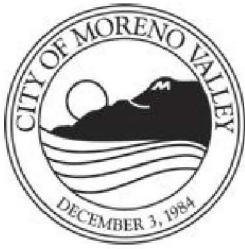
415.70227.7200

Split Amounts \$737,205.00

Split Allocated Total Spend: \$737,205.00

Attachment "C"

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rut</i>
CITY MANAGER	<i>wib</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: July 13, 2010

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH PALP INC. DBA EXCEL PAVING COMPANY FOR THE SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD PROJECT NO. 04-89280221-2

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize a Change Order to increase the Purchase Order with PALP Inc. dba Excel Paving Company, in the amount of \$50,000 for the Sunnymead Boulevard Beautification and Enhancement Project from Frederick Street to Perris Boulevard (Account No. 892.80221).
2. Authorize the City Manager to execute the Change Order to the Purchase Order for PALP Inc. dba Excel Paving Company, in the form attached hereto.

BACKGROUND

On November 25, 2008 the City Council awarded the Sunnymead Boulevard Beautification and Enhancement Project (Stage 2) construction contract and authorized the issuance of a Purchase Order in the amount of \$2,702,636.90 (the bid amount plus 10% contingency) to PALP Inc. dba Excel Paving Company (Excel). The Excel contract included construction of median beautification, a lighted median sign near Perris Boulevard, landscaping, a color Portland Cement Concrete (PCC) center turn lane, intersection enhancements.

DISCUSSION

Excel started the Stage 2 construction work in May 2009. Currently, Excel is working on the footings and underground electrical components for the median sign.

There were three (3) Contract Change Orders issued to Excel for the Stage 2 contract totaling approximately \$202,002.98. These changes included removal, replacement, and repaving of the interface areas adjacent to the newly constructed color PCC walks for a smooth transition removing rutted and uneven surface areas on the side streets. Other changes included necessary traffic safety control measures, removal of buried asphalt materials, removal of buried signal pole footings and unsuitable subgrades, and dumping fees for contaminated materials. The contractual expenditures are still within the City Council authorized Purchase Order amount, however, there are some unresolved claims which may potentially exceed the project's Purchase Order amount. Therefore, staff is requesting City Council approve the \$50,000 Change Order to increase Excel's Purchase Order as a contingency to ensure timely payment to the Contractor in accordance with the Public Contract Code in the event the claims are resolved in the Contractor's favor.

ALTERNATIVES

1. Authorize a Change Order to increase the Purchase Order with PALP Inc. dba Excel Paving Company, in the amount of \$50,000 for the Sunnymead Boulevard Beautification and Enhancement Project from Frederick Street to Perris Boulevard (Account No. 892.80221), and authorize the City Manager to execute the Change Order to the Purchase Order for PALP Inc. dba Excel Paving Company, in the form attached hereto. *This will allow for the completion of these needed improvements.*
2. Do not Authorize a Change Order to increase the Purchase Order with PALP Inc. dba Excel Paving Company, in the amount of \$50,000 for the Sunnymead Boulevard Beautification and Enhancement Project from Frederick Street to Perris Boulevard (Account No. 892.80221), and do not authorize the City Manager to execute the Change Order to the Purchase Order for PALP Inc. dba Excel Paving Company, in the form attached hereto. *This will delay the needed improvements and incur extra cost to the City.*

FISCAL IMPACT

The Sunnymead Boulevard Beautification and Enhancement Project (Stage 2) by Excel was funded with Lease Revenue Bond funds (fund 501), Transportation Enhancement (TE) Federal Grant funds through Measure A funds (Fund 125), and Redevelopment Agency (RDA) funds (fund 892) as budgeted in Fiscal Year 2009/2010. An increase of \$50,000 is requested to increase the Purchase Order (No. 37049) for Excel from the project's unencumbered budget in 892.80221 to cover the cost of possible claims. The

funding for this project is restricted to the Sunnymead Boulevard capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

OVERALL PROJECT FINANCIAL STATUS:

Total Budget Appropriation Fiscal Year 2001/2002 to	
Fiscal Year 2009/2010 (Funds 892, 501, and 125).....	\$12,138,000
Total Estimated Design Related Costs.....	(\$1,912,000)
Total Estimated Construction Related Costs for	
Sidewalk/Parkway (Stage 1)	(\$6,298,000)
Total Estimated Construction Related Costs for	
Median/Intersection (Stage 2)	(\$3,549,000)
<u>Breakdown of Stage 2 Related Work</u>	
Contractor (includes contingency).....	\$2,703,000
Requested increase in PO No. 37049 for Excel	\$50,000
Consultant Construction Management/Inspection	
Services (incl. contingency)	\$595,000
Geotechnical Services	\$32,000
Survey Services	\$78,000
Project Administration*	\$91,000
Total Amount for Stage 2 Construction	\$3,549,000
Remaining Project Balance	\$379,000

*Public Works staff will provide Project Administration.

ANTICIPATED PROJECT SCHEDULE:

Completion of Stage 1 Construction.....	August 2010
Completion of Stage 2 Construction.....	October 2010

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

SUMMARY

Excel has been constructing the beautification and enhancements improvements on Sunnymead Boulevard from Frederick Street to Perris Boulevard (Stage 2). The improvements have included the median beautification, a lighted median sign near Perris Boulevard, landscaping, a color PCC center turn lane, and intersection enhancements. Due to some unresolved claims, staff is requesting City Council

approve the Change Order to increase Excel's Purchase Order by \$50,000 from the unencumbered project budget.

ATTACHMENTS

Attachment "A" – Location Map

Attachment "B" – Change Order Form

Prepared By:
Christopher L. Wiberg
Senior Engineer, P.E.

Concurred By:
Michele Patterson
Redevelopment & Neighborhood Programs
Administrator

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

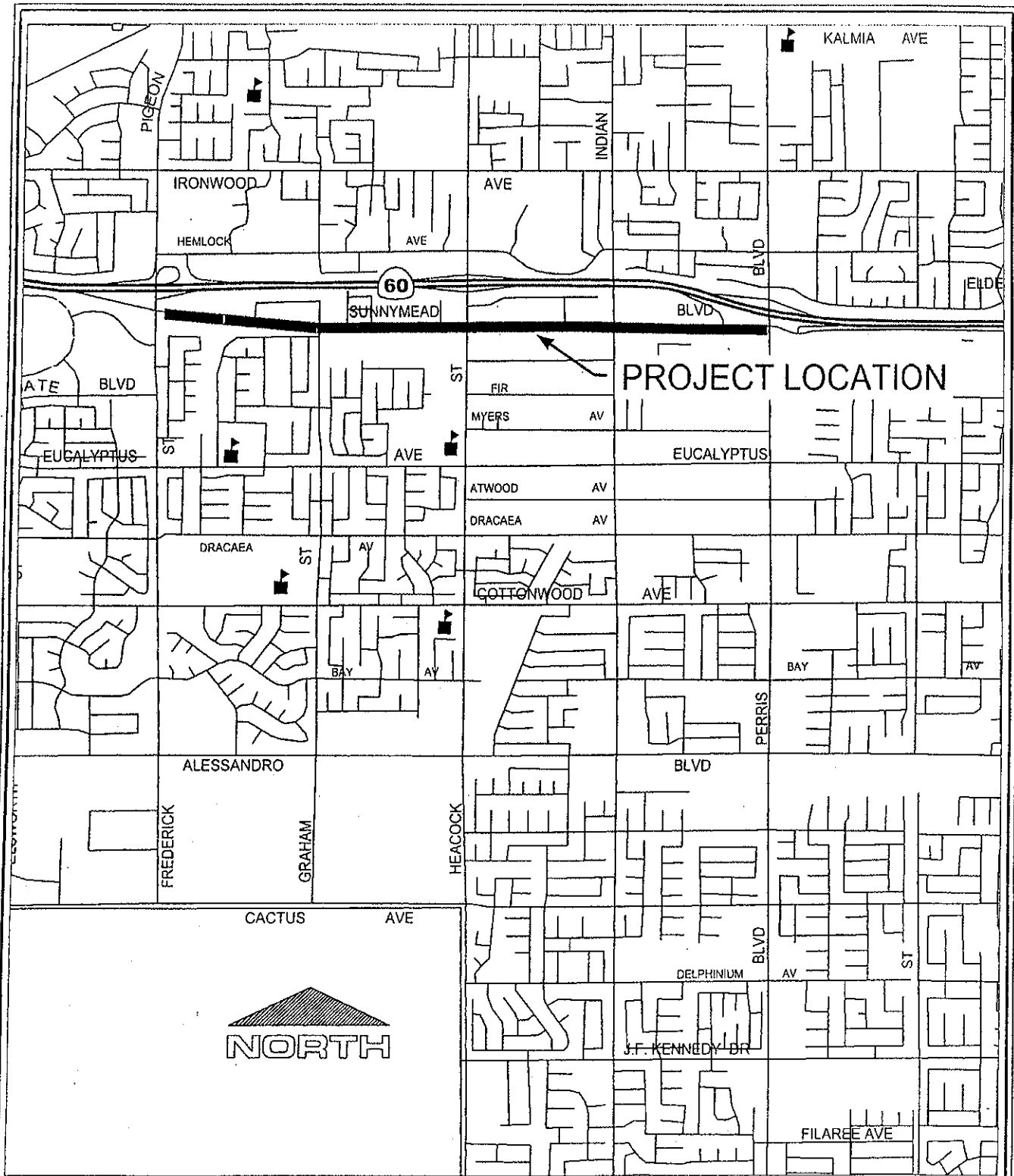
Department Head Approval:
Barry Foster
Economic Development Director

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

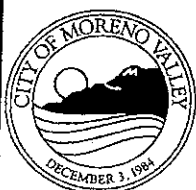
Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\John - 04-89280221 Sunnymead Blvd Revitalization\Construction\04-8920221-2 Median Intersection Improv\CC Reports\071310 Excel CO to PO.doc

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LOCATION MAP



Public Works Department
Capital Projects Division

ATTACHMENT "A"

SUNNYMEAD BLVD. BEAUTIFICATION
AND ENHANCEMENT
PROJECT NO. 04-89280221-2

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CHANGE ORDER FORM

CITY OF MORENO VALLEY, CA

TODAY'S DATE: 6/8/10

VENDOR NAME:

PALP Inc. dba Excel Paving Company

VENDOR NO.#

2381898

ORIGINAL PO NUMBER

37049

Project Number:

04-89280221-2

DESCRIPTION OF NEEDED CHANGE

Note: If text does not fill across the row shorten the text (under 260 characters) and use two or more rows

COST

(use negative sign to reduce amount)

Increase PO # 37049 by \$50,000 for additional improvements for the Sunnymead Boulevard project from Frederick Street to Perris Boulevard (Project No. 04-89280221-2).

\$50,000.00

Notes:

Signatures below are based on the total accumulated expenditure amount of original PO and all subsequent change orders (Revised Total Spend).

Requested by: Chris Wiberg & Lee Ann Florez Date: 06/07/2010

Division Manager (\$15k)

Date:

Department Head (\$30K)

Date:

Financial & Admin. Svcs. Director (\$50K)

Date:

City Manager (\$100K)

Date:

Purchasing Manager's Signature:

Change Order Sub Total from Above: \$50,000.00

Original P.O. and Prior Change Order Amount: \$756,636.90

Revised Total Spend: \$806,636.90

Percentage Split
(to split, fill in % amounts below to equal 100%)

100.0%

Business Unit and Expenditure Code

(e.g. 31510.6221.225)

Cannot split between fund numbers

892.80221.7200

Split Amounts

\$806,636.90

Split Allocated Total Spend: \$806,636.90

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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 and Redevelopment Agency Chairperson and Board of Directors

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

AGENDA DATE: July 13, 2010

TITLE: APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE
PROJECT NO. 09-89791726

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive.
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney.
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$49,096.00, subject to the approval of the City Attorney.
4. Authorize the City Manager to appropriate a maximum amount of \$109,333.50 (\$91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX).

5. Authorize the City Manager to appropriate a maximum amount of \$185,242.50 (\$154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

BACKGROUND

In November 2007 the Community Redevelopment Agency issued a Series A tax allocation bond issuance in the amount of \$41.7 million to finance a variety of capital projects. One of the projects authorized by the City Council is the Indian Detention Basin Storm Drain Improvement and Street Improvement Project. The Indian Detention Basin is situated on City owned land bounded by Ironwood Avenue, Davis Street and the Festival Shopping Center (see Attachment "A" – Location Map). The goal of the project is to provide the necessary infrastructure improvements to the Indian Detention Basin and installation of inlet and outlet storm drain facilities and street improvements along the south side of Ironwood Avenue between Heacock Street and Nita Drive to protect the surrounding area and neighborhoods that are currently within a Federal Emergency Management Agency (FEMA) mapped flood plain area.

On July 8, 2008 the City Council approved an Agreement for Professional Consultant Services for the Indian Detention Basin, Drainage Improvements/Ironwood Avenue Improvements, with Lim And Nascimento Engineering Corporation (LAN), to provide planning and engineering services. On July 8, 2008, City Council also approved a separate Agreement for Professional Consultant Services with LAN for Ironwood Avenue Improvements from Heacock Street to Perris Boulevard (Project No. 06-50182625) for street improvements on Ironwood Avenue easterly of the area covered by the Indian Basin project. The respective scopes of work included storm drain alignment alternatives analysis for Lines H, H-1A, and H-5 consistent with the Sunnymead Area Drainage Plan (ADP).

On March 24, 2009 the City Council adopted a Mitigated Negative Declaration for both projects, including the preferred alignment of Lines H, H-1A, and H-5 to provide for the necessary storm drain facilities along Ironwood Avenue.

On September 8, 2009 the City Council approved the Fourth Amendment to Agreement for additional design, right-of-way, and environmental services with LAN. The additional services included adjustment of storm drain and lateral alignments to avoid utility conflicts as requested by utility companies, and evaluating the proposed improvements using additive alternate scenarios in order to maximize available funding and minimize potential traffic disruption during construction.

On January 12, 2010 the City Council approved the Property Conveyance Agreement with Moreno Valley Festival, Ltd. to convey a 15-foot portion of right-of-way along the north side of Ironwood Avenue to allow for the preferred alignment to construct Line H and the widening of Ironwood Avenue, thereby securing the right-of-way needed for the project.

DISCUSSION

The Indian Detention Basin Drainage Improvements, and Ironwood Avenue Improvements project will construct: storm drain Line H along Ironwood Avenue from the Davis Street/Ironwood Avenue intersection to Heacock Street, and associated laterals, and missing street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive. The separately-funded improvements on Ironwood Avenue from Heacock Street to Perris Boulevard (Project No. 06-50182625) will construct missing street improvements along both the north and south sides of Ironwood Avenue from Heacock Street to Perris Boulevard excepting the south side from Heacock Street to Nita Drive, storm drain Lines H-1A and H-5, relocation of SCE transmission poles, and related work. Due to the size and amount of new storm drain required for both projects, Riverside County Flood Control and Water Conservation District (RCFC&WCD) has approved plans which include all the storm drain work for both projects, consisting of Line H, Line H-1A, and Line H-5. The bid documents contain base bid and additive alternates in order to maximize available funding. The proposed storm drains conflict with EMWD's facilities at four separate locations along Ironwood Avenue and Davis Street. Through negotiations with EMWD, EMWD has completed plans for inclusion in the City's bid documents.

The "Reimbursement Agreement" identifies the financial responsibilities and other arrangements between the City and the Community Redevelopment Agency, and EMWD for relocation of two 8-inch water lines, one 12-inch water line, and one 16-inch water line, and related appurtenances. Two of the conflict locations lie within the limits of the Indian Basin Drainage improvement project, and the other two lie within the Ironwood Avenue street improvement project. During the bidding process, EMWD has the option to choose its own contractor to perform the water line work, in order to maximize available EMWD funds. Whether the City's or EMWD's contractor performs the water line work, the respective bid documents include a provision for cooperation between the two contractors, and the work will be done at the same time. Both the City and EMWD will benefit by the relocation of the water lines concurrently with the storm drain work, because the majority of work lies within the traveled way of Ironwood Avenue, and work at a specific location within the street would be done at one time instead of two separate times. Because the water line relocation work encompasses two separate City projects, separate account numbers are required. The water line work is estimated at \$245,480 total for both projects. A 20% contingency is added in case adjustments are needed.

The City will advertise, award, and administer the project including construction administration, surveying and materials testing, and will be responsible for any additional costs associated with said work. EMWD will reimburse actual costs to the City.

EMWD's Board of Directors is concurrently reviewing and approving the agreement due to the desire of both parties to meet the aggressive schedule. Staff requests the City Manager have the authority to make any changes (subject to approval of the City Attorney) to the agreement that may be requested by EMWD. Since the "Reimbursement Agreement" exceeds \$100,000, approval from the City Council is necessary.

There are several residences that are served by the existing water lines. The contractor(s) will notify residences in advance of any interruptions in water service. Local access to the residences will be provided at all times during construction.

ALTERNATIVES

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney, authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$49,096.00, subject to the approval of the City Attorney, authorize the City Manager to appropriate a maximum amount of \$109,333.50 (\$91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX), and authorize the City Manager to appropriate a maximum amount of \$185,242.50 (\$154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX). *This alternative allows the City to complete the project on schedule.*
2. Do not approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, do not authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney, do not authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$49,096.00, subject to the approval of the City Attorney, do not authorize the City Manager to appropriate a maximum amount of \$109,333.50 (\$91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX), and do not authorize the City Manager to appropriate a maximum amount of \$185,242.50 (\$154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No.

414.XXXXX). *This alternative will result in delaying the construction of the Indian Basin Improvements and the Ironwood Avenue Improvements.*

FISCAL IMPACT

The “Reimbursement Agreement” shall have no fiscal impact to the City. In accordance with the terms of the subject “Reimbursement Agreement”, EMWD will be responsible for all construction and related costs. Furthermore, EMWD will deposit 90% of the cost of work in advance of the construction. The remaining 10% will be reimbursed upon completion of the project.

The “Reimbursement Agreement” totals \$245,480 plus a 20% contingency, for a maximum total reimbursement of \$294,576. The work encompasses two separate projects. Therefore, the appropriation requested is for two separate Fund 414 accounts, one for Indian Basin in the amount of \$109,333.50 (\$91,111.25 plus 20% contingency) and one for Ironwood Avenue in the amount of \$185,242.50 (\$154,368.75 plus 20% contingency).

The Indian Basin Project is being funded with 2007 RDA Tax Allocation Bonds (Account No. 897.91726). The Ironwood Avenue project is funded with 2005 Lease Revenue Bonds (Account No. 501.82625). The funds utilized for these projects are designated for capital improvements for the Indian Basin and Ironwood Improvement projects and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2009/2010 (Account No. 897.91726).....	\$2,795,000
Fiscal Year 2009/2010 (Account No. 501.82625).....	\$1,046,000
EMWD Maximum Deposit (Account No. 414.XXXXX).....	\$109,000
EMWD Maximum Deposit (Account No. 414.XXXXX).....	\$185,000
Total Available Funds	\$4,135,000

ESTIMATED PROJECT COSTS:

Total Estimated Fiscal Year 2009/2010 Design Phase Costs	\$130,000
Total Estimated Construction Phase Costs (Line H and Ironwood Avenue Widening)	\$2,800,000
EMWD Water Line Relocation (including contingency)	\$295,000
Total Estimated Project Costs	\$3,225,000

ANTICIPATED SCHEDULE FOR EMWD WATER LINE WORK:

Advertise	May 2010
Start Construction.....	August 2010
Finish Construction.....	March 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

This "Reimbursement Agreement" identifies financial responsibilities, schedules, and other arrangements between the City and EMWD for the relocation of water lines for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive. Furthermore, EMWD will deposit 90% of the cost of work in advance of the construction. The remaining 10% will be reimbursed upon completion of the project.

ATTACHMENTS

Attachment "A" – Location Map

Attachment "B" – "Reimbursement Agreement"

Prepared By:
 Margery A. Lazarus
 Senior Engineer, P.E.

Department Head Approval:
 Barry Foster
 Economic Development Director

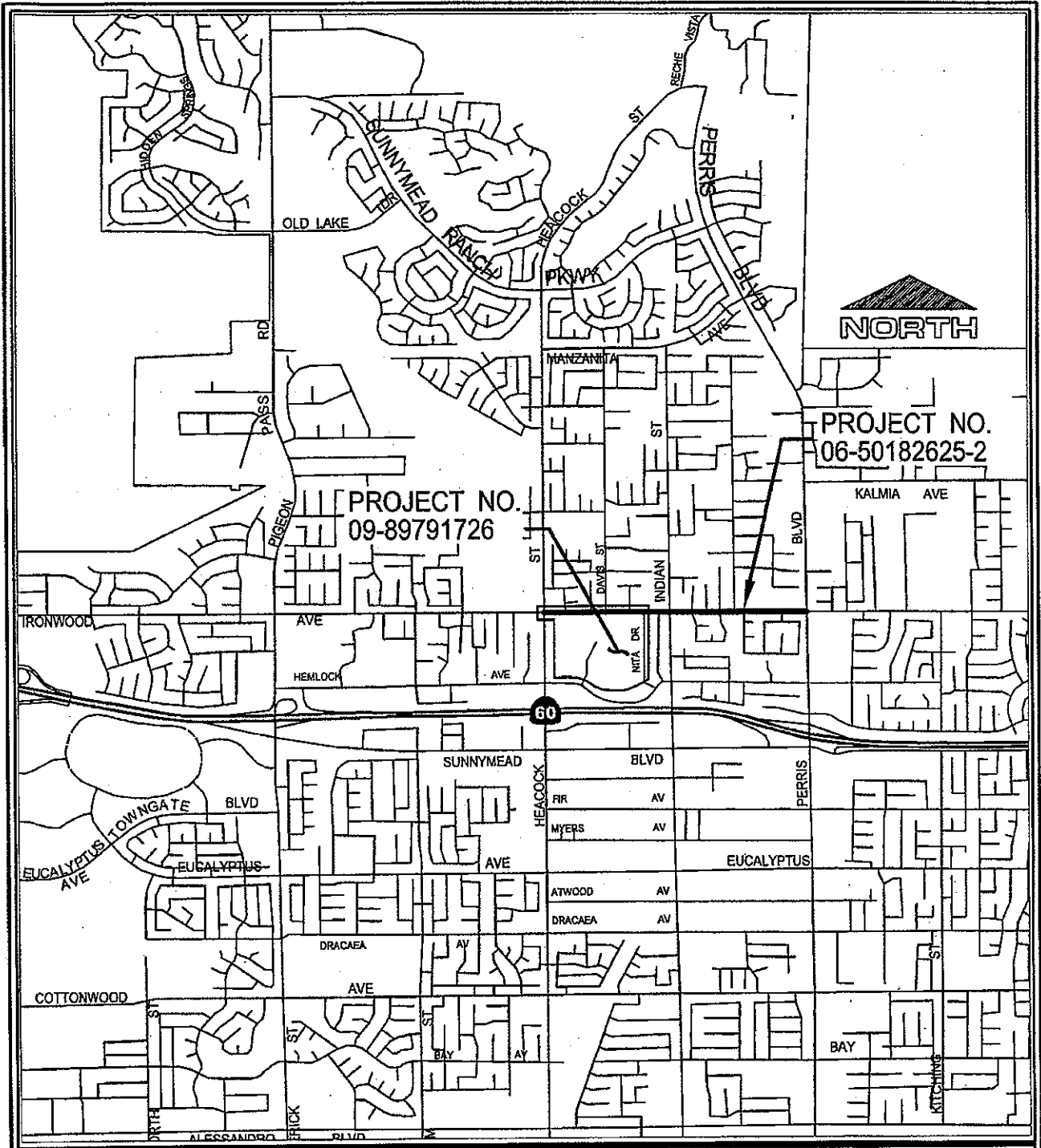
Concurred By:
 Prem Kumar, P.E.
 Deputy Public Works Director/Assistant City Engineer

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

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

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LOCATION MAP



Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

IRONWOOD AVE IMPROVEMENTS FROM HEACOCK ST TO
PERRIS BLVD
PROJECT NUMBER 06-50182625-2

INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS AND
IRONWOOD AVE FROM HEACOCK ST TO NITA DR (SOUTH SIDE)
PROJECT NUMBER 09-89791726

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**REIMBURSEMENT AGREEMENT
FOR THE INSTALLATION OF THE EASTERN MUNICIPAL WATER DISTRICT
(EMWD) WATER MAINLINES AND SERVICE LINES AND THE REMOVAL OF
EXISTING WATER LINES LOCATED WITHIN AND NEAR IRONWOOD AVENUE
FROM HEACOCK STREET TO HUBBARD STREET AND IN DAVIS STREET FROM
IRONWOOD AVENUE TO THE INDIAN BASIN BY THE CITY OF MORENO VALLEY**

This Agreement is made and entered into as of the date signed by the City Manager and Executive Director, by and between EASTERN MUNICIPAL WATER DISTRICT, a public agency (hereinafter "District"), and the CITY OF MORENO VALLEY, a municipal corporation, along with the COMMUNITY REDEVELOPMENT AGENCY of the City of Moreno Valley, a municipal corporation (hereinafter "City").

RECITALS

WHEREAS, on May 12, 2010 the City advertised for bids for the Ironwood street improvement project from Heacock Street to Nita Drive, including the installation of Ironwood Avenue Sunnymead Master Drainage Plan (MDP) Line H Stage 4, Line H-1A Stage 2, and Line H-5 Stage 3 located within Ironwood Avenue, Davis Street, and Hubbard Street in the City of Moreno Valley; and

WHEREAS, the City's project will require the relocation of District's existing water lines and related appurtenances at specific locations within the project limits; and

WHEREAS, at the District's request, City will advertise for bids to relocate the water lines and appurtenances at District's expense. Said improvements, hereinafter referred to as the "Project," are shown and depicted on Exhibit "A;" and

WHEREAS, the purpose of this Agreement is to set forth financial and other terms and conditions associated with the construction of the Project by City.

NOW, THEREFORE, in consideration of the above recited premises, together with the mutual covenants herein contained, it is mutually agreed as follows:

AGREEMENT

1. DESCRIPTION OF WORK.

The water main and water service line facilities and associated appurtenances consist of the following, as shown on Exhibit A and listed in Exhibits B and C:

- Relocation of approximately 504 linear feet of an existing 12" water line located in Ironwood Avenue from Davis Street to Kevin Street.

Attachment "B"

- Relocation of approximately 21 linear feet of an existing 8" water line between an existing well south of Ironwood Avenue (on Assessor Parcel Numbers 481-020-011 and 481-020-012) and Ironwood Avenue, approximately 3 linear feet of which lies within a District easement, and 18 linear feet of which lies within Ironwood Avenue. In order to facilitate calculations of actual costs, EMWD will bear full cost of water line relocation and City will bear cost of relocating minor appurtenances, as shown on Exhibits B and C, respectively.
- Relocation of approximately 90 linear feet of an existing 8-inch water line located in Hubbard Street, from Ironwood Avenue to approximately 60 feet north of Ironwood Avenue.
- Relocation of approximately 245 linear feet of an existing 16-inch water line located in and adjacent to Davis Street from Ironwood Avenue to approximately 220 feet south of Ironwood Avenue.
- Related fittings, valves, meters, and services.
- Engineering services (City contract administration, geotechnical testing, inspection service for traffic control, and construction surveying) associated with the construction of District facilities.
- District inspection of District facilities.

2. FINANCIAL OBLIGATIONS AND RESPONSIBILITIES.

The District shall be solely responsible for costs associated with the installation and removal of said facilities, including related appurtenances, as shown on Exhibit B. The City shall be solely responsible for costs shown on Exhibit C. The District agrees to pay its share, of the construction and construction related costs, which are estimated at **\$245,480.00** as shown on **Exhibit B**, attached hereto. In the event additional work becomes necessary to complete District's work or District requests additional work to be performed, the District shall bear full financial responsibility for all costs associated with the additional work.

District may choose to obtain bids from their own approved contractors simultaneously during City's bidding period. If District chooses City's successful bidder for any or all of the work, the District will deposit with the City 90% of the cost for the chosen work, including construction and administrative costs, which represents the District's contribution toward this project as shown in Exhibit "B". City will invoice District the said 90% of the chosen work and District agrees to pay City within 30 calendar days of the date of the invoice. The City will issue a Notice to Proceed to the contractor within sixty (60) days of receipt of the District's deposit.

Upon completion of construction and determination of final costs, City shall notify District of any additional payment owing or refund due. Determination of final costs will be based on actual costs for all work, with the exception of Construction Administration and Inspection for Traffic Control, which will be 10 percent of actual costs. The District or City will make additional payment or refund, as appropriate, within 30 days following City's notification to District of the actual total costs.

Any contract changes to the District's work shall be in writing, executed by the City with the approval of the District. Additional costs owed the contractor as a result of the approved change order shall be invoiced by the City to the District at the time such payment is requested by the contractor. The District will pay the City within thirty (30) calendar days of receipt of the City's invoice.

Neither City nor District will assess permit fees or plan check fees to each other.

3. CONSTRUCTION BIDS AND AWARD.

The construction bid package shall identify City's and District's facilities as separate additive alternates. Upon receipt of the bids and acceptance of the lowest responsive, responsible bid, City shall notify District of its identified portion of the construction costs and, upon approval by District, in writing, authorize City to award the contract to include construction of District's facilities. District shall provide written approval to City within eight (8) days of bid opening.

If District chooses not to use City's successful bidder, District shall use District's selected contractor, and so inform City in writing within eight (8) days of bid opening. District agrees to insert a cooperation clause with City's contractor into District's bid documents and District's construction contract.

The District will insert into the District's plans and specifications a specific number of days for testing and acceptance of each of the water line locations listed in Section 1. The specifications will address appropriate consequences of the delay. At a minimum, the District will state that the contractor may request additional working days but no additional compensation.

Whether by City's or District's contractor, District shall, at a minimum, perform all the water line installation and removal work necessary to accommodate the City's awarded work, including City's base bid and awarded additive alternates.

4. CONSTRUCTION TIMELINE.

District shall perform construction of District's facilities concurrently with City's project.

5. CONSTRUCTION PLANS AND SPECIFICATIONS.

District will provide the construction plans for District's work. The City shall incorporate District's plans, specifications, and quantities within the City's detailed construction Plans, Specifications, and Cost Estimate. All costs incurred by the City for preparation of City's construction Plans and Specifications will be solely financed by the City. All costs incurred by the District for preparation of District's construction plans, specifications, and cost estimate will be solely financed by the District. In any event, District will prepare as-built drawings for District's facilities and provide to City within 30 calendar days after completion of Project construction.

6. NEPA AND CEQA

The City shall be individually responsible for compliance with the State of California, and the Federal Environmental Acts as these acts pertain to the entire improvement project.

7. CONSTRUCTION AND INSPECTION RESPONSIBILITIES

All District facilities furnished, constructed, and installed by the City's contractor shall be installed in compliance with the Plans and Specifications approved by the District. All materials furnished by the City's contractor must conform to the District's approved material list. Any and all deviations from said Plans and Specifications must be approved by the District, in writing, prior to being made. Change Orders involving District facilities will not be paid for without the District's prior written approval.

The District shall be responsible to inspect the furnishing and installation of all District facilities and the performance of the involved work by the City's or the District's contractor for compliance with the approved construction Plans and Specifications. It is specifically understood that the District's inspection personnel shall have the authority to enforce the District's construction Plans and Specifications for the involved facilities, which authority shall include the authority to require that any and all unacceptable materials, workmanship and/or installation be replaced, repaired or corrected by the City's contractor in accordance with the District approved Plans and Specifications. All inspection costs incurred by the District will be solely financed by the District. All contract administration and construction administration costs incurred by District will be paid solely by District.

The District will provide reasonably expeditious submittal review and responses and approve change orders in a timely manner (10 working days or less) and will not delay the project construction. Both District and City agree to cooperate with each other to complete the work in an expeditious manner.

The parties agree that coordinating their respective work is critical to avoiding conflicts, delays, and additional costs. The District, City representatives, and their project managers therefore agree to meet weekly during the time the water relocations are underway to discuss the progress and issues. The District and the City shall discuss in advance who should attend the meetings, how often additional meetings should occur (may vary at different stages of the project), and provide ample notification to allow for attendance of all required individuals. If the District chooses District's contractor, the District shall place their contractor under the foregoing notices through their respective contract with the contractor.

The District's inspector shall maintain good communication/coordination between the City and the Contractor to keep all parties informed of the construction activities and any conflicts discovered during construction. If utility conflicts are encountered the District shall work with said utility company to redesign/resolve the conflicts expeditiously (10 working days or less) in order to meet the project schedule.

8. RECIPROCAL INDEMNIFICATION

The District and the City, the Moreno Valley Community Services District (CSD), and the Community Redevelopment Agency (RDA) of the City of Moreno Valley, each hereby agree to indemnify, defend, save and hold harmless the other party and their respective officers, agents, servants and employees, of and from any liabilities, claims, demands, suits, action and cause of action arising out of or in any manner connected with any act or omission of such indemnifying party, performed in connection with such party's duties and obligations hereunder.

9. CITY/DISTRICT TO PROVIDE INSURANCE

For the period during which the City or its contractor(s) controls the job site, the City will require that the contractor shall provide, for the entire period of construction, a policy of Workers' Compensation Insurance and Comprehensive General Liability Insurance with coverage broad enough to include the contractual obligation it may have under the construction contract and having a combined single limit of liability in the amount of \$2,000,000 covering the District's officers, employees and agents as additional insured.

The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

"Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s)

provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

10. CITY/DISTRICT TO PROVIDE PROFESSIONAL SERVICES

For the period during which the City or its contractor(s) control the job site, the City will provide, or cause to be provided, for the entire period of construction, professional services for construction surveying and geotechnical testing services, and City contract administration.

The City will obtain Proposals for professional construction surveying and geotechnical testing services for the water facility relocation work. The District shall approve the Proposals within five (5) working days, prior to the City issuing purchase orders for these services. The District reserves the right to reject any or all Proposals for the water facility work.

The District reserves the right to utilize professional services not under Agreement with the City for the water facility work at District's expense.

All costs for professional construction surveying and geotechnical testing services and City contract administration for water facility relocation work will be solely financed by the District in accord with Section 2.

City and District shall each provide, or cause to be provided, for the entire period of District's work, professional services for project management, design, and plan conformance. Any District changes requiring design services will be paid by District and any City changes requiring design services will be paid by the City.

11. SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding on each of the parties and their successors and assigns.

12. EFFECTIVE DATE

This Agreement shall become effective upon acceptance hereof by City and District and by execution by their respective authorized representatives.

13. NOTICES

All notices under this Agreement shall be sent as follows:

EMWD: Eastern Municipal Water District
2270 Trumble Road
P.O. Box 8300
Perris, CA 92572-8300
ATTN: Severino Mendoza, Senior Civil Engineer

CITY: City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0805
ATTN: Margery Lazarus, Senior Engineer, P.E.

Either party may change its address for notices by notifying the other party. All notices given at the most recent address specified shall be deemed to have been properly given.

15. GENERAL

This Agreement contains the entire agreement between the parties with respect to the matters herein provided for and may only be amended by a subsequent written Agreement executed by all parties. This Agreement may be executed in counterparts, each of which shall be deemed an original, but which together shall constitute a single Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date indicated above.

CITY OF MORENO VALLEY
Municipal Corporation

EASTERN MUNICIPAL WATER DISTRICT

By: _____
City Manager

By: _____
Anthony J. Pack, General Manager

Dated: _____

Dated: _____

COMMUNITY REDEVELOPMENT AGENCY
Municipal Corporation

ATTEST:

By: _____
Executive Director

Rosemarie V. Howell, Board Secretary

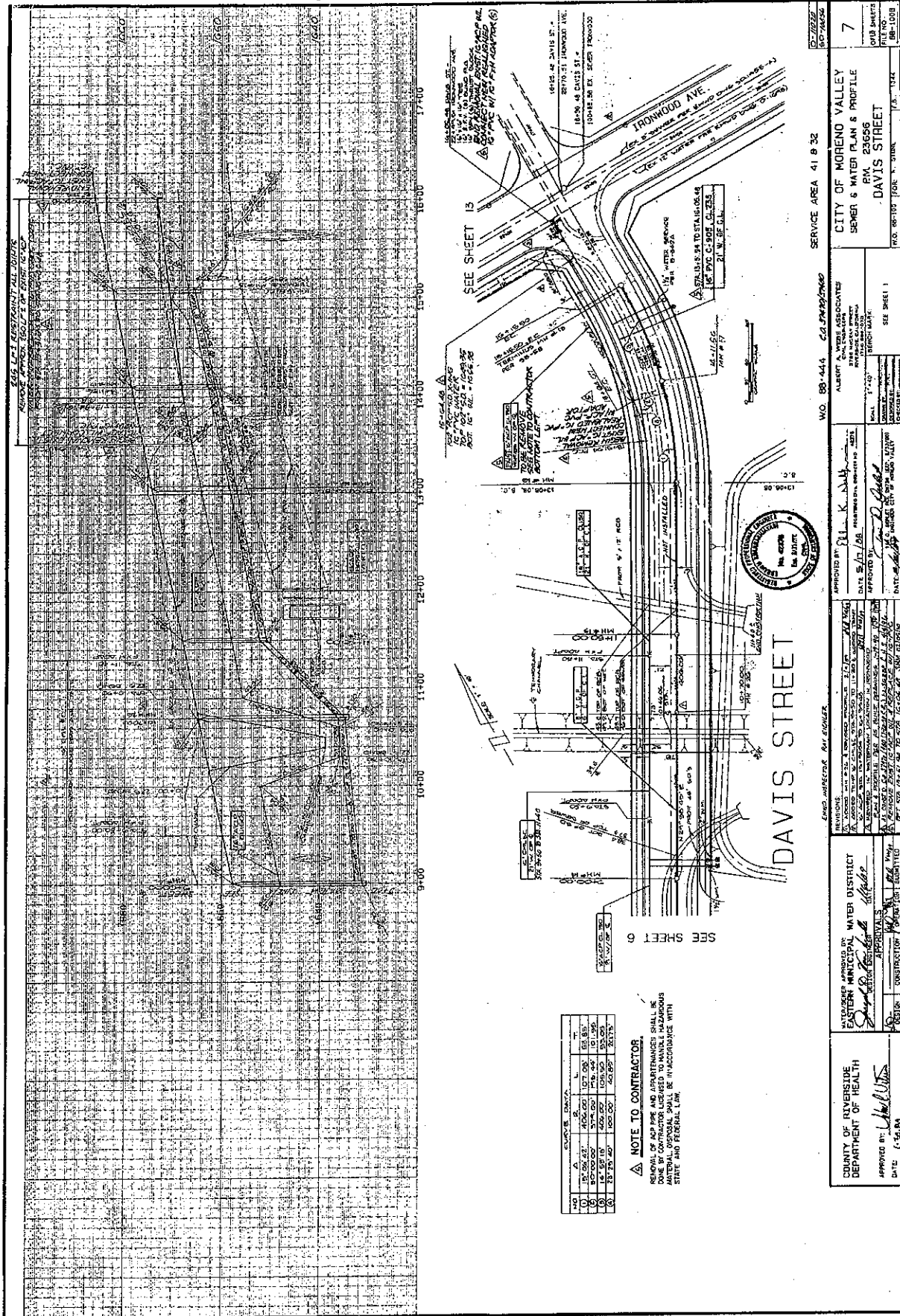
Dated: _____

APPROVED AS TO FORM:

City Attorney

- Attachments: Exhibit "A" – Draft Project Plans
- Exhibit "B" – Preliminary Engineer's Estimate - EMWD Costs
- Exhibit "C" – Preliminary Engineer's Estimate - City Costs

W:\CapProj\CapProj\PROJECTS\Marge - 89791726 - Indian Basin\Utility\Sewer & Water - EMWD\Agreement\EMWD Reimb Agreement for Ironwood\Ind Basin - Draft 6-3-10.doc



SEE SHEET 13

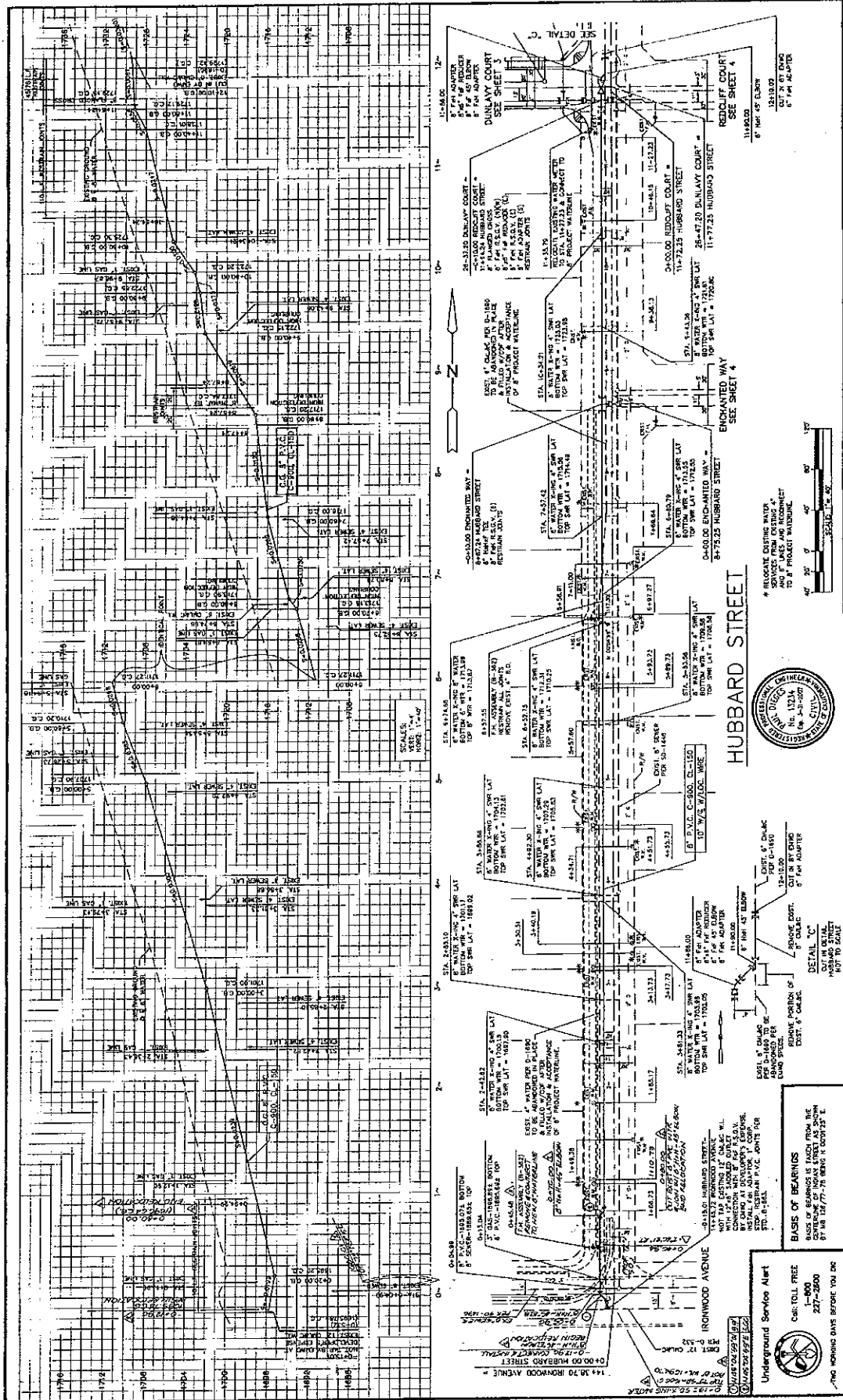
SEE SHEET 9

STATION	PC	PVI	PT	LC	EA	GR
10+00	10+00.00	10+00.00	10+00.00	10+00.00	10+00.00	10+00.00
11+00	11+00.00	11+00.00	11+00.00	11+00.00	11+00.00	11+00.00
12+00	12+00.00	12+00.00	12+00.00	12+00.00	12+00.00	12+00.00
13+00	13+00.00	13+00.00	13+00.00	13+00.00	13+00.00	13+00.00
14+00	14+00.00	14+00.00	14+00.00	14+00.00	14+00.00	14+00.00

NOTE TO CONTRACTOR.
 REMOVAL OF ACP PIPE AND APPURTENANCES SHALL BE DONE BY CONTRACTOR LICENSED TO HANDLE HAZARDOUS WASTE IN ACCORDANCE WITH STATE AND FEDERAL LAW.

COUNTY OF RIVERSIDE DEPARTMENT OF HEALTH APPROVED BY: <i>[Signature]</i> DATE: 6-25-81		APPROVED BY: <i>[Signature]</i> DATE: 5/10/81		APPROVED BY: <i>[Signature]</i> DATE: 5/10/81	
WATERWORKS APPROVED BY: <i>[Signature]</i> DATE: 5/10/81		SEWERWORKS APPROVED BY: <i>[Signature]</i> DATE: 5/10/81		ELECTRICAL APPROVED BY: <i>[Signature]</i> DATE: 5/10/81	
ENGINEER: <i>[Signature]</i> DATE: 5/10/81		ARCHITECT: <i>[Signature]</i> DATE: 5/10/81		CONTRACTOR: <i>[Signature]</i> DATE: 5/10/81	
CITY OF MORENO VALLEY SEWER & WATER PLAN & PROFILE PM 236586 DAVIS STREET		SERVICE AREA 41 B 32 WO 88-444 CA 236227260		7 88-1008 88-1009	

Exhibit "A"



CITY OF MORENO VALLEY	
DATE	12-13-09
BY	J.F. ALPERT
TRACT 31319	
CITY PEOPLE	
FROM STA 12140.00	
TO STA 13174.00	
HUBBARD STREET	

EASTERN MUNICIPAL WATER DISTRICT	
DATE	12-13-09
BY	J.F. ALPERT
APPROVALS	
DATE	12-13-09
BY	J.F. ALPERT

APPROVALS	
DATE	
BY	
DATE	
BY	

AP ENGINEERING

Paul Diego B.S. 11-06

1001 DAVES ROAD
PERDUE, CA 92471
(951) 657-1021

DATE: 12-13-09

FIRE MARSHALL	
DATE	
BY	
DATE	
BY	

BENCHMARK	
DATE	
BY	
DATE	
BY	

Basics of Bearings

BASES OF BEARINGS IS TAKEN FROM THE CENTER POINT OF THE INTERSECTION OF IRONWOOD AVENUE AND HUBBARD STREET AT STA 12140.00.

Underground Services Alert

Call Toll Free 1-800-227-5800

THE WORKING DATE BEFORE YOU DIG



CITY OF MORENO VALLEY

TRACT 31319

CITY PEOPLE

FROM STA 12140.00

TO STA 13174.00

HUBBARD STREET

DATE: 12-13-09

BY: J.F. ALPERT

EMWD Cost Estimate

PROJECT NAME: Additive Bid 8 - One 8" waterline relocation at Well Site						
Note: Additive Bid #8 shall be bidded together with Base Bid "A"						
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost
1-8" waterline relocation - connectors to ex Sunnymead Mutual water well						
1	Furnish & install 8" PVC water C900 CL 200 per EMWD Std 408 with restrain joints	S	21	LF	\$70.00	\$1,470
2	Cut into ex 8" CML&C waterline & join		2	EA	\$4,500.00	\$9,000
3	Remove & dispose ex 8" CML&C		21	LF	\$18.00	\$378
4	Furnish & install locator wire per EMWD Std B-656	S	37	LF	\$1.00	\$37
5	Furnish & install 1" AV/AR per EMWD Std B-598		1	EA	\$4,500.00	\$4,500
TOTAL CONSTRUCTION COST						\$15,385
Contingency						\$1,539
CONSTRUCTION COST +						
CONTINGENCY						\$16,924

Survey	5%	\$846.00
Geotechnical	10%	\$1,692.00
Construction Administration & Inspection for Traffic Control of EMWD Work	10%	\$1,692.00
TOTAL		\$21,155.00

EXHIBIT "B"

Page 1 of 4

EMWD Cost Estimate

PROJECT NAME: Additive Bid 9 - One 16" waterline relocation at Davis St						
Note: Additive Bid #9 shall be bidded together with Base Bid "A"						
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost
16" waterline relocation at Davis St						
1	Furnish & Install 16" PVC water C905 CL 235 per EMWD Std 408 with restrain joints	S	202	LF	\$96.00	\$19,392
2	Furnish & Install 16" PVC water C905 CL 235 per EMWD Std 408 no restrain joints	S	43	LF	\$76.00	\$3,268
3	Connect to existing 16" ACP waterline		1	LS	\$5,000.00	\$5,000
4	Cut into ex 16" ACP waterline & join		1	LS	\$5,000.00	\$5,000
5	Replace existing water meter and service per B-590		1	EA	\$1,780.00	\$1,780
6	Remove & dispose ex 16" ACP per Health Dept Std		253	LF	\$64.00	\$16,192
7	Furnish & install locator wire per EMWD Std B-656	S	245	LF	\$1.00	\$245
TOTAL CONSTRUCTION COST						\$50,877
Contingency			10%			\$5,088
CONSTRUCTION COST + CONTINGENCY						\$55,965

Survey	5%	\$2,798.00
Geotechnical	10%	\$5,597.00
Construction Administration & Inspection for Traffic Control of EMWD Work	10%	\$5,597.00
TOTAL		\$69,956.00

EXHIBIT "B"

Page 2 of 4

EMWD Cost Estimate

PROJECT NAME: Additive Bid 10 - 12" waterline relocation - along Ironwood near Kevin						
Note: Additive Bid #10 shall be bidded together with Base Bid "B"						
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost
1	Furnish & Install 12" PVC water C900 CL 200 DR18 per EMWD Std 408 no restrain	S	172	LF	\$55.00	\$9,460
2	Furnish & Install 12" PVC water C900 CL 200 including restrain joints	S	332	LF	\$75.00	\$24,900
3	Verify & expose full weld double pass all joints 12" CML&C waterline		122	LF	\$11.00	\$1,342
4	Cut into ex 12" CML&C waterline & join		1	LS	\$4,500.00	\$4,500
5	Connect to ex 12" CML&C waterline		1	LS	\$4,500.00	\$4,500
6	Cut into existing 12" CML&C waterline & blind flange		1	LS	\$4,500.00	\$4,500
7	Hot tap 12"x12" saddled outlet connection with 12" RSGV	S	1	LS	\$4,500.00	\$4,500
8	Furnish & install 12" RSGV per EMWD Std B-255		1	EA	\$2,300.00	\$2,300
9	Furnish & install 16"x12" Reducer		1	EA	\$1,000.00	\$1,000
10	Furnish & install 12" flange tee		1	EA	\$1,000.00	\$1,000
11	Replace existing water meters and services per B-590		6	EA	\$1,780.00	\$10,680
12	Furnish & install 6" BO per EMWD Std B-357		1	EA	\$5,000.00	\$5,000
13	Remove & dispose existing 12" CML&C		504	LF	\$18.00	\$9,072
14	Furnish & install locator wire per EMWD Std B-656	S	504	LF	\$1.00	\$504
15	Temporary highline waterline		1	LS	\$5,000.00	\$5,000
TOTAL CONSTRUCTION COST						\$88,258
Contingency						\$8,826
CONSTRUCTION COST + CONTINGENCY						\$97,084

Survey \$4,854.00
 Geotechnical \$9,708.00
 Construction Administration & Inspection for Traffic Control of EMWD Work \$9,708.00
TOTAL \$121,355.00

EXHIBIT "B"

EMWD Cost Estimate

PROJECT NAME: Additive Bid 11 - 8" waterline relocation at Hubbard St						
Note: Additive Bid #11 shall be bidded together with Additive Bid #7						
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost
1	Furnish & install 8" PVC water C900 DR18 per EMWD Std 408 with restrain joints	S	90	LF	\$70.00	\$6,300
2	Disconnect & connect 6" FH per EMWD Std B-362 from old to new line		1	EA	\$7,000.00	\$7,000
3	Connect to existing 8" PVC waterline		1	LS	\$4,500.00	\$4,500
4	Cut into ex. 8" PVC waterline & join		1	LS	\$4,500.00	\$4,500
5	Remove & dispose ex 8" PVC		90	LF	\$18.00	\$1,620
6	Furnish & install locator wire per EMWD Std B-656	S	90	LF	\$1.00	\$90
7						
8						
9						
10						
TOTAL CONSTRUCTION COST						\$24,010
Contingency			10%			\$2,401
CONSTRUCTION COST + CONTINGENCY						\$26,411

Survey \$1,321.00
 Geotechnical \$2,641.00
 Construction Administration & Inspection for Traffic Control of EMWD Work \$2,641.00
TOTAL \$33,014.00

EXHIBIT "B"

Page 4 of 4

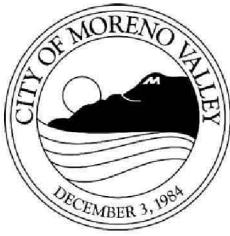
City Bid Items (Water Line)

City Bid Items (Water Line)

PROJECT NAME: Indian Basin - SD Line H - Final Engineer's Estimate						BASE BID "A"	
Note: Base Bid "A" shall be bidded together with Additive Bid #8							
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost	
28	Temporary highline waterline (8" wtr in ADB #8)		1	LS	\$5,000	\$5,000	
TOTAL CONSTRUCTION COST						\$5,000	
Contingency						10%	\$500
CONSTRUCTION COST + CONTINGENCY							\$5,500

PROJECT NAME: Indian Basin - Heacock to Nita Street Improvement - Final Engineer's Estimate						BASE BID "B"	
Note: Base Bid "B" shall be bidded together with Additive Bid #9 & #10							
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost	
26	Relocate 6" BO per EMWD Std B-357	S	1	EA	\$7,000	\$7,000	
27	Relocate 1" AV/AR per EMWD Std B-598	S	1	EA	\$4,500	\$4,500	
28	Relocate water meter to R/W		3	EA	\$2,000	\$6,000	
TOTAL CONSTRUCTION COST						\$17,500	
Contingency						10%	\$1,750
CONSTRUCTION COST + CONTINGENCY							\$19,250

EXHIBIT "C"



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>lv</i>
CITY MANAGER	<i>wbs</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: July 13, 2010

TITLE: AUTHORIZE A PROJECT AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute the Project Agreement for On-Call Professional Consultant Services (Project Agreement) with Overland, Pacific and Cutler, Inc. (OPC) for various projects of the Capital Projects Division in the form attached hereto.
2. Authorize a purchase order for OPC, in the amount of \$99,000 to continue to provide right of way services for various projects of the Capital Projects Division when the Project Agreement has been signed by all parties (Account No. 416.78526).

BACKGROUND

On May 29, 2008, the City Manager executed an Agreement for Professional Consultant Services with OPC for On-Call Right of Way services. On December 5, 2008, a purchase order for \$70,000 was issued to OPC after they were selected as the most responsive firm to propose for In-House Right of Way Consulting Services to assist the Capital Projects Division with capital improvement projects. City Council approved an increase of \$99,000 to the purchase order at its meeting on April 14, 2009.

DISCUSSION

Due to the vacant City staff "Senior Real Property Agent" position, as well as an increase in project related right of way activities, additional resources are necessary.

As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to extend their Agreement with OPC.

OPC staff has an excellent track record of providing right of way services for budgeted capital improvement projects including, but not limited to, Kitching Street Improvements, Day Street Improvements, Sunnymead Boulevard Rehabilitation, and Lasselle Street Widening Improvements. Over the next twelve months, OPC staff will continue to work on right of way for projects such as the Perris Boulevard from PVSD Lateral "B" to Cactus Avenue Improvements, Perris Boulevard from Ironwood Avenue to Manzanita Avenue, Ironwood Avenue Street Improvements, Heacock Street Bridge Improvements, and other budgeted capital projects as assigned.

OPC provides professional consultant right of way services under an on-call Agreement that expires May 15, 2011. Staff recommends issuing a new purchase order and executing a Project Agreement with OPC for the continuation of their services. The purchase order for \$99,000 allows for approximately one (1) additional year of right of way services as provided by the in-house consultant staff. The new purchase order will increase the Agreement to a total not-to-exceed amount of \$268,000 (\$70,000 for the original purchase order, plus \$99,000 for the change order to the original purchase order, plus \$99,000 for the new purchase order).

ALTERNATIVES

1. Authorize the City Manager to execute the Project Agreement for On-Call Professional Consultant Services (Project Agreement) with Overland, Pacific and Cutler, Inc. (OPC) for various projects of the Capital Projects Division in the form attached hereto, and authorize a purchase order for OPC, in the amount of \$99,000 to continue to provide right of way services for various projects of the Capital Projects Division when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*
2. Do not authorize the City Manager to execute the Project Agreement for On-Call Professional Consultant Services (Project Agreement) with Overland, Pacific and Cutler, Inc. (OPC) for various projects of the Capital Projects Division in the form attached hereto, and do not authorize a purchase order for OPC, in the amount of \$99,000 to continue to provide right of way services for various projects of the Capital Projects Division when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The current purchase order encumbered to account number 897.91724 will be fully expended shortly. Staff recommends that the new purchase order for \$99,000 be encumbered to the FY 10/11 Perris Boulevard from PVSD Lateral "B" to Cactus Avenue

Improvements project budget (Account No. 416.78526). As costs are incurred against this purchase order, the expenditures will be transferred to the capital projects for which services were performed. The anticipated associated costs for the purchase order increase will be funded through DIF Arterial Streets (Fund 416), TUMF Capital Projects (Fund 415), 2005 Lease Revenue Bonds (Fund 501), and Measure “A” (Fund 125):

Perris Boulevard from PVSD Lateral “B” to Cactus Avenue (416.78526).....	\$29,000
Perris Boulevard from Ironwood Avenue to Manzanita Avenue (415.78726).....	\$28,000
Ironwood Avenue Street Improvements (501.82625).....	\$18,000
Heacock Street Bridge Improvements (125.66825)	<u>\$24,000</u>
Total.....	\$99,000

These funds are restricted to Capital Improvement Projects and cannot be utilized for operational activities. There is no impact on the General Fund.

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 and neighborhood restoration.

SUMMARY

Due to the need for in-house right of way services on a variety of projects, a purchase order with OPC is necessary to continue the temporary professional staffing services for the Capital Projects Division. Staff recommends that the City Council authorize the execution of the Project Agreement and the issuance of a new purchase order to OPC in the amount of \$99,000 for right of way services.

ATTACHMENTS

- Attachment “A” – Project Agreement
- Attachment “B” – Purchase Requisition

Prepared By:
Lorenz R. Gonzales
Senior Engineer, P.E.

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

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

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

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**PROJECT AGREEMENT FOR ON-CALL
PROFESSIONAL CONSULTANT SERVICES
VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION**

This Agreement is made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Overland, Pacific and Cutler, Inc., a California corporation, hereinafter described as "Consultant."

RECITALS

WHEREAS, the City has Pre-Qualified Consultant for On-Call Consultant work in an Agreement ("On-Call Agreement") executed on May 29, 2008 for services hereinafter described as "Project"; and

WHEREAS, the City wishes to engage the services of Consultant for the Project set forth in Exhibit "A".

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

1. The previously executed On-Call Agreement between City and Consultant is incorporated herein and made a part of this Agreement as if set forth in full. In the event of a conflict between this Agreement and the On-Call Agreement, the most current amendment shall prevail.
2. The City's scope of service is for Consultant Real Property and Right of Way Services for Various Projects of the Capital Projects Division (and other Divisions as needed) and is described in detail on Exhibit "A" attached hereto and incorporated herein by this reference.
3. The Consultant's scope of service is for Consultant Real Property and Right of Way

**PROJECT AGREEMENT FOR PROFESSIONAL
CONSULTANT SERVICES**

Services for Various Projects of the Capital Projects Division and is described in detail on Exhibit "B" attached hereto and incorporated herein by this reference.

4. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

5. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee in accordance with the payment terms provided in Exhibit "D", attached hereto and incorporated herein by this reference.

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. Consultant shall provide updated insurance documentation, certificates or endorsements unless specifically waived by the City's Risk Manager.

SIGNATURE PAGE FOLLOWS

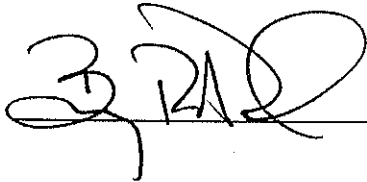
**AGREEMENT FOR PROFESSIONAL
CONSULTANT SERVICES**

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

City of Moreno Valley

Overland, Pacific and Cutler, Inc.

BY: _____
City Manager

BY:  _____

Date

TITLE: PRESIDENT
(President or Vice President)

5/25/10
Date

BY:  _____

TITLE: Vice President / Secretary
(Corporate Secretary)

5-25-10
Date

APPROVED AS TO LEGAL FORM:

City Attorney

DATE: _____

- Enclosures: Exhibit "A" – City Scope of Services
 Exhibit "B" – Consultant Proposal
 Exhibit "C" – City's Responsibility
 Exhibit "D" – Terms of Payment

CITY SCOPE OF SERVICES

Various Capital Improvement projects throughout the year will require Right of Way Services. The following list includes services that may be needed over the course of the contract. The list is not intended to be all-inclusive, as other services may be needed:

- prepare reports and coordinate the preparation of site surveys relating to real property that is required for public purposes
- prepare certificates of acceptance; record documentation at the county, negotiate for purchase, lease, or donation of real property
- prepare contracts, agreements, leases, deeds, re-conveyances, legals, plats, and other instruments used to acquire or vacate interests in real property
- prepare rights of entry
- prepare and acquire temporary construction easements
- estimate the market value of real property and prepare written reports
- analyze title reports, contracts, judgments, court records, and other documents to evaluate the legal status and effect upon title of various liens, restrictions, and encumbrances
- maintain records, databases, maps, deeds, and other documents
- coordinate the hiring of appraisers, including preparation of Request for Proposals, review and rate/rank Proposals, prepare Staff Reports, review appraisals, verify property surveys, plats and legal descriptions
- coordinate eminent domain actions' consult with the City Council and City departments regarding real property matters, and interact with public agencies
- negotiate and acquire temporary construction "rights of way"
- negotiate cellular tower leases
- meet with property owners to discuss and educate them on real property issues pertaining to acquisition and relocation
- assist project managers on real property issues as they relate to their respective capital improvement projects
- perform related duties as assigned
- and provide quality customer service

EXHIBIT "A"



2280 Market Street, Suite 340, Riverside, CA 92501
phone: (951)683-2353, fax: (951)683-3901

April 23, 2010

Ms. Kimberly Jester
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

RE: In-House Right of Way Consulting Services 2010

Dear Ms. Jester:

In response to your request, Overland, Pacific & Cutler, Inc. (OPC) is pleased to present the City of Moreno Valley with this brief fee proposal for the continuation of in-house staffing services under our existing Professional On-Call Services Agreement.

OPC is proposing to continue with the existing arrangements and will assign Mr. Michael Green to the City on specified hours and days. Mr. Green will be working at a rate of \$105 per hour, Tuesdays and Thursdays, 8:00 AM to 5:00 PM. At 16 hours per week for the year, we estimate the total annual cost to be \$87,360. Should the actual hours increase or decrease over the coming year, the estimated cost will adjust accordingly.

Should you have any questions or would like to discuss further, please do not hesitate to call me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

A handwritten signature in black ink, appearing to read "Jbey Mendoza".

Jbey Mendoza, SR/WA
Senior Project Manager

Exhibit "B"

**CITY - SERVICES TO BE PROVIDED
TO CONSULTANT**

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

TERMS OF PAYMENT

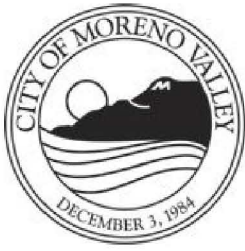
1. This Agreement and Project shall have a Not-to-Exceed Fixed Fee of \$268,000 (\$70,000 for the original purchase order, \$99,000 for the change order to the original purchase order, plus \$99,000 for the new purchase order).
2. Rates for personnel and services shall be as provided on Exhibit "B" – Consultant Proposal.
3. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work covered by this Proposal.
4. The City will pay the Consultant for work completed as identified in the Payment Schedule. Work can only commence after a Project Agreement has been executed and the City issues a notice to proceed.
5. Progress payments shall be based on tasks performed as identified in the Payment Schedule. Monthly invoices will specifically identify job title, person-hours, and costs incurred by each task.
6. Sub-categorization of tasks is permitted to better define the task for payment.
7. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fixed Fee."
8. All tasks including labor and reimbursable costs such as mileage, printing, telephone, photographs, postage, and delivery shall have supporting documentation presented at the time payment is requested.
9. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services" and the "Project Agreement."
10. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services" or the "Project Agreement," an "Amendment to the Agreement" will be executed between the City and Consultant.
11. Payment will be based on hourly rate for work completed associated with each applicable task as identified in the scope of work.
12. A resource loaded progress schedule shall be submitted with the proposal. All payments will be made if the Consultant demonstrates adequate progress per the resource loaded schedule.

EXHIBIT "D"

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

AGENDA DATE: July 13, 2010

TITLE: SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE SUNNYMEAD BOULEVARD IMPROVEMENTS PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD
PROJECT NO. 04-89280221

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc., 9445 Fairway View Place, Suite 215, Rancho Cucamonga, CA 91730, to provide additional construction management and inspection services for the Sunnymead Boulevard Project from Frederick Street to Perris Boulevard.
2. Authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc. in the form attached hereto.
3. Authorize the issuance of a new Purchase Order from unencumbered monies in Fund 892 to Harris & Associates, Inc. in the amount of \$176,000 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 892.80221).
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Harris & Associates, Inc., subject to approval by the City Attorney.

BACKGROUND

On December 11, 2007, the City Council approved the Agreement for Professional Consultant Services with Harris & Associates, Inc. (Harris) for Construction Management and Inspection Services for Stage 1 (sidewalk and parkway improvements) and Stage 2 (median and intersection enhancements) for the Sunnymead Boulevard project in the Purchase Order amount of \$660,000.

On November 25, 2008, the City Council approved the First Amendment to Agreement for Professional Consultant Services with Harris for additional Construction Management and Inspection Services for Stage 2 (median and intersection enhancements) for the Sunnymead Boulevard project in the Purchase Order amount of \$265,000.

DISCUSSION

The Sunnymead Boulevard project from Frederick Street to Perris Boulevard has been constructed in two stages. Stage 1 was the Revitalization project for the color sidewalk, ramp and driveway improvements, which include a lighted gateway entry arch, bus shelters, sign monuments, parkway landscaping, Heacock Street intersection improvements, curb, and gutter. Stage 2 was the Beautification and Enhancement project for the street and median improvements, which include a lighted median sign near Perris Boulevard, median landscaping, a color Portland Cement Concrete (PCC) center turn lane, and intersection enhancements.

The Harris scope of services includes construction management for both the Stage 1 sidewalk and parkway improvements, and the Stage 2 median and intersection enhancements. Harris' responsibilities encompass construction management, which includes overseeing the daily construction operations of the contractors' work for compliance with approved plans and applicable City, State and Federal standards. In addition they are responsible for obtaining and reviewing all contractor submittals and contractor payment requests that are to be forwarded to the City for approval. However, the project is not complete and additional services are required. The work still pending includes punch list items pertaining to the sidewalks and access ramps, completion of the entry arch, installation of the median sign, which is currently being fabricated, and additional landscaping. Therefore, an increase in Harris' construction management and inspection contract Purchase Order is needed through this Second Amendment to provide for the services necessary to complete the project. The expiration date of February 28, 2011 will not change with the proposed Second Amendment.

ALTERNATIVES

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc., 9445 Fairway View Place, Suite 215, Rancho Cucamonga, CA 91730, to provide additional construction management and inspection services for the Sunnymead Boulevard Project from Frederick

Street to Perris Boulevard, authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc. in the form attached hereto, authorize the issuance of a new Purchase Order from unencumbered monies in Fund 892 to Harris & Associates, Inc. in the amount of \$176,000 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 892.80221), and authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Harris & Associates, Inc., subject to approval by the City Attorney. *This alternative will allow for the completion of needed improvements.*

2. Do not approve the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc., 9445 Fairway View Place, Suite 215, Rancho Cucamonga, CA 91730, to provide additional construction management and inspection services for the Sunnymead Boulevard Project from Frederick Street to Perris Boulevard, do not authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc. in the form attached hereto, do not authorize the issuance of a new Purchase Order from unencumbered monies in Fund 892 to Harris & Associates, Inc. in the amount of \$176,000 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 892.80221), and do not authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Harris & Associates, Inc., subject to approval by the City Attorney. *This alternative may delay construction of needed improvements.*

FISCAL IMPACT

The project is funded with Lease Revenue Bond funds (Fund 501), Transportation Enhancement (TE) Federal Grant funds through Measure A funds (Fund 125), and Redevelopment Agency (RDA) funds (Fund 892). The Harris contract was originally funded with Lease Revenue Bond funds, however, staff now requests that the City Council approve a new Purchase Requisition for \$176,000 from unencumbered Redevelopment Agency project funds (Fund 892). The funding for this project is restricted to the Sunnymead Boulevard capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

OVERALL PROJECT FINANCIAL STATUS

Total Budget Appropriation Fiscal Year 2001/2002 to Fiscal Year 2009/2010 (Funds 892, 501, and 125).....	\$12,138,000
Total Estimated Design Related Costs.....	(\$1,912,000)
Total Estimated Construction Related Costs for Sidewalk/Parkway (Stage 1)	(\$6,298,000)
Total Estimated Construction Related Costs for Median/Intersection (Stage 2)	(\$3,549,000)

Breakdown of Professional Consultant Services with Harris & Associates

Original Agreement for Stage 1 & 2 Construction Management and Inspection Services (w/cont.).....	\$660,000*
First Amendment for Stage 2 Construction Management and Inspection Services (w/cont.).....	\$265,000*
Second Amendment for Stage 1 and 2 Construction Management and Inspection Services	\$176,000..... (\$176,000)
Total Construction Management and Inspection Services	<u>\$1,101,000</u>

Unencumbered Project Balance..... \$203,000

* *Costs are already included in Stage 1 & 2 Construction items above*

ANTICIPATED PROJECT SCHEDULE:

Completion of Stage 1 Construction.....	August 2010
Completion of Stage 2 Construction.....	October 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

The Sunnymead Boulevard project is nearing completion. The longer than anticipated construction duration has resulted in the need to increase the contract amount with Harris & Associates, Inc. for construction management services. Therefore, staff is requesting City Council approve the increase to Harris' Purchase Order by \$176,000 from the unencumbered project budget in Fund 892.

ATTACHMENTS

Attachment "A" – Location Map

Attachment "B" – Second Amendment to Agreement for Professional Consultant
Services, Project No. 04-89280221

Attachment "C" – Purchase Requisition

Prepared By:
Christopher L. Wiberg
Senior Engineer, P.E.

Concurred By:
Michele Patterson
Redevelopment & Neighborhood Programs
Administrator

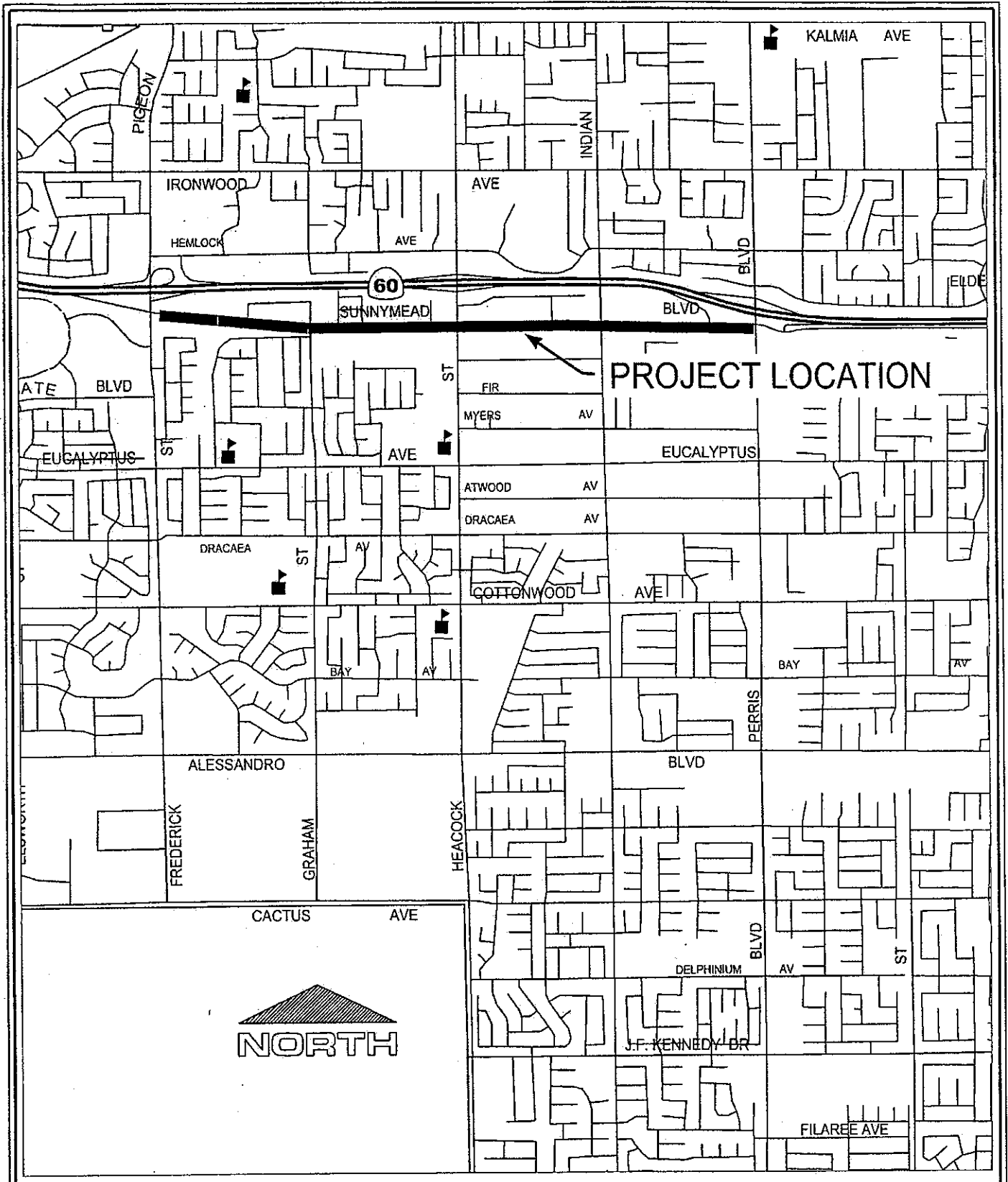
Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Economic Development Director

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

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

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LOCATION MAP



Public Works Department
Capital Projects Division

ATTACHMENT "A"

SUNNYMEAD BLVD. BEAUTIFICATION
AND ENHANCEMENT
PROJECT NO. 04-89280221-2

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**SECOND AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 04-89280221**

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

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated February 6, 2008.

Whereas, the Consultant is providing consultant management and construction inspection services for Sunnymead Boulevard Improvements Project from Frederick Street to Perris Boulevard, Project No. 04-89280221.

Whereas, the Agreement was amended on December 12, 2008 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

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

Whereas, the Consultant has submitted a Proposal dated June 7, 2010, for expansion of the scope of work to be performed. A copy of said Proposal is attached as "Exhibit A – Second Amendment" and is incorporated herein by this reference.

Attachment "B"

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 04-89280221**

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date of February 28, 2011 is not extended by this Amendment.

1.2 Exhibit "B" to the Agreement is hereby amended by adding to the scope of work section described in "Exhibit A -- Second Amendment," entitled "Request for Contract Amendment."

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof described in "Exhibit B -- Second Amendment," entitled "Cost Proposal."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive an additional "Not-to-Exceed" fee of \$176,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work described in "Exhibit A -- Second Amendment."

1.5 The total "Not to Exceed" fee for this contract is \$1,016,900 (\$600,000 for the original Agreement, plus \$240,900 for the First Amendment to Agreement, plus \$176,000 for the Second Amendment to Agreement).

SECTION 2

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

SIGNATURE PAGE TO FOLLOW

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 04-89280221**

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

City of Moreno Valley

Harris & Associates, Inc.

BY: _____
City Manager

BY: _____

TITLE: _____
(President or Vice President)

Date

Date

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

BY: _____

TITLE: _____
(Corporate Secretary)

Date

Attachments: "Exhibit A – Second Amendment"
"Exhibit B – Second Amendment"

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Harris & Associates.

Shaping the future, One project at a timeSM

June 7, 2010

City of Moreno Valley
Chris Wiberg, P.E. Senior Project Manager
Capital Project Division
14177 Frederick Street
Moreno Valley, CA 92552-0805

RE: Request for Contract Amendment

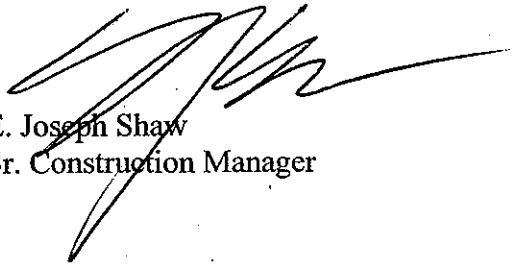
Mr. Wiberg,

The Sunnymead Boulevard project is pending completion of construction. It is now anticipated that completion of the construction on this project is not expected to occur until October of 2010. Some of the pending items include punch list items for the sidewalks and access ramps, completion of the entry arch, installation of the median sign, which is currently being fabricated, and additional landscaping. Therefore, we are requesting that our current contract be amended to reflect the extended time frame. Please see attached Scope of Work and Cost Proposal for details.

The appropriate level of personnel required for this phase of service will be subject to mutual agreement and the contractor's schedule. Your acknowledgment and acceptance of this request is gratefully appreciated. Should you have any further questions or concerns, please do not hesitate to call.

Sincerely,

Harris & Associates


E. Joseph Shaw
Sr. Construction Manager

"Exhibit A – Second Amendment"

SCOPE OF SERVICES

SUNNYMEAD BLVD. PROJECT PROJECT NO. 04-89280221

Harris & Associates

Harris will continue to provide the following services as part of the Scope of Services on an as-requested, as-needed basis:

CONSTRUCTION MANAGEMENT & INSPECTION SERVICES

Construction Administration - Continue to implement procedures for reviewing and processing request for clarifications and interpretations of the Contract Documents; shop drawings, samples and other submittals; contract schedule adjustments; change order proposals; written proposals for substitutions and payment applications.

Reports - Prepare any reports that may be required during the construction phase.

Permits, Bonds and Insurance - Verify required permits, bonds and insurance, have been obtained.

Change Order Preparation - Coordinate contract change orders. Prepare independent cost estimate for contract change orders. Negotiate all contract change orders with the Contractor. Prepare contract change order document for execution by Contractor and City

Construction Schedule - Review each Contractor's Construction Schedule and shall verify that the schedule is prepared in accordance with the requirements of the Contract Documents and that it establishes completion dates that comply with the requirements of the Master Schedule.

Progress Payments - Review payment applications submitted by each Contractor and determine whether the amount requested reflects the progress of the Contractor's work.

Photographs - Provide photographic documentation of project site during construction.

"As-Built" Drawings - Finalize one set of contract documents for each project with up-to-date information regarding all addendum, substitutions, clarifications and change orders.

Field Inspection - Provide field inspection, as requested, to verify compliance with the contract documents. Coordinate with City assigned inspection staff.

Surveying – Coordinate needed surveys to verify lines and grades with contract documents.

Traffic Control - Monitor traffic control and public safety plans for compliance with all safety laws and regulations. Review all detour, lane closures, temporary access, signing, delineation and traffic control plans.

Meetings - Coordinate meetings with City and Contractor related to project completion. Prepare meeting notices and prepare and distribute meeting minutes.

Final Inspection and Punchlist - Provide final inspection and prepare list of project construction deficiencies for resolution by Contractor.

Final Payment - Make recommendations regarding Contractor's final progress payment request. Prepare final progress payment report for submission.

Project Closeout - Prepare all documentation needed for project closeout. Deliver project documentation.

COST PROPOSAL

SUNNYMEAD BLVD. PROJECT
PROJECT NO. 04-89280221

Harris & Associates

5 Month Projected Extension of Time	Cost
Construction Management Services	\$81,000
Construction Inspection Services	\$79,000
Additional Items of Work per City Request	\$16,000
Total	\$176,000

“Exhibit B – Second Amendment”

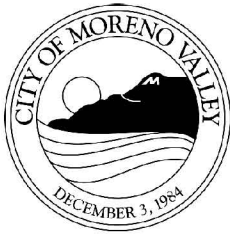
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Purchasing Use Only		REQUISITION NUMBER					
SELECTED VENDOR NO. #		REQUISITION NUMBER					
PURCHASE REQUISITION CITY OF MORENO VALLEY Provide complete new vendor information or name-phone & e-mail for current vendors							
TODAY'S DATE: 06/11/10 15670 Perris Blvd Moreno Valley, CA 92551		Vendor #1 Harris & Associates, Inc. 9445 Fairway View Place, Suite 215 Rancho Cucamonga, CA 91730 Joe Shaw 909.237.2357 eshaw@harris-assoc.com					
DELIVER TO: 15670 Perris Blvd Moreno Valley, CA 92551		Vendor #2 Vendor #3					
DELIVER ON OR BEFORE:		Vendor #1 Harris & Associates, Inc. 9445 Fairway View Place, Suite 215 Rancho Cucamonga, CA 91730 Joe Shaw 909.237.2357 eshaw@harris-assoc.com					
POTENTIAL VENDOR(S) VENDOR NAME > STREET ADDRESS > STREET ADDRESS > CITY-STATE-ZIP > CONTACT NAME > PHONE NUMBER > E-MAIL ADDRESS >		Vendor #2 Vendor #3					
ITEM NUMBER	DESCRIPTION	QTY	UNIT OF MEASURE	ESTIMATED UNIT COST	ESTIMATED TOTAL	ACTUAL UNIT COST	ACTUAL TOTAL
	(1) To make changes after initial entry double click on text (2) If text does not fit in row (260 characters max) use more rows This Second Amendment with Harris & Associates, Inc. is providing construction management and inspection services for the Sunnymead Boulevard Improvements Project from Frederick Street to Perris Boulevard, Project No. 04-89280221. The project is not complete due to delays. A new Purchase Order is requested to use unencumbered monies in fund 892.	1	Lump Sum	\$176,000.00	\$176,000.00		
	The Second Amendment was signed by the City Manager on . Also attached is the current insurance. City Council approved the Purchase Requisition at its meeting on 7/13/10.						
Notes: I hereby certify upon my own personal knowledge that the articles or materials requested hereon are necessary for use by the department for the purpose indicated above, and that there are sufficient funds in the budget of this office or department approved for the payment of same. (Sign Below) Requested by Christopher L. Wiberg & Lee Ann Florez Date: 06/11/2010 Division Manager (\$15K) Date: Department Head (\$30K) Date: Financial & Admin. Svcs. Director (\$50K) Date: City Manager (\$100K) Date:							
Percentage Split <small>(to split, fill in % amounts below to equal 100%)</small>				Business Unit and Expenditure Code (e.g. 31510.6221.225) NOTE: CANNOT SPLIT BETWEEN FUNDS	Amount of Expenditure		
100.0%				892.80221.7200	\$176,000.00		
100.0%				Allocated Total Spend:	\$176,000.00		

Attachment "C"

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

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

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

AGENDA DATE: July 13, 2010

TITLE: APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street.
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney.
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney.
4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

BACKGROUND

On May 27, 2008, the City Council and the Community Redevelopment Agency of the City of Moreno Valley awarded the Ironwood Avenue improvements project from Day Street to Barclay Drive, Part 1, Phase 1, only for the 35% design, Planning Application and Environmental Documentation (PA&ED) portion of the contract to AEI-CASC Engineering, Inc. (AEI-CASC).

On February 24, 2009, the City Council awarded Part 1, Phases 2 and 3 of the Ironwood Avenue improvements project from Day Street to Barclay Drive to AEI-CASC for final Plans, Specifications, and Estimate (PS&E).

DISCUSSION

The Ironwood Avenue improvements project from Day Street to Barclay Drive will provide much needed street and related improvements to assist with traffic management enhancements on an important arterial thoroughfare and congested intersection at Day Street. This project utilizes funding from the Redevelopment Agency (RDA) through the 2007 RDA bond issue and qualifies for Transportation Uniform Mitigation Fee (TUMF) programmed funds for Riverside County as administered through the Western Riverside Council of Governments (WRCOG).

AEI-CASC is almost complete with the final plans for Ironwood Avenue from Day Street to Barclay Drive. When constructed, the improvements will include one (1) additional lane plus a right turn lane on the south side of Ironwood Avenue between Day Street and Barclay Drive. The modifications to the intersection of Ironwood Avenue and Day Street will facilitate a smooth transition through the intersection for east and west bound traffic on Ironwood Avenue and Box Springs Road, and improve the flow for northbound traffic turning east off of Day Street onto Ironwood Avenue to enter future development south of Ironwood Avenue at Athens Street. Ironwood Avenue becomes Box Springs Road just west of Day Street. Ironwood Avenue is designated as a minor arterial street with ultimate build-out to four (4) lanes. The Ironwood Avenue street improvements require the construction of a new 24" EMWD waterline.

A "Reimbursement Agreement" has been drafted to identify the financial responsibilities and contractual relationship between the City, the Community Redevelopment Agency, and EMWD for the construction of 1402 linear feet of new 24" waterline between the existing 18" waterline located on the east end of the project and connecting to an existing 12" waterline within Day Street. The City will also install a 12" stub-out waterline from the 24" waterline at Athens Street. The cost sharing between the City and EMWD at this time is advantageous to both agencies because it will avoid damaging the new street if the needed waterline installation is delayed to a later time. Constructing the waterline during the street improvements work will also result in a cost savings and reduce the disruption to traffic. The City's share of the cost for the waterline is estimate at \$237,755 due to the impacts of the City's street improvement project. Concurrently, EMWD feels it is an opportune time to upsize their existing waterline and their estimated share of the

cost is \$150,096, which will be deposited with the City. If the final cost varies from that, EMWD will reimburse the City for the actual costs. The City will advertise, award, and administer the project including construction administration, surveying, and materials testing, and will be responsible for any additional costs associated with said work.

EMWD's Board of Directors is concurrently reviewing and approving the agreement due to the desire of both parties to meet the aggressive schedule. Staff requests the City Manager have the authority to make any changes (subject to approval of the City Attorney) to the agreement that may be requested by EMWD. Staff requests approval of a funding amount for the project for an amount not to exceed \$273,418 (\$237,755 plus 15% contingency) related to the City's share of the cost of the waterline. Staff also requests that the Public Works Director/City Engineer be authorized to execute any amendments to the agreement with EMWD not to exceed the 15% contingency amount of \$35,663. Since the "Reimbursement Agreement" exceeds \$100,000, approval from the City Council is necessary.

ALTERNATIVES

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street, authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney, authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney, and authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction. *This alternative allows the City to complete the project on schedule.*
2. Do not approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street, do not authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney, do not authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney, and do not authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement

Agreement” to fund the waterline construction. *This alternative will result in delaying the construction of the Ironwood Avenue Improvements.*

FISCAL IMPACT

In accordance with the terms of the subject “Reimbursement Agreement,” EMWD will deposit funds to pay for its portion of the waterline being upsized and relocated within Ironwood Avenue. The City will deposit the amount of the EMWD reimbursement into Fund 414, after the revenue is received from EMWD.

The Ironwood Avenue improvements from Day Street to Barclay Drive is being funded with 2007 RDA Tax Allocation Bonds (Account No. 897.91727). The funds utilized for this project are designated for capital improvements for the Ironwood Avenue improvements project and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2009/2010 (Account No. 897.91727).....	\$2,812,000
EMWD Deposit (pending execution of “Reimbursement Agreement”)	\$150,000
Total Available Funds	\$2,962,000

TOTAL ESTIMATED PROJECT RELATED COSTS:

Design Costs.....	\$506,000
Construction Costs.....	\$1,712,000
Administrative Costs*	\$81,000
SCE Costs.....	\$32,000
SAWA In-lieu Fees	\$33,000
EMWD Water Line Relocation (City & EMWD portions).....	\$388,000
Total Estimated Project Costs	\$2,752,000

* Staff will provide project related administrative services.

Total Remaining Budget Amount	\$210,000
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ANTICIPATED SCHEDULE FOR IRONWOOD AVENUE:

Advertise	July 2010
Start Construction.....	September 2010
Finish Construction.....	February 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

The "Reimbursement Agreement" identifies the financial responsibilities and contractual relationship between the City, the Community Redevelopment Agency, and EMWD for the construction of 1402 linear feet of new 24" waterline for the Ironwood Avenue Street improvements project from Day Street to Barclay Drive. EMWD will deposit its portion of the cost prior to the start of construction.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – "Reimbursement Agreement"

Prepared By:
 Christopher L. Wiberg
 Senior Engineer, P.E.

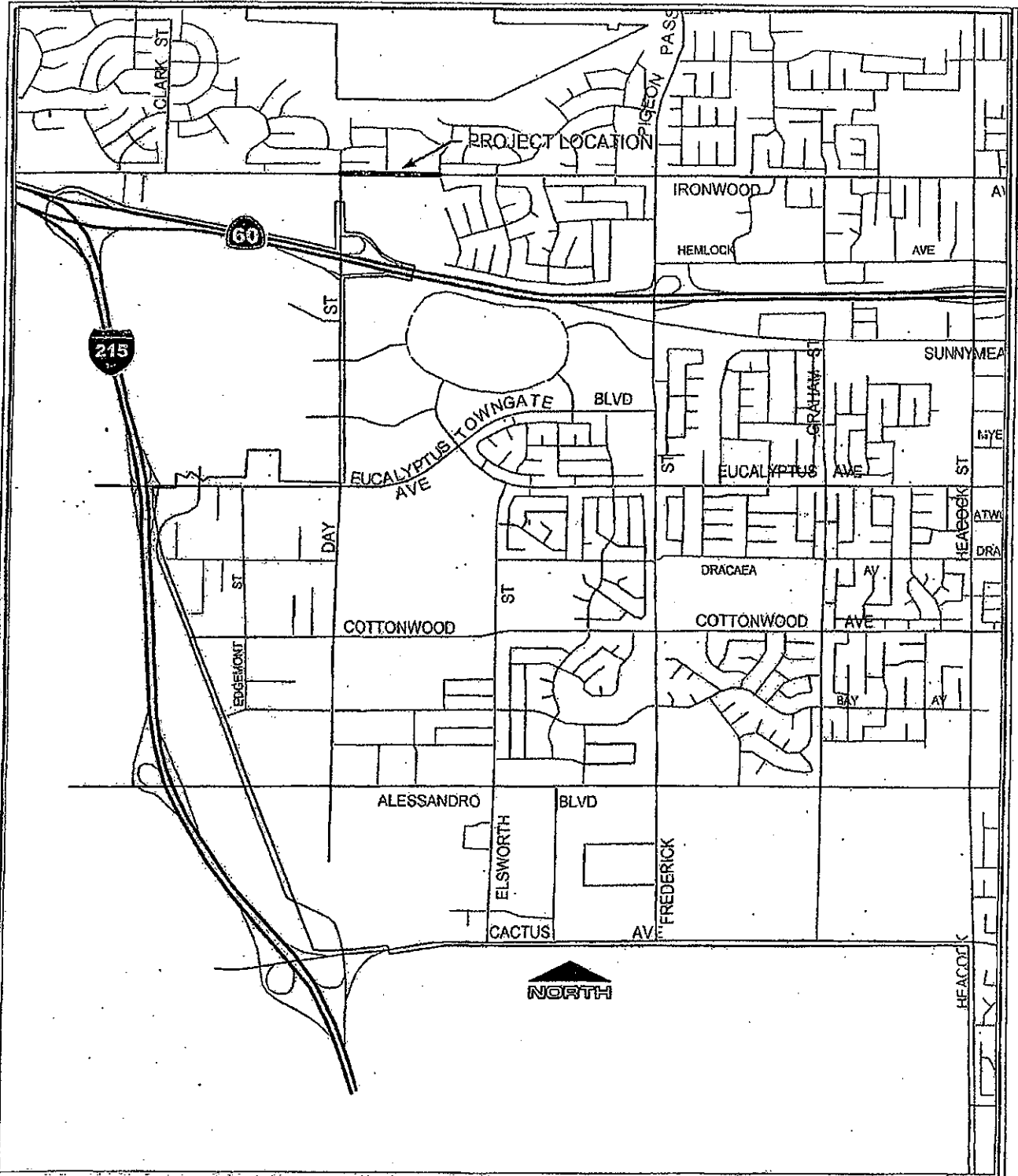
Department Head Approval:
 Barry Foster
 Economic Development Director

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

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

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LOCATION MAP



LOCATION MAP
Public Works Department
Capital Projects Division

Attachment "A"

**Ironwood Avenue Improvements,
From Day Street to Barclay Drive
Project No. 10-41570027**

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**REIMBURSEMENT AGREEMENT
RELOCATION OF WATERLINE
WITHIN IRONWOOD AVENUE**

This Agreement is made and entered into as of the date signed by the City Manager and Executive Director, by and between EASTERN MUNICIPAL WATER DISTRICT, a public agency (hereinafter "District"), and the CITY OF MORENO VALLEY, a municipal corporation, along with the COMMUNITY REDEVELOPMENT AGENCY of the City of Moreno Valley, a municipal corporation (hereinafter "City").

RECITALS

WHEREAS, in July 2010 the City intends to solicit bids for the Ironwood Avenue Improvements from Day Street to Barclay Drive in the City of Moreno Valley; and

WHEREAS, the City's project would include construction of a 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street.

WHEREAS, the City will advertise for bids to construct the 24" waterline as part of the City's Ironwood Avenue improvements. City's share in the costs of the 24" waterline is the upsized costs of the waterline from 12" to 24". The City's share shall also include construction of the 12" waterline stub-out off the 24" waterline to service the development to the south of Ironwood at the Athens Street intersection. Said waterline improvements, hereinafter referred to as the "Project" are shown and depicted on Exhibit "A"; and

WHEREAS, the purpose of this Agreement is to set forth financial and other terms and conditions associated with the construction of the Project by City.

NOW, THEREFORE, in consideration of the above recited premises, together with the mutual covenants herein contained, it is mutually agreed as follows:

AGREEMENT

1. DESCRIPTION OF WORK.

City shall be responsible for its share of the construction cost of the Project, the preliminary cost estimate of which is \$237,755 as shown on attached Exhibit "B." The work consists of the following:

- Constructing approximately 1402 linear feet of new 24" waterline between the existing 18" waterline located on the east end of the project at approximate Station 113 + 70 running west and connecting to an existing 12" waterline within Day Street at approximate Station 99 + 68, and construction

Attachment "B"

**Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue**

of approximately sixty-four (64) linear feet of a new 12" waterline at Athens Street to serve as a stub-out waterline to provide water services to the future development on the south side of Ironwood Avenue.

2. FINANCIAL OBLIGATIONS AND RESPONSIBILITIES.

- City shall pay for the Project design costs.
- City/District shall share equally in the Project construction surveying and geotechnical construction services costs as related to waterline improvements.
- District shall be responsible to reimburse City for the District's fair share of the cost of the 24" waterline as shown in Exhibit "B."
- Neither City nor District will assess permit fees to each other.

District agrees to pay City the lump sum amount of \$150,096 within 45 days of receipt of City's invoice if City's low bid construction contract for said work is within 10% of the total value shown on Exhibit "B." If the City's low bid construction contract is not within 10% of the total value shown in Exhibit "B," the reimbursement amount will be adjusted by the percent (%) difference between the total value in Exhibit "B" and the total cost of the actual low bid.

3. CONSTRUCTION BIDS AND AWARD.

Upon receipt of the bids and acceptance of the lowest responsive, responsible bid, City shall notify District of its identified portion of the construction costs and, upon approval by District, in writing, authorize City to award the contract. District shall notify City of its decision no later than ten (10) days after District's receipt of bid selection from City.

4. CONSTRUCTION TIMELINE.

City anticipates completing construction of the Project within 120 working days and prior to February 2011.

5. CONSTRUCTION PLANS AND SPECIFICATIONS.

City will provide the construction plans and technical specifications for the District's review and approval for the waterline improvements. District will provide City with the waterline technical specifications and standard drawings for use in the contract document. City will provide as-built drawings to district within 30 calendar days after completion of Project construction.

**Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue**

6. CEQA

City shall be individually responsible for compliance with the State of California, Environmental Act as pertains to the entire improvement project.

7. CONSTRUCTION AND INSPECTION RESPONSIBILITIES

All District facilities furnished, constructed, and installed by the Contractor shall be installed in strict compliance with the Plans and Specifications approved by District. All materials furnished by the Contractor must conform to District's approved material list. Any and all deviations from said Plans and Specifications must be approved by City/District, in writing, prior to being made.

The performance of the involved waterline work by the Contractor for compliance with the approved Construction Plans and Specifications shall be to the approval of the District. It is specifically understood that District's inspection, surveying, and material testing personnel shall have the authority to enforce District's waterline construction Plans and Specifications for the involved facilities, which authority shall include the authority to require that any and all unacceptable materials, workmanship and/or installation be replaced, repaired or corrected by City's contractor without cost to either City or District. All contract administration and construction administration costs incurred by City will be shared by District.

City and District shall provide reasonably expeditious submittal review and responses to requests for information in a timely manner (10 working days or less). Both City and District agree to cooperate with each other to complete the project in an expeditious manner.

The parties agree that coordinating their respective projects is critical to avoiding conflicts, delays, and additional costs. The City, District representatives, and their project managers therefore agree to meet on a bi-weekly basis to discuss the progress and issues surrounding the projects and construction schedules. The City and the District shall discuss in advance who should attend the meetings, how often additional meetings should occur (may vary at different stages of the project), and provide ample notification to allow for attendance of all required individuals. The City shall place their respective contractor under the foregoing notices through their respective contract with the contractor.

The City's inspector shall maintain good communication/coordination between the District and the Contractor to keep all parties informed of the construction activities and any conflicts discovered during construction. If utility conflicts are encountered

Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue

the City shall work with said utility company to redesign/resolve the conflicts expeditiously in order to meet the project schedule.

8. RECIPROCAL INDEMNIFICATION

City and the District, hereby agree to indemnify, defend, save and hold harmless the other party and their respective officers, agents, servants and employees of and from any liabilities, claims, demands, suits, action and cause of action arising out of or in any manner connected with any act or omission of such indemnifying party, performed in connection with such party's duties and obligations hereunder.

9. CONTRACTOR TO INDEMNIFY DISTRICT

City's contract with Contractor shall require the Contractor to defend and indemnify the District to the same extent as the coverage provided to the City.

10. CITY TO PROVIDE INSURANCE

For the period during which City or its contractor(s) controls the job site, City will require that the contractor shall provide, for the entire period of construction, a policy of Workers' Compensation Insurance and Comprehensive General Liability Insurance with coverage broad enough to include the contractual obligation it may have under the construction contract and having a combined single limit of liability in the amount of \$2,000,000 covering the City of Moreno Valley, Eastern Municipal Water District, the Moreno Valley Community Services District (CSD), and the Community Redevelopment Agency of the City of Moreno Valley (RDA) and City/District's officers, employees and agents as additional insured.

11. DISTRICT TO PROVIDE PROFESSIONAL SERVICES

For the period during which City or its Contractor controls the job site, District shall provide, or cause to be provided, for the entire period of construction, professional services for project management and plan conformance. Any City changes requiring design services will be shared by District/City.

City reserves the right to utilize professional services not under Agreement with District for the water facility work without cost to District.

12. SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding on each of the parties and their successors and assigns.

**Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue**

13. EFFECTIVE DATE

This Agreement shall become effective upon acceptance hereof by City and District and by execution by their respective authorized representatives.

14. RESCISSION

In the event said improvements are constructed by a developer prior to construction by City, this Agreement between City and District shall be rescinded.

15. NOTICES

All notices under this Agreement shall be sent as follows:

CITY: City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0805
ATTN: Christopher L. Wiberg, Senior Engineer, P.E.

EMWD: Eastern Municipal Water District
2270 Trumble Road
P.O. Box 8300
Perris, CA 92572-8300
ATTN: Severino Mendoza, Senior Civil Engineer

Either party may change its address for notices by notifying the other party. All notices given at the most recent address specified shall be deemed to have been properly given.

16. PRIOR RIGHTS

District's existing 12" waterline was constructed under a grant of easement recorded on February 26, 1973 in Book 1973, Page 33598 of Official Records of Riverside County. One new 24" waterline shall be constructed within the District's existing waterline easement and which exists within the City's right-of-way of Ironwood Avenue. It is the intent of this agreement to acknowledge, transfer and preserve District's historical rights onto the new 24" waterline.

That portion of the 24" waterline to which prior rights apply is delineated as the "Prior Rights Line" on District drawing "D-3414," attached hereto and made a part hereof as Exhibit "A." The Prior Rights Line is located 15 feet south of the Ironwood Avenue (previously called Lawless Road) center line between Ironwood Avenue

**Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue**

Station 158+69.13 to Station 141+84.56. As described and shown on Exhibit "A," the newly constructed 24" waterline will be considered to have prior rights over future construction projects within the impaction portion of the City right-of-way of Ironwood Avenue.

17. GENERAL

This Agreement contains the entire agreement between the parties with respect to the matters herein provided for and may only be amended by a subsequent written Agreement executed by all parties. This Agreement may be executed in counterparts, each of which shall be deemed an original, but which together shall constitute a single Agreement.

Attachments: Exhibit "A" – Draft Project Plans
Exhibit "B" – Preliminary Engineer's Estimate

SIGNATURE PAGE TO FOLLOW:

**Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue**

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date indicated above.

CITY OF MORENO VALLEY

EASTERN MUNICIPAL WATER DISTRICT

By: _____
City Manager

By: _____
Anthony J. Pack, General Manager

Dated: _____

Dated: _____

COMMUNITY REDEVELOPMENT AGENCY

ATTEST:

By: _____
Executive Director

Rosemarie V. Howell, Board Secretary

Dated: _____

APPROVED AS TO FORM:

City Attorney

W:\CapProj\CapProj\PROJECTS\Chris - 09-89280127 Ironwood-Day St to Barclay\Utility\Water -\Agreement EMWD-CITY\EMWD Reimbursement Agreement - Ironwood 6-8-10.doc

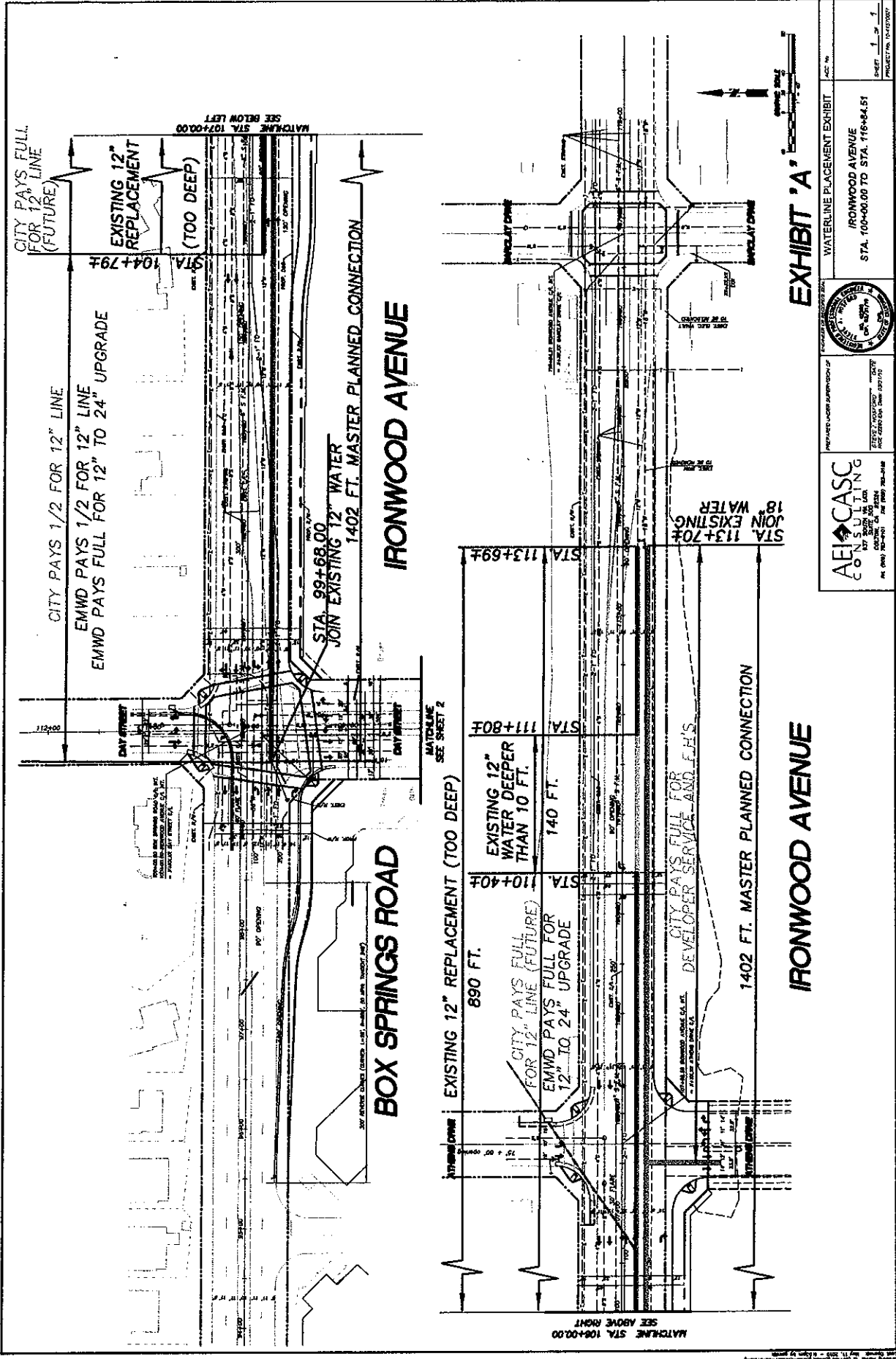


Exhibit "A"

EXHIBIT "A"

AEI/CASC CONSULTING
 1111 BOX SPRINGS ROAD
 SUITE 100
 BOCA RATON, FL 33433
 PHONE: (561) 993-1111
 FAX: (561) 993-1112

PREPARED UNDER SUPERVISION OF
 CIVIL ENGINEER
 STATE OF FLORIDA
 LICENSE NO. 12457

WATERLINE PLACEMENT EXHIBIT
 400' N
 IRONWOOD AVENUE
 STA. 100+00.00 TO STA. 116+84.51
 SHEET 1 OF 1
 PROJECT NO. 14-07-007

**Exhibit B
Cost Sharing Estimate**

	Calculations	Moreno Valley Share	EMWD Share	Total
Item 1	The existing 12" Water Service Line (890 ft) City's adjusted cost toward the 24" waterline improvement for the replacement costs of the existing 12" waterline within the limits that are too deep to be maintained by the District.	\$150,260	\$0	
Item 2	The Proposed 24" Transmission Line (1402 feet) City & EMWD share the cost by paying half for extending the 12" an additional 512 feet (1402 - 890 = 512), even though a 24" transmission line is to be constructed.	$(\$268,874 - \$150,260) / 2$ \$59,307	\$59,307	
Item 3	City's cost include the full amount for sixty four feet of 12" water line connecting to the 24" line in Ironwood Avenue at Athens Drive that services the future development to the south and includes applicable fire hydrants.	\$28,188	\$0	
Item 4	EMWD pays the full amount of increasing the pipe size from 12" to 24"	\$359,663 - \$268,874	\$90,789	
	Total Waterline Construction Cost	\$237,755	\$150,096	\$387,851

Exhibit "B"

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

AGENDA DATE: July 13, 2010

TITLE: AUTHORIZE CHANGE ORDERS TO INCREASE THE PURCHASE ORDERS WITH FS CONSTRUCTION FOR THE SIDEWALK IMPROVEMENT PROJECTS ON TEMCO STREET, VOUGHT STREET, BOEING STREET AND MCDONNELL STREET PROJECT NOS. 08-28368428, 08-28368528 AND 08-28368728

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize Change Orders to increase the Purchase Orders with FS Construction in the total amount of \$80,000 for additional work for the Sidewalk Improvement Projects on Temco Street, Vought Street, Boeing Street and McDonnell Street (Account Nos. 283.68428, 283.68528 and 283.68728).
2. Authorize the City Manager to execute the Change Orders for FS Construction in the forms attached hereto.
3. Authorize the Public Works Director/City Engineer to accept the work as complete for sidewalk improvements.
4. 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.
5. Authorize the Financial & Administrative Services Director to release the retention to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the projects.

BACKGROUND

On December 8, 2009, the City Council awarded a construction contract and authorized the issuance of three (3) Purchase Orders in the total amount of \$503,600.00 (the bid amount plus 25% contingency) to FS Construction. The FS Construction contract includes such street improvements as sidewalks, driveways, parkway drains, access ramps, block walls, fences, tree removals, cross gutter, mailboxes, and landscape restoration on both sides of Temco Street, Vought Street, Boeing Street, and McDonnell Street.

The City issued a Notice to Proceed to FS Construction to start the work on March 4, 2010. The length of the contract is one hundred twenty (120) working days. FS Construction anticipates completing the projects by end of June 2010 at the latest.

DISCUSSION

Staff anticipates that by the time all work is completed by FS Construction, the final contract cost will exceed the Purchase Order total amount issued by approximately \$80,000. The increase in the FS Construction contract is attributed to the additional work and increased bid item work quantities mainly related to the reconstruction of the existing driveways and driveway approaches as part of the sidewalk improvements. During construction, the City worked closely with residents in relocating existing fences, trees, concrete walkways and other hardscape as well as modifying existing driveways and landscape necessary for the construction of new sidewalk and reconstruction of existing driveway approaches. The new sidewalk and driveway approaches, installed per current ADA requirements, resulted in steeper slopes on most of private driveways. As a result, additional work is required to remove and replace larger areas of private driveways to lower the driveway profiles and reduce the steepness of driveway slopes for functionality purposes. In addition, many driveways have deteriorated and required larger removal areas in order to establish a logical and stable concrete slab match line to existing driveway slabs. This has also increased the driveway installation bid item quantities as well as grading and drainage issues. There are also increases in other bid item quantities related to sidewalks, fence relocations, drainage structures, and curb and gutter replacements which contributed to the increase in construction cost.

The additional improvements were necessary for functionality of the driveways and new City improvements. Furthermore, the improvements have enhanced the aesthetic and appearance of the neighborhood as well as the pedestrian and vehicular safety. By utilizing in-house design to reduce design cost along with the favorable construction bid received, there is a net savings in the project's overall cost. Staff is requesting City Council approve the Change Orders to increase FS Construction's Purchase Orders to allow payment to the Contractor.

The construction of sidewalk improvements is to be completed at end of June 2010. Since the City Council will not meet on next two meetings after the July 13 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer

to accept the work as complete, authorize the recordation of the Notice of Completion at the County Recorder, and authorize the release to retention money to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ALTERNATIVES

1. Authorize Change Orders to increase the Purchase Orders with FS Construction in the total amount of \$80,000 for additional work for the Sidewalk Improvement Projects on Temco Street, Vought Street, Boeing Street and McDonnel Street (Account Nos. 283.68428, 283.68528 and 283.68728), authorize the City Manager to execute the Change Orders for FS Construction in the forms attached hereto, authorize the Public Works Director/City Engineer to accept the work as complete for sidewalk improvements, 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, and authorize the Finance & Administrative Services Director to release the retention to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the projects. *This alternative will allow payment to the Contractor and completion of the improvements.*

2. Do not authorize Change Orders to increase the Purchase Orders with FS Construction in the total amount of \$80,000 for additional work for the Sidewalk Improvement Projects on Temco Street, Vought Street, Boeing Street and McDonnel Street (Account Nos. 283.68428, 283.68528 and 283.68728), do not authorize the City Manager to execute the Change Orders for FS Construction in the forms attached hereto, do not authorize the Public Works Director/City Engineer to accept the work as complete for sidewalk improvements, 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, and do not authorize the Finance & Administrative Services Director to release the retention to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the projects. *This alternative will delay payment to the Contractor, delay completion of the improvements, and incur extra cost to the City.*

FISCAL IMPACT

The construction phase of this project is included on Fiscal Year 2009/2010 Capital Improvements Project Budget and is financed by Community Development Block Grant (CDBG) funds (Fund 283). There is no impact to the General Fund.

Staff anticipates that by the time all work is completed by FS Construction, the final contract cost will exceed the Purchase Order total amount issued by approximately \$80,000. An increase of \$21,000 is requested to increase Purchase Order No. 38859

(Account No. 283.68428). An increase of \$30,000 is requested to increase Purchase Order No. 38860 (Account No. 283.68528). And an increase of \$29,000 is requested to increase Purchase Order No. 38861 (Account No. 283.68728). The new total amount for three (3) Purchase Orders for FS Construction is \$583,600.

AVAILABLE FISCAL YEAR 2009/2010 CONSTRUCTION FUNDS:

Temco Street (Account No. 283.68428).....	\$259,831
Vought and Boeing Street (Account No. 283.68528)	\$355,461
Boeing and McDonnel Street (Account No. 283.68728).....	<u>\$544,360</u>
Total Available Funds	\$1,159,652

Breakdown of Construction Related Costs

Construction Contractor (FS Construction) PO's.....	\$503,600
Requested increase in 3 PO's for FS Construction	\$80,000
Geotechnical Services.....	\$15,800
Survey Services	\$47,700
Project Administration*	<u>\$120,000</u>
Total Construction Cost.....	\$767,100

Remaining Project Balance in Fund 283 \$392,552

* Public Works staff will provide Project Administration and Inspection.

ANTICIPATED PROJECT SCHEDULE:

Construction Started.....	March 2010
Completion of Construction	June 2010

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

SUMMARY

FS Construction has been constructing the sidewalk improvements on Temco Street, Vought Street, Boeing Street, and McDonnel Street and anticipates completing the projects by end of June 2010. The improvements enhance the aesthetic/appearance and pedestrian and vehicular safety for the neighborhood by providing sidewalks, new driveways, new mailboxes and landscape restoration. Due to the increases in bid quantities, staff is requesting City Council approve the Change Order to increase FS Construction's Purchase Orders by a total amount of \$80,000 from the available project budget to allow payment to the Contractor. Staff is also requesting the City Council to

authorize the Public Works Director/City Engineer to accept the work as complete, authorize the recordation of the Notice of Completion at the County Recorder, and authorize the release to retention money to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENT

Attachment "A" – Location Map

Attachment "B" – Change Order Forms

Prepared By:
 Quang Nguyen
 Senior Engineer, P.E.

Concurred By:
 Michelle Patterson
 Redevelopment and Neighborhood
 Programs Administrator

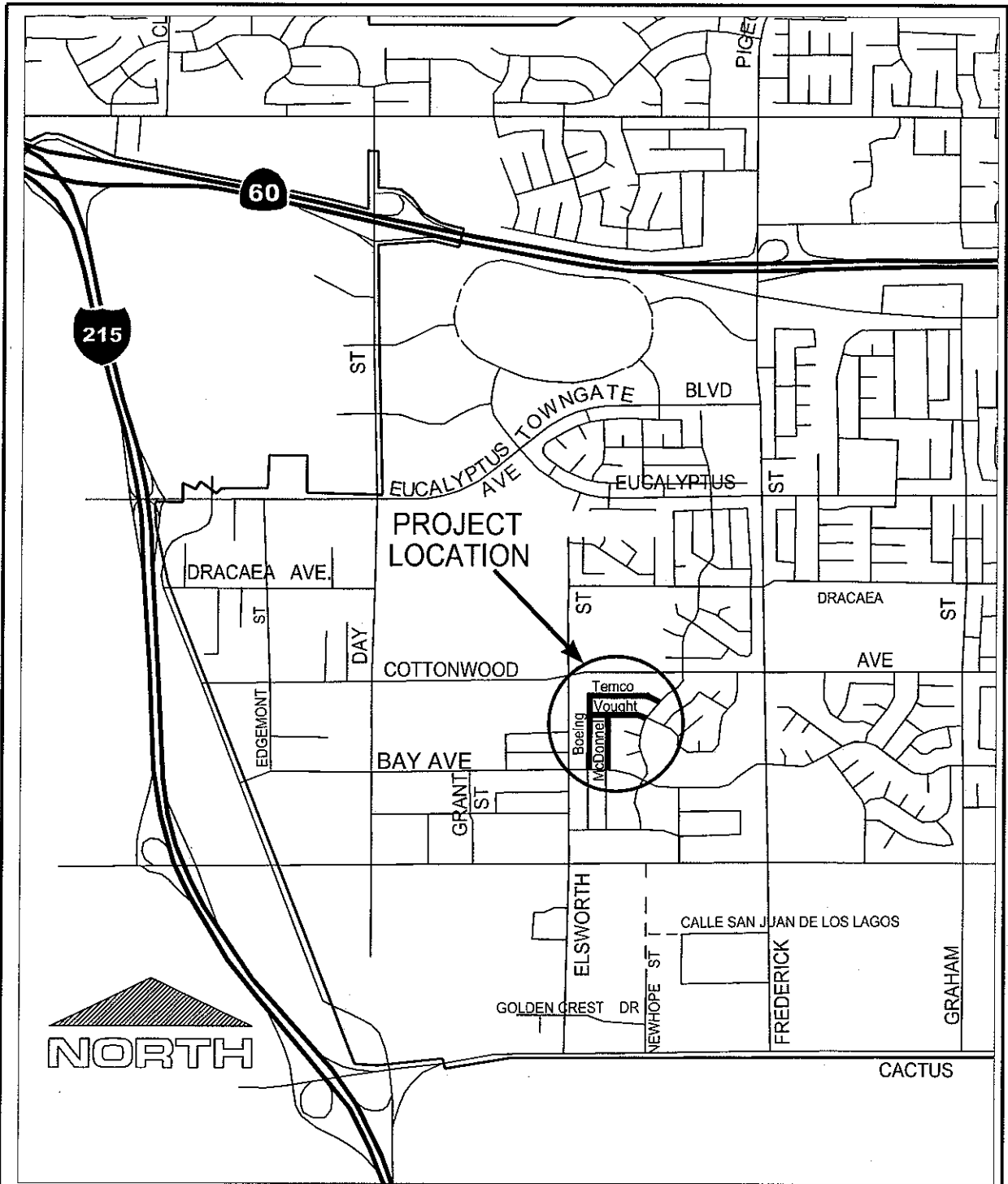
Concurred By:
 Prem Kumar, P.E.
 Deputy Public Works Director/
 Assistant City Engineer


Department Head Approval:
 Barry Foster.
 Economic Development Director Programs

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

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

W:\CapProj\CapProj\PROJECTS\Quang - 08-28368428 - Temco_Vought_Boeing_McDonnell Sidewalks\CC Reports\Increase PO's\07-13-10 Increase POs for FS Construction.doc



	SIDEWALK IMPROVEMENTS PROJECT	
	Public Works Department Capital Projects Division	TEMCO ST., VOUGHT ST. BOEING ST. AND MCDONNELL ST.
	ATTACHMENT A	LOCATION MAP

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CHANGE ORDER FORM

CITY OF MORENO VALLEY, CA

TODAY'S DATE: **6/9/10**

VENDOR NAME:

VENDOR NO.#
2413061

ORIGINAL PO NUMBER
38859

Project Number:

08-28368428

DESCRIPTION OF NEEDED CHANGE

Note: If text does not fill across the row shorten the text (under 260 characters) and use two or more rows

Change Order to increase PO # 38859 by \$19,000.00 for additional work for the Sidewalk Improvements on Temco Street from Boeing Street to Pan Am Boulevard
Project No. 08-28368428

COST
(use negative sign to reduce amount)

\$19,000.00

Notes:
Original Agreement approved by City Council on December 8, 2009.

Change Order Sub Total from Above: \$19,000.00

Original P.O. and Prior Change Order Amount: \$128,569.00

Revised Total Spend: \$147,569.00

Signatures below are based on the total accumulated expenditure amount of original PO and all subsequent change orders (Revised Total Spend).

Business Unit and Expenditure Code
(e.g. 31510.6221.225)
Cannot split between fund numbers

Percentage Split
(to split, fill in % amounts below to equal 100%)

Requested by: Sharon Duensing/Quang Nguyen Date:

Divison Manager (\$15k) Date:

Department Head (\$30K) Date:

Financial & Admin. Svcs. Director (\$50K) Date:

City Manager (\$100K) Date:

Purchasing Manager's Signature:

283.68428.7200

\$147,569.00

Split Allocated Total Spend: \$147,569.00

CHANGE ORDER FORM

CITY OF MORENO VALLEY, CA

TODAY'S DATE: **6/9/10**

VENDOR NAME:

VENDOR NO.#
2413061

ORIGINAL PO NUMBER
38860

Project Number:

08-28368528

DESCRIPTION OF NEEDED CHANGE

Note: If text does not fill across the row shorten the text (under 260 characters) and use two or more rows

Change Order to increase PO #38860 by \$29,800.00 for additional work for the Sidewalk Improvements on Vought Street from Boeing Street to Pan Am Boulevard and Boeing Street from Vought Street to Temco Street
Project No. 08-28368528

COST
(use negative sign to reduce amount)

\$29,800.00

Change Order Sub Total from Above: \$29,800.00
Original P.O. and Prior Change Order Amount: \$179,269.00

Revised Total Spend: \$209,069.00

Original Agreement approved by City Council on December 8, 2009.

Business Unit and Expenditure Code
(e.g. 31510.6221.225)

Cannot split between fund numbers

Split Amounts
\$209,069.00

Percentage Split
(to split, fill in % amounts below to equal 100%)

283.68528.7200

100.0%

Requested by: Sharon Duensing/Quang Nguyen Date: _____
Division Manager (\$15k) Date: _____
Department Head (\$30K) Date: _____
Financial & Admin. Svcs. Director (\$50K) Date: _____
City Manager (\$100K) Date: _____

Purchasing Manager's Signature:

Split Allocated Total Spend: \$209,069.00

CHANGE ORDER FORM

CITY OF MORENO VALLEY, CA
 TODAY'S DATE: 6/9/10

VENDOR NAME:

VENDOR NO.# 2413061
 ORIGINAL PO NUMBER 38861

Project Number: 08-28368728

DESCRIPTION OF NEEDED CHANGE

Note: If text does not fill across the row shorten the text (under 260 characters) and use two or more rows

Change Order to increase PO #38861 by \$26,200.00 for additional work for the Sidewalk Improvements on Boeing Street from Vought Street to Bay Avenue and McDonnell Street from Vought Street to Bay Avenue
 Project No. 08-28368728

COST
 (use negative sign to reduce amount)
 \$26,200.00

Notes:	Original Agreement approved by City Council on December 8, 2009.		Change Order Sub Total from Above:	\$26,200.00
			Original P.O. and Prior Change Order Amount:	\$195,762.00
			Revised Total Spend:	\$221,962.00
Signatures below are based on the total accumulated expenditure amount of original PO and all subsequent change orders (Revised Total Spend).		Percentage Split <small>(to split, fill in % amounts below to equal 100%)</small>	Business Unit and Expenditure Code <small>(e.g. 31510.6221.225)</small>	Split Amounts
Requested by:	Sharon Duensing/Quang Nguyen	Date:	Cannot split between fund numbers	
Division Manager (\$15k)		Date:	283.68728.7200	\$221,962.00
Department Head (\$30K)		Date:		
Financial & Admin. Svcs. Director (\$50K)		Date:		
City Manager (\$100K)		Date:		
Purchasing Manager's Signature:		100.0%	Split Allocated Total Spend:	\$221,962.00

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rut</i>
CITY MANAGER	<i>WCB</i>

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

AGENDA DATE: July 13, 2010

TITLE: ADOPT RESOLUTION NO. 2010-69, APPOINTING DEPUTY CITY ATTORNEY III SUZANNE BRYANT AS THE CITY'S VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE BUSINESS MEETING – SEPTEMBER 15-17, 2010

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2010-69 appointing Deputy City Attorney III Suzanne Bryant as the City's Voting Delegate to the League of California Cities 2010 Annual Conference Business Meeting.

BACKGROUND

The League of California Cities Annual Conference is scheduled for September 15-17, 2010 in San Diego. At this meeting, the League membership will consider and take action on resolutions that establish League policy. The city must designate a voting delegate and may appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve. Designation of a voting delegate must be done by City Council action.

ALTERNATIVES

1. Staff recommends that the City Council adopt the proposed resolution appointing Deputy City Attorney III Suzanne Bryant as the City's Voting Delegate to the League of California Cities Annual Conference Business Meeting. (Recommended by staff)

2. Do not adopt the proposed resolution appointing Deputy City Attorney III Suzanne Bryant as the City's Voting Delegate to the League of California Cities Annual Conference Business Meeting. (Not recommended by staff)

FISCAL IMPACT

Funds for this conference are found in the City Attorney's Department 2010-11 Operating Budget account 010.22110.6221.

NOTIFICATION

Agenda Publication

ATTACHMENTS/EXHIBITS

Attachment A - Voting Delegate Proposed Resolution
Attachment B - Voting Delegate Form

Prepared By:
Jane Halstead, City Clerk, CMC

Department Head Approval:
Jane Halstead, City Clerk, CMC

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

RESOLUTION NO. 2010-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DESIGNATING A VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES 2010 ANNUAL CONFERENCE

WHEREAS, the City of Moreno Valley is a member city of the League of California Cities ("League"); and

WHEREAS, as a member, each city has one vote at the League's annual conference pertaining to League policy; and

WHEREAS, prior to the 2010 annual conference and by August 20, 2010, each City Council may designate a voting delegate and up to two alternates; and

WHEREAS, Deputy City Attorney III Suzanne Bryant will be attending the business meeting on Friday, September 17, 2010 at the San Diego Convention Center in San Diego.

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

That Deputy City Attorney III Suzanne Bryant is designated as the Voting Delegate for the City of Moreno Valley at the League of California Cities 2010 Annual Conference in San Diego on September 15-17, 2010.

That the City Clerk is authorized and directed to complete and attest to the Voting Delegate/Alternate Form and transmit it to the League of Cities by August 20, 2010.

APPROVED AND ADOPTED this 13th day of July, 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment A
1

Resolution No. 2010-____
Date Adopted:

RESOLUTION JURAT

[Clerk's office will prepare]

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

10 JUN 10 PM 2: 30

Council Action Advised by August 20, 2010

June 4, 2010

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 15-17 – San Diego**

The League's 2010 Annual Conference is scheduled for September 15-17 in San Diego. An important part of the Annual Conference is the Annual Business Meeting (*at the closing General Assembly*), scheduled for 3:00 p.m., Friday, September 17, at the San Diego Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity. Please take care when selecting your city's delegates, as travel and attendance could be an issue for those who observe Yom Kippur.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 20, 2010. This will allow us time to establish voting delegate/alternates' records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up

ATTACHMENT B

-more-

the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the San Jose Convention Center, will be open at the following times: Wednesday, September 15, 9:00 a.m.; Thursday, September 16, 7:30 a.m.; and September 17, 7:30 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 20th. If you have questions, please call Mary McCullough at (916) 658-8247.

Attachments:

- 2010 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



Annual Conference Voting Procedures 2010 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2010 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 20, 2010. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 20 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mccullom@cacities.org
(916) 658-8247



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rut</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: July 13, 2010

TITLE: TRACT MAP 31414 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENT AGREEMENT

SOUTHEAST CORNER OF PIGEON PASS ROAD AND SUNNYMEAD RANCH PARKWAY

DEVELOPER – ZAPER, CORP.
7119 INDIANA AVE, SUITE 300
RIVERSIDE, CA 92504

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to execute the exoneration of the original Faithful Performance and Material and Labor securities associated with the Tract Map 31414 public improvements.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On August 12, 2004, the Planning Commission of the City of Moreno Valley approved Tentative Tract Map 31414. The tentative tract map is a proposal to subdivide an approximately 9 acre parcel into 31 single family residential lots.

On October 24, 2006 the City Council for the City of Moreno Valley approved Zaper, Corp.'s agreement and bonds in the amounts of \$1,115,000 for the Faithful Performance Bond and \$557,500 for the Material and Labor Bond.

Pigeon Pass LLC has purchased Tract 31414 from Zaper Corp. and has provided substitute agreement and bonds. The substitute agreement and bonds were approved by Council on May 25, 2010.

DISCUSSION

Staff is requesting the City Engineer be authorized to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by Zaper, Corp.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to execute the exoneration of the original Faithful Performance and Material and Labor securities associated with the Tract Map 31414 public improvements.
2. Do not authorize the Public Works Director/City Engineer to execute the exoneration of the original Faithful Performance and Material and Labor securities associated with the Tract Map 31414 public improvements.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" – Vicinity Map

Prepared By
Liz Plazola
Senior Administrative Assistant

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

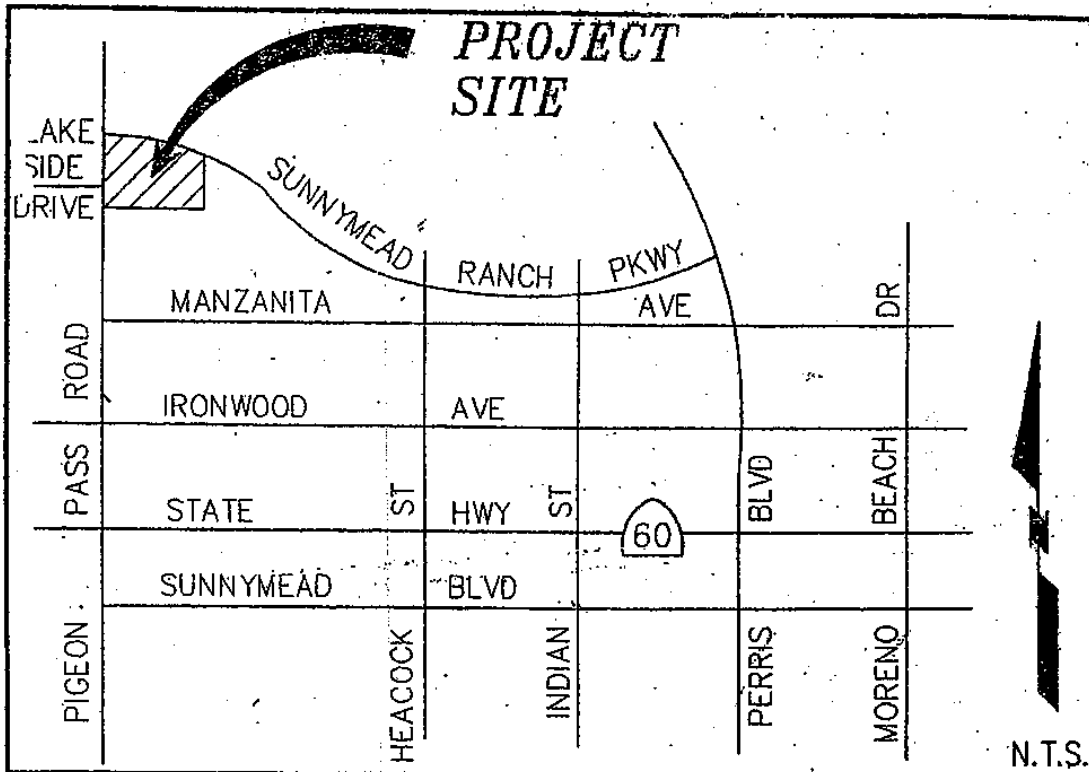
Concurred By
Clement Jimenez, P.E.
Senior Engineer

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

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

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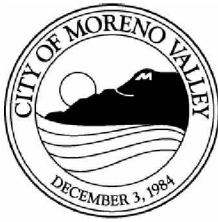
VICINITY MAP

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

**TR 31414
LOCATION MAP**

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

AGENDA DATE: July 13, 2010

TITLE: PROJECT PA04-0215 (TR 33256) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS

SOUTH OF STATE ROUTE 60 ON THE NORTH SIDE OF FIR AVENUE, BETWEEN NASON STREET AND MORRISON STREET

DEVELOPER - VALLEY OAK, LP
100 DOVE STREET, SUITE 100
NEWPORT BEACH, CA 92660

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA04-0215.
2. Authorize the Mayor to execute the agreement in the form attached hereto.
3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation.
4. Authorize the Public Works Director/City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by MVGH 2004, LLC, upon acceptance of the substitution agreement and bonds.
5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On December 22, 2005, the Planning Commission of the City of Moreno Valley approved this project. The tentative tract map is a proposal to subdivide 27.8 net acres in the R5 zone into 100 single family residential lots.

On December 12, 2006, the City Council for the City of Moreno Valley approved MVGH 2004, LLC agreement and bonds in the amounts of \$3,636,000 for the Faithful Performance Bond and \$1,818,000 for the Material and Labor Bond.

Valley Oak, LP has purchased project PA04-0125 from MVGH 2004, LLC and is providing substitute agreement and bonds.

DISCUSSION

Staff is requesting the City Engineer be authorized to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by MVGH 2004, LLC, upon acceptance of the substitution agreement and bonds.

Valley Oak, LP has submitted the substitute Agreement for Public Improvements and bonds for City Council approval. The developer has agreed to perform and complete all of the required street improvements within twenty-four (24) months of the date the agreement is executed. The City Engineer is authorized to execute any future amendments to the agreement, subject to City Attorney approval, if the required street improvements are not completed within said timeframe. The public street improvements include asphalt pavement, curb, gutter, sidewalk, driveway approaches, street lights, wheel chair ramps, electrical, water, storm drain, and sewer. Accompanying the agreement are a Faithful Performance Bond in the amount of \$3,636,000 and a Material and Labor Bond in the amount of \$1,818,000 issued by Western Insurance Company.

ALTERNATIVES

Not applicable

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" - Agreement for Public Improvements

Exhibit "C" - Faithful Performance Bond

Exhibit "D" - Material and Labor Bond

Prepared By
Liz Plazola
Sr. Administrative Assistant

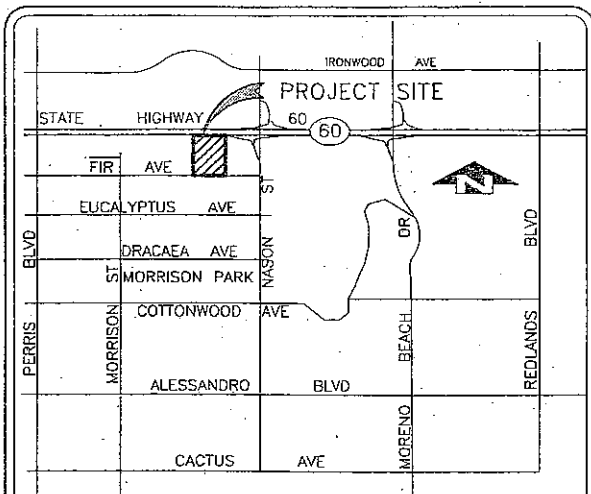
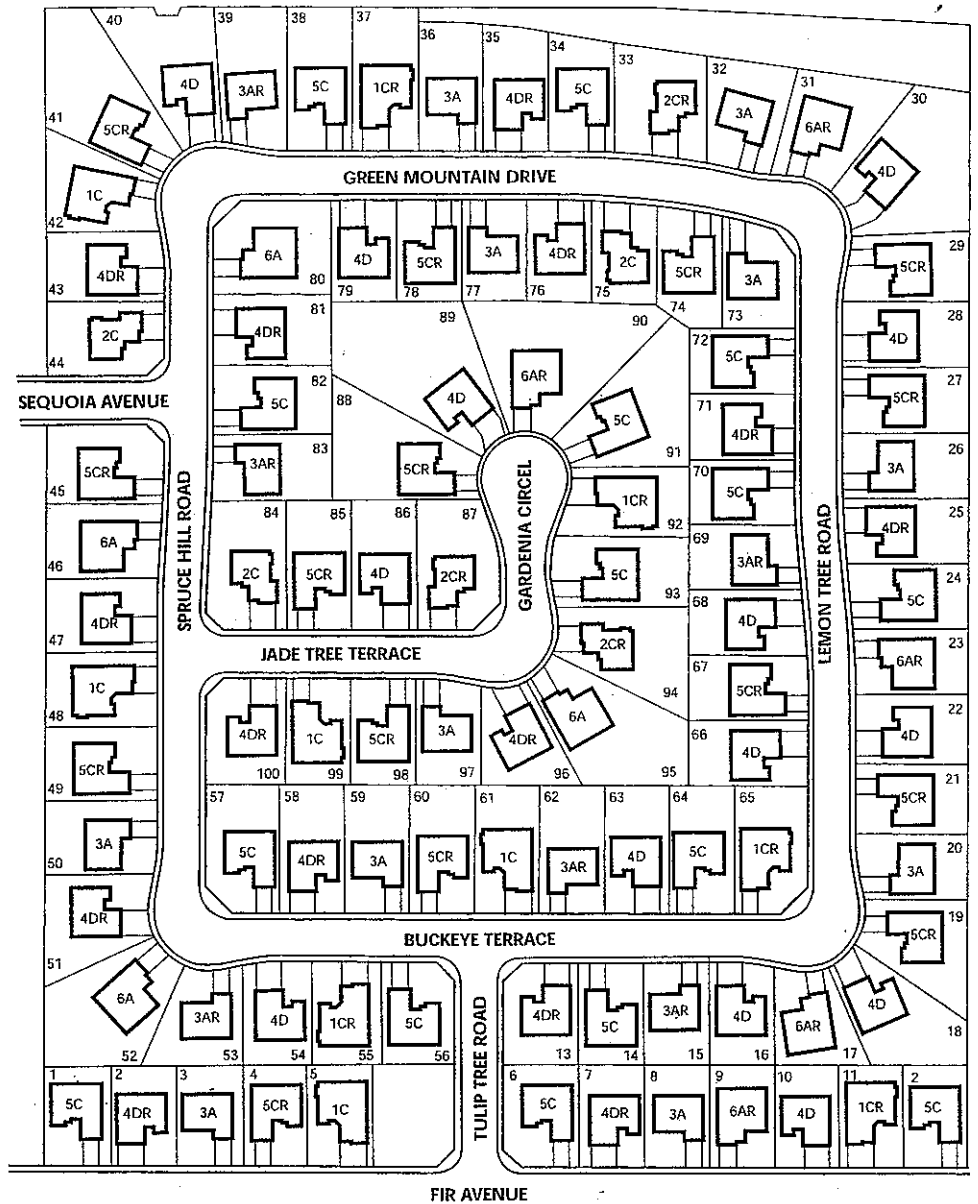
Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez, P.E.
Senior Engineer

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

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

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

**Tract 33256
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. PA04-0215 (TR. 33256)**

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and Valley Oak, LP, herein after called Contractor, on the date the City signs this agreement.

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 PA04-0215 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 THREE MILLION SIX HUNDRED THIRTY SIX THOUSAND AND NO/100 Dollars (***\$3,636,000.00***).

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:
Valley Oak, LP
1000 Dove Street, Suite 300
Newport Beach, CA 92660

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

Date approved by the City: _____

VALLEY OAK, LP:
Developer

BY: _____
Signature
NEILSON CHAVARRA
Print/Type Name
MANAGER
Title

BY: _____
Signature
CHRISTINE CHUNG
Print/Type Name
CFO
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

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 - SURETY; BLUE - PROJECT FILE

ACKNOWLEDGMENT

State of California

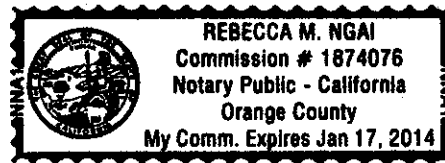
County of Orange

On April 7, 2010 before me, REBECCA M NGAI A NOTARY PUBLIC
(insert name and title of the officer)

personally appeared NELSON CHUNG AND CHRISTINE CHUNG,
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 *Ry*

(Seal)

EXHIBIT "A"
ENGINEER'S ESTIMATE

Sheet 1 of 5

PROJECT: Tract 33256

STREET WORK

DATE: 03/18/10
PREPARED BY: Liz Plazola

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Roadway Excavation	0	C.Y.	16.00	0
A.B. Class II	0.5	Thickness (ft.)		
	151515	S.F.	16.00	87,879
A.C.	0.3	Thickness (ft.)		
	151515	S.F.	43.50	143,352
A.B. Class II	0.5	Thickness (ft.)		
	5781	S.F.	16.00	3,353
A.C.	0.35	Thickness (ft.)		
	5781	S.F.	43.50	6,381
A.C. Cap	0	Ton	43.50	0
A.C. Overlay	139	Ton	43.50	6,047
Grind & Pave 0.15'	0	S.F.	2.00	0
Curb and Gutter - 6"	8528	L.F.	12.00	102,336
Curb and Gutter - 8"	0	L.F.	13.00	0
Curb Only - 6"	0	L.F.	9.00	0
Curb Only - 8"	0	L.F.	10.00	0
Cross Gutter and Spandrel	819	S.F.	11.00	9,009
Sidewalk	45100	S.F.	4.00	180,400
Driveway Approach - 6"	14000	S.F.	5.50	77,000
Driveway Approach - 8"	0	S.F.	6.50	0
Alley Approach - 8"	0	S.F.	5.00	0
P.C.C. Paving - 6"	0	S.F.	4.00	0
P.C.C. Paving - 8"	0	S.F.	4.50	0
A.C. Berm - 6"	0	L.F.	10.00	0
A.C. Berm - 8"	0	L.F.	11.00	0
Slurry Seal	642	S.Y.	1.10	706
Redwood Header	0	L.F.	4.00	0
Sawcut	995	L.F.	1.10	1,095
Trench Repaving	0	S.F.	5.00	0
Utility Trench	0	L.F.	5.00	0
Wheelchair Ramp	8	EA.	400.00	3,200
Street Name Sign	9	EA.	425.00	3,825
Stop Sign	4	EA.	200.00	800
Barricade	0	L.F.	45.00	0
Warning Markers - Type L, Type N	0	EA.	50.00	0
Signs and Posts	33	EA.	200.00	6,600
Street Sweeping Sign	0	EA.	200.00	0
Bus Bay	0	EA.	7,500.00	0
Traffic Striping/raised pavement markers	1	L.S.		4,625
Traffic Signal	0	EA.	160,000.00	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Walls - Masonry: 6' Maximum	4210	L.F.	45.00	189,450
Walls - Retaining: 6' Maximum	1814	L.F.	70.00	126,980
Landscaping	0	S.F.	5.00	0
Relocate Trees	0	EA.	2,000.00	0
1/2 Alley Apron	0	S.F.	4.50	0
Street Lights (9500 lumen)	27	EA.	3,000.00	81,000
Street Lights (22000 lumen)	0	EA.	3,500.00	0
Adjust M.H. to Grade	0	EA.	550.00	0
Adjust Water Valve to Grade	0	EA.	250.00	0
Erosion Control	28	Ac.	5,500.00	154,000
Cluster Mail Boxes	4	EA.	3,000.00	12,000
Electrical Utility Infrastructure	99	EA.	1,750.00	173,250
Electrical Utility Line Extension	1	L.F.	110.00	

SUBTOTAL: 1,373,287

Monuments: 115 X 65.00 EA. \$7,475

PROJECT: Tract 33256

DATE: 03/18/10

PREPARED BY: Liz Plazola

STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
12" Reinforced Concrete Pipe	0	L.F.	75.00	0
18" Reinforced Concrete Pipe	0	L.F.	80.00	0
24" Reinforced Concrete Pipe	67	L.F.	95.00	6,365
30" Reinforced Concrete Pipe	1036	L.F.	110.00	113,960
36" Reinforced Concrete Pipe	2244	L.F.	125.00	280,500
42" Reinforced Concrete Pipe	0	L.F.	150.00	0
48" Reinforced Concrete Pipe	0	L.F.	175.00	0
54" Reinforced Concrete Pipe	0	L.F.	225.00	0
60" Reinforced Concrete Pipe	0	L.F.	275.00	0
12" HDPE	0	L.F.	38.00	0
18" HDPE	0	L.F.	40.00	0
24" HDPE	0	L.F.	48.00	0
30" HDPE	0	L.F.	55.00	0
36" HDPE	0	L.F.	63.00	0
42" HDPE	0	L.F.	75.00	0
48" HDPE	0	L.F.	83.00	0
54" HDPE	0	L.F.	113.00	0
50" HDPE	0	L.F.	138.00	0
4" PVC SCH. 40	0	L.F.	20.00	0
4" PVC SCH. 80	0	L.F.	25.00	0
6" PVC SCH. 40	0	L.F.	25.00	0
6" PVC SCH. 80	0	L.F.	30.00	0
8" PVC SCH. 40	0	L.F.	30.00	0
8" PVC SCH. 80	0	L.F.	35.00	0
Manhole No. 1	0	EA.	4000.00	0
Manhole No. 2	8	EA.	5000.00	40,000
Manhole No. 3	0	EA.	5700.00	0
Manhole No. 4	3	EA.	6500.00	19,500
24" X 24" Grate basin	0	EA.	2000.00	0
18" X 18" Grate Basin	0	EA.	1500.00	0
6" Wide Strip Basin	0	EA.	2500.00	0
Catch Basin (3.5')	1	EA.	1600.00	1,600
Catch Basin (7')	0	EA.	3800.00	0
Catch Basin (14')	0	EA.	5000.00	0
Catch Basin (21')	0	EA.	6000.00	0
Local Depressions	0	S.F.	500.00	0
Grated Catch Basin	0	EA.	3000.00	0
Transition Structure	0	EA.	2500.00	0
Inlet Structure (drop)	4	EA.	1500.00	6,000
Type IX Inlet Structure	0	EA.	1000.00	0
Junction Structure	1	EA.	4500.00	4,500
Headwall	1	EA.	3500.00	3,500
Rip Rap	2	TON	40.00	80
Parkway Drain	0	EA.	2000.00	0
Terrace Drain	0	S.F.	5.00	0
Down Drain	0	S.F.	5.00	0
Removal/Relocation- Catch Basin	0	EA.	3000.00	0
Outlet Structure	1	EA.	5000.00	5,000
Concrete Collar (to 48")	0	EA.	1100.00	0
Concrete Pipe Slope Anchor	0	EA.	1500.00	0
Reinforced Concrete Structure	0	C.Y.	400.00	0
Under Sidewalk	0	EA.	500.00	0
Curb Outlet	0	EA.	200.00	0
"V" Gutter	0	S.F.	4.00	0
Basin Gravel Pit	1	EA.	3000.00	3,000
SUBTOTAL:				484,005

my

PROJECT: Tract 33256

DATE: 03/18/10

PREPARED BY: Liz Plazola

WATER SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
20" Water Pipe	0	L.F.	120.00	0
18" Water Pipe	1768	L.F.	90.00	159,120
16" Water Pipe	0	L.F.	60.00	0
12" Water Pipe	807	L.F.	60.00	48,420
10" Water Pipe	0	L.F.	55.00	0
8" Water Pipe	3258	L.F.	50.00	162,900
6" Water Pipe	0	L.F.	40.00	0
4" Water Pipe	0	L.F.	30.00	0
18" Gate Valve	2	EA.	3,600.00	7,200
16" Gate Valve	0	EA.	2,800.00	0
12" Gate Valve	0	EA.	2,000.00	0
10" Gate Valve	0	EA.	1,200.00	0
8" Gate Valve	6	EA.	1,000.00	6,000
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	16	EA.	2,000.00	32,000
6" Super Fire Hydrants	0	EA.	2,200.00	0
Misc. Fittings (Teas, Crosses, Etc.) L/S				
4"	0	EA.	120.00	0
6"	0	EA.	160.00	0
8"	14	EA.	200.00	2,800
10"	0	EA.	240.00	0
12"	0	EA.	750.00	0
Blow Off 6"	2	EA.	1,800.00	3,600
Blow Off 4"	0	EA.	1,600.00	0
Air Vac & Release 2"	4	EA.	2,000.00	8,000
Air Vac & Release 1"	5	EA.	1,800.00	9,000
Meter 2" W/O Service	0	EA.	350.00	0
Meter 1 1/2" W/O Service	0	EA.	270.00	0
Meter 1" W/O Service	0	EA.	150.00	0
Meter 5/8" W/O Service	0	EA.	80.00	0
Service Connections 2"	0	EA.	1,300.00	0
Service Connections 1 1/2"	0	EA.	1,100.00	0
Service Connections 1"	101	EA.	350.00	35,350
Hot Tap 8"	0	EA.	2,500.00	0
Hot Tap Water Service	0	EA.	330.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	2	EA.	650.00	1,300
			SUBTOTAL:	475,690

MLP

PROJECT: Tract 33256

DATE: 03/18/10

PREPARED BY: Liz Plazola

SEWER SYSTEM

TYPE	QUANTITY UNIT	UNIT PRICE	TOTAL
36" V.C. Pipe	0 L.F.	125.00	0
33" V.C. Pipe	0 L.F.	110.00	0
30" V.C. Pipe	0 L.F.	100.00	0
27" V.C. Pipe	0 L.F.	90.00	0
24" V.C. Pipe	0 L.F.	80.00	0
21" V.C. Pipe	0 L.F.	70.00	0
18" V.C. Pipe	0 L.F.	60.00	0
15" V.C. Pipe	0 L.F.	50.00	0
12" V.C. Pipe	0 L.F.	44.00	0
10" V.C. Pipe	0 L.F.	38.00	0
8" V.C. Pipe	4785 L.F.	32.00	153,120
6" V.C. Pipe	0 L.F.	28.00	0
4" V.C. Pipe	3130 L.F.	24.00	75,120
15" SDR - 35	0 L.F.	35.00	0
12" SDR - 35	0 L.F.	33.00	0
10" SDR - 35	0 L.F.	21.00	0
8" SDR - 35	0 L.F.	17.00	0
6" SDR - 35	0 L.F.	13.00	0
4" SDR - 35	0 L.F.	9.00	0
Standard Manhole 48"	17 EA.	2,000.00	34,000
Standard Manhole 48" Extra Depth	0 EA.	2,500.00	0
Standard Manhole 60"	0 EA.	2,800.00	0
Shallow Manhole	0 EA.	2,000.00	0
Tie Into Existing Manhole	1 EA.	1,000.00	1,000
Raise Manhole to Grade	0 EA.	225.00	0
Rechannel Existing Manhole	0 EA.	1,200.00	0
Join Existing 8" Pipe	1 EA.	400.00	400
Join Existing 12" Pipe	0 EA.	600.00	0
Clean-outs	100 EA.	600.00	60,000
Clean Out Lateral	0 EA.	90.00	0
Wyes	100 EA.	90.00	9,000
Pavement Replacement	0 S.F.	3.00	0
Concrete Encasement	0 L.F.	20.00	0
TV Sewer	3435 L.F.	0.50	1,718
Trench Paving	0 S.F.	5.00	0
Backflow Preventors	52 EA.	350.00	18,200
		SUBTOTAL:	352,558

HW
3/18/10

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

PROJECT: Tract 33256

DATE: 03/18/10
PREPARED BY: Liz Plazola**IMPROVEMENT TYPE:**

ROADWORK	:	\$1,373,287
STORM DRAIN	:	\$484,005
WATER SYSTEM	:	\$475,690
SEWER SYSTEM	:	\$352,558
SURVEY MONUMENTS	:	\$7,475

TOTAL COST OF IMPROVEMENTS:		<u>\$2,693,015</u>
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35% CONTINGENCY		\$942,555
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<u>GRAND TOTAL:</u>		<u>\$3,635,570</u>
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<u>BOND AMOUNT:</u>		<u>\$3,636,000</u>
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FAITHFUL PERFORMANCE BOND

**City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)**

Public Improvements \$ 3,636,000.00

Project No. Tract # 33256

Bond No. CWS71439

Premium \$54,540.00

Surety WESTERN INSURANCE COMPANY A-(N) CA

Principal Valley Oak, LP

Address 675 West Moana Lane

Address 1000 Dove Street, Suite 100

City/Zip Reno, NV 89509

City/Zip Newport Beach, CA 92660

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and Valley Oak, LP, a California limited partnership (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to Tract # 33256 which agreement is hereby referred to and made a part hereof; and,

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and WESTERN INSURANCE COMPANY, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of Three Million Six Hundred Thirty Six Thousand and NO/100***** Dollars (**\$3,636,000.00** lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

EXHIBIT "C"

FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. Tract # 33256

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on May 26, 2010.

Valley Oak, LP, a California limited partnership

By: PacHome, LLC

NAME OF PRINCIPAL: Its: General Partner

Company Name

AUTHORIZED SIGNATURE(S): By

Corinna Ocampo
Name Corinna Ocampo, Authorized Agent Title

Nelson Chung
Name Nelson Chung, Manager Title

Christine Chung
Name Christine Chung, Manager / CFO Title

NAME OF SURETY: WESTERN INSURANCE COMPANY

A-(N)CA

Company Name

AUTHORIZED SIGNATURE:

Caroline L. Brown

Caroline L. Brown,

ITS ATTORNEY-IN-FACT

**ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY - ATTACH POWER OF ATTORNEY**

Approved as to form:

Date: _____

RISK MANAGEMENT

City Attorney

City of Moreno Valley

U:\LAND\FORMS\BOND\FORMS-FF-PUB.DOC (12/06)

RISK MANAGEMENT
Approved

M. Albert 6/17/10
By _____ Dt _____

ACKNOWLEDGMENT

State of California
County of Orange

On May 28, 2010 before me, Rebecca M Ngai a notary public
(insert name and title of the officer)

personally appeared Corinna Ocampo Authorized agent
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 [Handwritten Signature]

(Seal)

ACKNOWLEDGMENT

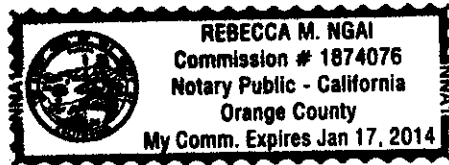
State of California
County of Orange

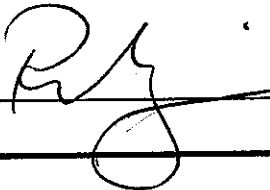
On June 3, 2010 before me, REBECCA M. NGAI A NOTARY PUBLIC
(insert name and title of the officer)

personally appeared NELSON CHUNG, MANAGER
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 

(Seal)

ACKNOWLEDGMENT

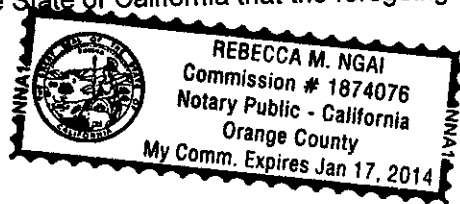
State of California
County of Orange

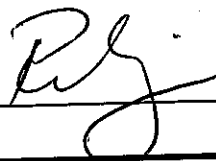
On June 2, 2010 before me, Rebecca M Ngai, a notary public
(insert name and title of the officer)

personally appeared Christine Chung, Manager
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  (Seal)

WESTERN INSURANCE COMPANY
POWER OF ATTORNEY

330919

KNOW ALL MEN BY THESE PRESENTS: That WESTERN INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Nevada and having its principal office at the City of Reno, in the State of Nevada, does hereby constitute and appoint

Caroline L. Brown

Of the STATE OF NEVADA its true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof on behalf of the Company in its business of guaranteeing the fidelity of persons; guaranteeing the performance of contracts; and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, the said WESTERN INSURANCE COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary, this 19th day of June, 2006.

WESTERN INSURANCE COMPANY



(Signed) By [Signature] President

(Signed) By [Signature] Secretary

STATE OF NEVADA)

SS:

COUNTY OF WASHOE)

On this 19th day of June, 2006, before me personally came DICK L. ROTTMAN, PRESIDENT of the WESTERN INSURANCE COMPANY and CAROL B. INGALLS, SECRETARY of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said DICK L. ROTTMAN and CAROL B. INGALLS were respectively the PRESIDENT and the SECRETARY of the said WESTERN INSURANCE COMPANY, the corporation described in which executed the foregoing Power of Attorney, that they each had the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so affixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as PRESIDENT and SECRETARY, respectively, of the Company.
My Commission expires the 31st day of March, 2010.



WARNING: THIS INSTRUMENT IS INVALID WITHOUT THE REVENUE BORDER

(Signed) [Signature] Patricia A. Letson Notary Public

This Power of Attorney is granted under and by authority of the following Resolutions adopted by the Board of Directors of the WESTERN INSURANCE COMPANY on June 19, 2006.

RESOLVED, that in connection with the fidelity and surety insurance business of the Company, all bonds, undertakings, contracts and other instruments relating to said business may be signed, executed, and acknowledged by person or entities appointed as Attorney(s)-in-Fact pursuant to a Power or Attorney issued in accordance with these resolutions. Said Power(s) of Attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman, or the President, or a Vice President, jointly with the Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the foregoing officers and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Attorney(s)-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and, unless subsequently revoked and subject to any limitations set forth therein, any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is validly attached.

RESOLVED, that Attorney(s)-in-Fact shall have the power and authority, unless subsequently revoked and, in any case, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company and to attach the seal of the Company to any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by such Attorney(s)-in-Fact shall be as binding upon the Company as if signed by an Executive Officer and sealed and attested to by the Secretary of the Company.

I, CAROL B. INGALLS, Secretary of the WESTERN INSURANCE COMPANY, do hereby certify that the foregoing is a true excerpt from the Resolution of the said Company as adopted by its Board of Directors on June 19, 2006 and that this Resolution is in full force and effect.

I, the undersigned Secretary of the WESTERN INSURANCE COMPANY do hereby certify that the foregoing Power of Attorney is in full force and effect and has not been revoked.

In Testimony Whereof, I have hereunto set my hand and the seal of the WESTERN INSURANCE COMPANY on this

26th day of May 2010

[Signature]
Secretary



ALL-PURPOSE ACKNOWLEDGEMENT

State of Nevada)

County of Clark)

On May 26, before me, Shannon Mussetter, Notary Public,

Personally appeared Caroline L. Brown as Attorney-in-Fact
Name(s) of Document Signer(s)

for WESTERN INSURANCE COMPANY A-(V)CA who proved to me on
Name of Surety

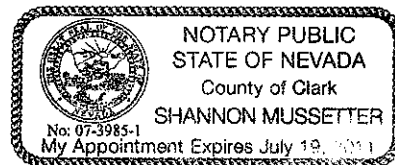
the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon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



(Affix seal in the above blank space)

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MATERIAL AND LABOR BOND

**City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)**

Public Improvements \$ 1,818,000.00

Project No. Tract # 33256

Bond No. CWS71439

Premium N/A

Surety WESTERN INSURANCE COMPANY A-(N) CA

Principal Valley Oak, LP

Address 675 West Moana Lane

Address 1000 Dove Street, Suite 100

City/Zip Reno, NV 89509

City/Zip Newport Beach, CA 92660

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and Valley Oak, LP, a California limited partnership (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to Tract # 33256, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley 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.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of One Million Eight Hundred Eighteen Thousand and NO/100*** Dollars (**\$1,818,000.00**), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.**

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

EXHIBIT "D"

MATERIAL AND LABOR BOND (Page 2 of 2)

PROJECT NO. Tract # 33256

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

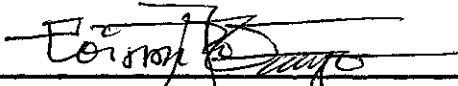
The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on May 26, 2010.

Valley Oak, LP, a California limited partnership
By: PacHome, LLC
Its: General Partner


NAME OF PRINCIPAL: _____
Company Name

AUTHORIZED SIGNATURE(S):

By: 

Name	<u>Corinna Ocampo, Authorized Agent</u>	Title
Name	<u>Nelson Chung, Manager</u>	Title
Name	<u>Christine Chung, Manager/CFO</u>	Title

NAME OF SURETY: WESTERN INSURANCE COMPANY A(L)CA
Company Name

AUTHORIZED SIGNATURE: 
Caroline L. Brown, **ITS ATTORNEY-IN-FACT**

**ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY - ATTACH POWER OF ATTORNEY**

**RISK MANAGEMENT
Approved**

Approved as to form:
Date: _____


By _____ Date 6-17-10

**City Attorney
City of Moreno Valley**

ACKNOWLEDGMENT

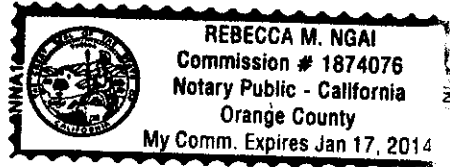
State of California
County of Orange

On June 3, 2010 before me, REBECCA M NGAI, A NOTARY PUBLIC
(insert name and title of the officer)

personally appeared NELSON CHUNG, MANAGER
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 *[Handwritten Signature]*

(Seal)



ACKNOWLEDGMENT

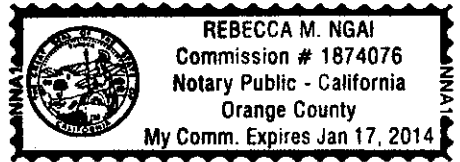
State of California
County of Orange

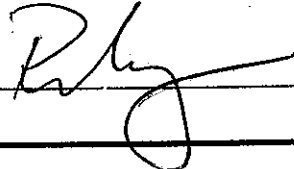
On May 28, 2010 before me, Rebecca M Ngai, a notary public
(insert name and title of the officer)

personally appeared Corinna Ocampo, Authorized agent
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  (Seal)

ACKNOWLEDGMENT

State of California
County of Orange)

On June 2, 2010 before me, Rebecca M Ngai, a notary public
(insert name and title of the officer)

personally appeared Christine Chung, Manager,
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 *[Handwritten Signature]* (Seal)

WESTERN INSURANCE COMPANY
POWER OF ATTORNEY

330920

KNOW ALL MEN BY THESE PRESENTS: That WESTERN INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Nevada and having its principal office at the City of Reno, in the State of Nevada, does hereby constitute and appoint

Caroline L. Brown

Of the STATE OF NEVADA its true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof on behalf of the Company in its business of guaranteeing the fidelity of persons; guaranteeing the performance of contracts; and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, the said WESTERN INSURANCE COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary, this 19th day of June, 2006.

WESTERN INSURANCE COMPANY



(Signed) By [Signature] President

(Signed) By [Signature] Secretary

STATE OF NEVADA)

SS:

COUNTY OF WASHOE)

On this 19th day of June, 2006, before me personally came DICK L. ROTTMAN, PRESIDENT of the WESTERN INSURANCE COMPANY and CAROL B. INGALLS, SECRETARY of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said DICK L. ROTTMAN and CAROL B. INGALLS were respectively the PRESIDENT and the SECRETARY of the said WESTERN INSURANCE COMPANY, the corporation described in which executed the foregoing Power of Attorney, that they each had the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so affixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as PRESIDENT and SECRETARY, respectively, of the Company.

My Commission expires the 31st day of March, 2010.



(Signed) [Signature]
Patricia A. Letson Notary Public

This Power of Attorney is granted under and by authority of the following Resolutions adopted by the Board of Directors of the WESTERN INSURANCE COMPANY on June 19, 2006.

RESOLVED, that in connection with the fidelity and surety insurance business of the Company, all bonds, undertakings, contracts and other instruments relating to said business may be signed, executed, and acknowledged by person or entities appointed as Attorney(s)-in-Fact pursuant to a Power or Attorney issued in accordance with these resolutions. Said Power(s) of Attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman, or the President, or a Vice President, jointly with the Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the foregoing officers and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Attorney(s)-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and, unless subsequently revoked and subject to any limitations set forth therein, any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is validly attached.

RESOLVED, that Attorney(s)-in-Fact shall have the power and authority, unless subsequently revoked and, in any case, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company and to attach the seal of the Company to any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by such Attorney(s)-in-Fact shall be as binding upon the Company as if signed by an Executive Officer and sealed and attested to by the Secretary of the Company.

I, CAROL B. INGALLS, Secretary of the WESTERN INSURANCE COMPANY, do hereby certify that the foregoing is a true excerpt from the Resolution of the said Company as adopted by its Board of Directors on June 19, 2006 and that this Resolution is in full force and effect.

I, the undersigned Secretary of the WESTERN INSURANCE COMPANY do hereby certify that the foregoing Power of Attorney is in full force and effect and has not been revoked.

In Testimony Whereof, I have hereunto set my hand and the seal of the WESTERN INSURANCE COMPANY on this

26th day of May 2010

[Signature]
Secretary



ALL-PURPOSE ACKNOWLEDGEMENT

State of Nevada)

County of Clark)

On May 26 , before me, Shannon Mussetter , Notary Public,

Personally appeared Caroline L. Brown as Attorney-in-Fact
Name(s) of Document Signer(s)

for WESTERN INSURANCE COMPANY who proved to me on
Name of Surety

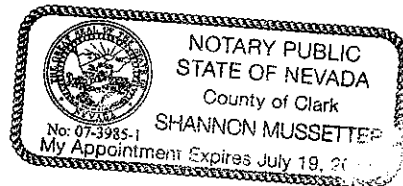
the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon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

WITNESS my hand and official seal



Signature of Notary Shannon Mussetter, Notary Public



(Affix seal in the above blank space)

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

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: July 13, 2010

TITLE: Approval of Resolution and First Amendment to the Implementation Agreement (the AB 811 Program) with Western Riverside County Council of Governments (WRCOG) to expand the program to permit funding for water conservation improvements.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Mayor to execute the First Amendment to the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to implement AB 811;
2. Adopt Resolution 2010-70 consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements, including the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program.

BACKGROUND

On December 8, 2009 the Energy Efficiency and Water Conservation Program ("AB 811 Program") and Implementation Agreement was presented to the City Council by the Public Works Department and approved.

DISCUSSION

The AB 811 Program goal is to offer low interest loans to 13,500 residential and commercial properties in Western Riverside County to install energy efficient projects, such as solar panels, heating and air conditioning systems, lighting control systems, windows, and pool equipment. These loans would be paid back through voluntary contractual annual assessments between WRCOG and property owners within a specified amount of time. Participation in the AB 811 Program is voluntary.

After the City of Moreno Valley entered into the Implementation Agreement with WRCOG, the State Legislature, intending to address chronic water needs throughout California by permitting voluntary individual efforts to improve water efficiency, enacted Assembly Bill No. 474 to amend Chapter 29 of the AB 811 Program to include the ability to finance the installation of water efficiency improvements that are permanently fixed to residential, commercial, industrial, agricultural, or other real property, including but not limited to, recycled water connections, synthetic turf, cisterns for storm water recovery, and permeable pavement.

As of July 2010, WRCOG has not received direct funding for the AB 811 Program. Funding for the program is proposed through bond sales and WRCOG expects that to occur in late fall 2010.

ALTERNATIVES

1. Authorize the Mayor to execute the First Amendment to the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley and adopt Resolution 2010-70 consenting inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements, including the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program. *This will allow the City to participate in the WRCOG administered program with minimal impact upon City operations.*
2. Do not authorize the Mayor to execute the First Amendment to the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley and do not adopt Resolution 2010-70 consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements, including the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program. *If the City does not participate in the WRCOG program, there may be additional administrative oversight required to manage a similar program.*

RECOMMENDATION

1. Authorize the Mayor to execute the First Amendment to the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to implement AB 811;
2. Adopt Resolution 2010-70 consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements, including the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program.

FISCAL IMPACT

There is no fiscal impact to the City of Moreno Valley

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:

Create a positive environment for the economic development within the community.

NOTIFICATION

Posting of Agenda

ATTACHMENTS/EXHIBITS

1. Resolution No. 2010-70
2. First Amendment to the Implementation Agreement

Prepared By:
Claudia Manrique
Associate Planner

Department Head Approval:
Kyle Kollar
Interim Community Development Director

Concurred By:
John C. Terell, AICP
Planning Official

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

RESOLUTION NO. 2010-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AN AMENDMENT MODIFYING ITS CONSENT TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S INCORPORATED AREA IN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) CONTRACTUAL ASSESSMENT PROGRAM TO CONSENT TO THE ADDITION OF WATER EFFICIENCY IMPROVEMENTS TO THE IMPROVEMENTS AUTHORIZED TO BE FINANCED THROUGH SUCH PROGRAM.

WHEREAS, this City Council of the City of Moreno Valley did, by the adoption of Resolution No. 2009-117 ("Resolution Granting Consent"), grant its consent to the inclusion of all properties in the incorporated area with the City in the Western Riverside Council of Governments ("WRCOG") contractual assessment program (the "Program") to assist property owners in financing the cost of installing distributed generation renewable energy sources or making energy efficient improvements that are permanently affixed to their properties; and

WHEREAS, WRCOG is proposing to establish and implement the Program pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (the "Act"); and

WHEREAS, subsequent to the adoption of the Resolution Granting Consent, AB 474 was enacted into law and amended the Act to add water efficiency improvements to the improvements authorized to be financed through a contractual assessment program; and

WHEREAS, WRCOG has proposed to add water efficiency improvements to the improvements authorized to be financed through the Program; and

WHEREAS, this City Council has determined that the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program would be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council hereby finds and declares that property in the City's incorporated area will be benefited by the ability to finance the installation of water efficiency improvements to their properties and, therefore, this City Council hereby consents to the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program.

ATTACHMENT 1

1

Resolution No. 2010-_____

2. Except as provided paragraph 1 above, all other provisions of the Resolution Granting Consent shall remain in full force and effect.
3. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the WRCOG Executive Committee.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2010-_____ approving First Amendment to the Implementation Agreement (the AB 811 Program) with Western Riverside County Council of Government (WRCOG) to expand the program to permit funding for water conservation improvements.

APPROVED AND ADOPTED this 13th day of July 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**FIRST AMENDMENT TO IMPLEMENTATION AGREEMENT
BETWEEN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
AND THE CITY OF MORENO VALLEY TO IMPLEMENT AB 811**

This First Amendment to Implementation Agreement (“First Amendment”) is entered into as of July 13, 2010 between the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (“WRCOG”), a joint powers authority formed under Government Code sections 6500 et seq., and City of Moreno Valley (“Member Agency”), a public agency formed under the laws of the State of California. WRCOG and the Member Agency are sometimes collectively referred to in this Agreement as the “Parties” or individually as a “Party.”

RECITALS

WHEREAS, WRCOG and Member Agency entered into that certain “Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to Implement AB 811” (the “Implementation Agreement”); and

WHEREAS, pursuant to the Implementation Agreement, the Parties agreed that WRCOG will undertake proceedings pursuant to the provisions of Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (commencing with Section 5898.12) (“Chapter 29”) to establish the Program (as defined in the Implementation Agreement) to make contractual assessment financing available to eligible property owners within the jurisdictional boundary of Member Agency to finance installation of distributed generation renewable energy sources or energy efficiency improvements; and

WHEREAS, subsequent to the Parties entering into the Implementation Agreement, the State Legislature, intending to address chronic water needs throughout California by permitting voluntary individual efforts to improve water efficiency, enacted Assembly Bill No. 474 to amend Chapter 29 to authorize Chapter 29 to be used to finance the installation of water efficiency improvements that are permanently fixed to residential, commercial, industrial, agricultural, or other real property, including but not limited to, recycled water connections, synthetic turf, cisterns for storm water recovery, and permeable pavement; and

WHEREAS, the Parties desire to amend the Implementation Agreement as permitted pursuant to Section 11.9 thereof to enable WRCOG to finance the purchase and installation of such water efficiency improvements as a part of and pursuant to the Program; and

WHEREAS, the Executive Committee has authorized Member Agency to enter into this Agreement.

NOW, THEREFORE, the Parties hereby understand and agree as follows:

AGREEMENT

Section 1: Amendment to the Implementation Agreement.

Section 2 of the Implementation Agreement is amended to read as follows:

ATTACHMENT 2

“Section 2: Establishing Eligible Improvements.”

WRCOG shall identify the kinds of public works, distributed generation renewable energy sources, or energy or water efficiency improvements that may be financed (“Eligible Improvements”) under the Program.”

Section 2: Effect of this First Amendment on the Other Terms and Provisions of the Implementation Agreement.

All terms and provisions of the Agreement shall remain in full force and legal effect except as expressly modified by the provisions of this First Amendment.

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this First Amendment to be in effect as of the date last signed below.

By: _____
Executive Committee Chair
Western Riverside Council of Governments

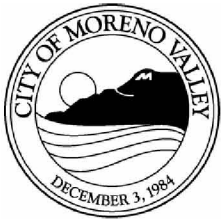
Date: _____

By: _____
Mayor
City of Moreno Valley

Date: _____

By: _____
Legal Counsel

Date: _____



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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: July 13, 2010

TITLE: PROJECT PA02-0133 (TR 31089) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS

NORTH OF IRONWOOD AVENUE BETWEEN KITCHNG STREET AND TUSCOLA STREET

DEVELOPER - BEAZER HOMES HOLDINGS CORP.
1800 IMPERIAL HWY #200
BREA, CA 92821

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA02-0133.
2. Authorize the Mayor to execute the agreement in the form attached hereto.
3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation.
4. Authorize the Public Works Director/City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by DH Moreno Valley I, LLC, upon acceptance of the substitution agreement and bonds.
5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On September 25, 2003, the Planning Commission of the City of Moreno Valley approved Tentative Tract Map 31089. The tentative tract map is a proposal to subdivide 15.994 acres into 55 single-family residences.

On April 11, 2006, the City Council for the City of Moreno Valley approved DH Moreno Valley I, LLC agreement and bonds in the amount of \$2,413,000 for the Faithful Performance Bond and \$1,206,500 for the Material and Labor Bond.

Beazer Homes Holdings Corp. has purchased project PA02-0133 from DH Moreno Valley I, LLC and is providing substitute agreement and bonds.

DISCUSSION

Staff is requesting the City Engineer be authorized to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by approved DH Moreno Valley I, LLC, upon acceptance of the substitution agreement and bonds.

Beazer Homes Holdings Corp. has submitted the substitute Agreement for Public Improvements and bonds for City Council approval. The developer has agreed to perform and complete all of the required street improvements within twenty-four (24) months of the date the agreement is executed. The City Engineer is authorized to execute any future amendments to the agreement, subject to City Attorney approval, if the required street improvements are not completed within said timeframe. The public street improvements include but are not limited to: asphalt pavement, curb, gutter, sidewalk, driveway approaches, street lights, wheel chair ramps, electrical, water, storm drain, and sewer. Accompanying the agreement are a Faithful Performance Bond in the amount of \$1,025,638 and a Material and Labor Bond in the amount of \$512,819 issued by Bond Safeguard Insurance Company.

ALTERNATIVES

Not applicable

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" - Agreement for Public Improvements

Exhibit "C" - Faithful Performance Bond

Exhibit "D" - Material and Labor Bond

Prepared By
Liz Plazola
Sr. Administrative Assistant

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

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

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

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\7-13-10 PA02-0133 (TR 31089) - Substitution Agree & Bonds.doc

VICINITY MAP (NOT TO SCALE)

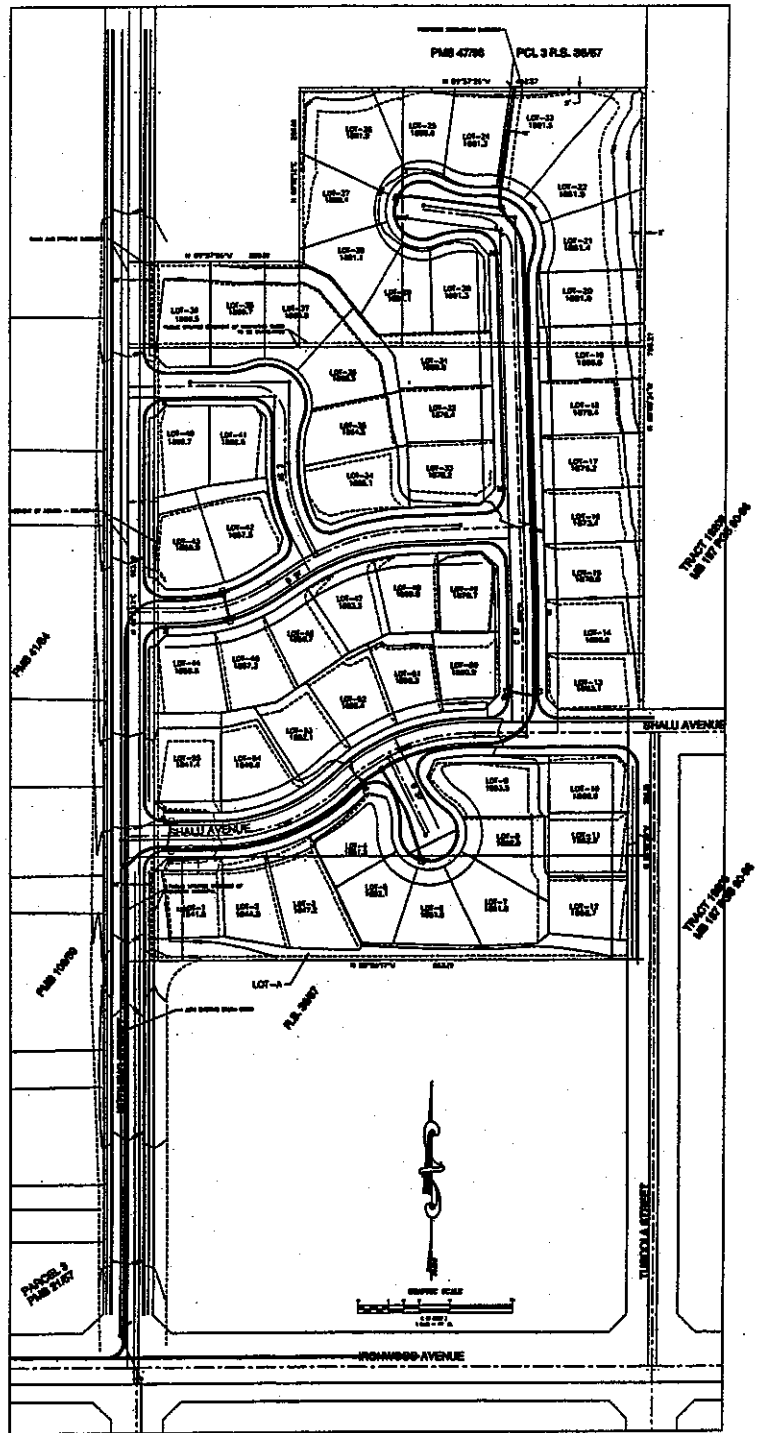
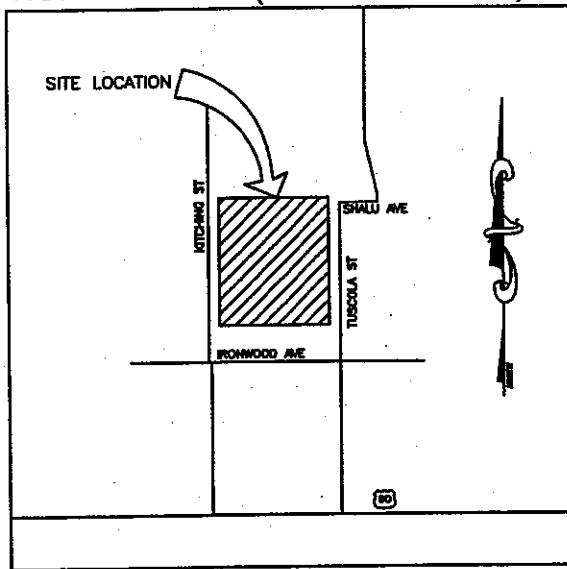


EXHIBIT "A"

CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT

TRACT 31089
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. PA02-0133 (TR 31089)**

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **BEAZER HOMES HOLDING CORP.**, herein after called Contractor, on the date the City signs this agreement.

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 **PA02-0133 (TR31089)**, 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 **ONE MILLION TWENTY FIVE THOUSAND SIX HUNDRED THIRTY EIGHT AND NO/100** Dollars (*****\$1,025,638.00*****).

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:
Beazer Homes Holding Corp.
1800 Imperial Hwy #200
Brea, CA 92821

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

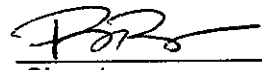
Date approved by the City: _____

BEAZERHOMES HOLDING CORP.:

Developer

BY: 
Signature
Darius Fatakia, P.E.
Vice President-Development
Print/Type Name **Orange Division**

Title

BY: 
Signature
Bryan Bergeron
Development Manager
Print/Type **Orange Division**

Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

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 - SURETY; BLUE - PROJECT FILE

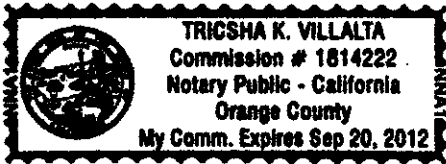
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange }

On May 6, 2010 before me, Friesha K. Villalta, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Darius Fatakia and Bryan Bergeron,
Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature Friesha K. Villalta
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

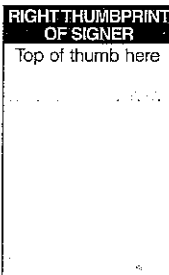
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

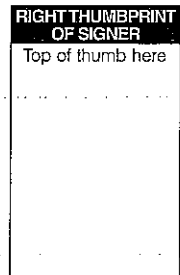
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

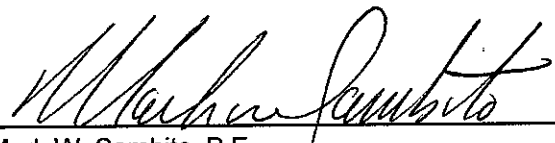
PA02-0133 (Tract 31089) Estimate of Remaining Improvements

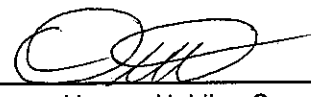
A.C.- Street 1	\$38,520
A.C.- Street 2	\$113,476
Saw cut (100 LF x 1.50 unit price)	\$150
Adjust M.H. to Grade (8 x 800 unit price)	\$6,400
Curb and Gutter - 6" (100 LF x 22 unit price)	\$2,200
Driveway Approach - 6" (3432 SF x 14.00 unit price)	\$48,048
Landscaping (7400 SF x 6 unit price)	\$44,400
Erosion Control	\$87,450
1" Service Water Connections (27 x 500 unit price)	\$13,500
Sub-total	\$354,144
Hard Cost Contingency (20%)	\$70,829
Soft Cost Contingency (45%)	\$159,365
Potential Legal Costs	\$200,000
10% Warranty (10% of total bond amount)	\$241,300
Total	\$1,025,638
Original bond amount	\$2,413,000

MSF

Note:

If you have any questions, please call Liz Plazola at 951.413.3110

 4/29/10
 Mark W. Sambito, P.E.
 Engineering Division Manager

 5/6/10
 Beazer Homes Holding Corp. Representative

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FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements \$1,025,638
Bond No. 5037572
Surety Bond Safeguard Insurance Company A(V)CA
Address 900 S. Frontage Road - Suite 250
City/Zip Woodridge, IL 60517

Project No. PA02-0133 (TR 31089)
Premium \$30,769
Principal Beazer Homes Holdings Corp.
Address 1800 Imperial Highway, Suite 200
City/Zip Brea, CA 92821

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **BEAZER HOMES HOLDINGS CORP.**, as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA02-0133 (TR 31089)**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and Bond Safeguard Insurance Company A(V)CA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of **ONE MILLION TWENTY FIVE THOUSAND SIX HUNDRED THIRTY EIGHT AND NO/100** Dollars (*****\$1,025,638.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

EXHIBIT "C"

FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA02-0133 (TR 31089)


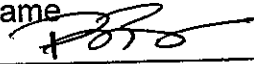
The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).


IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on June 11, 2010.

NAME OF PRINCIPAL: Beazer Homes Holdings Corp.
Company Name

AUTHORIZED SIGNATURE(S): By


	Darius Fatakia, P.E.	
Name	Vice President-Development	Title
	Orange Division	
	Bryan Bergeron	
Name	Development Manager	Title
	Orange Division	

NAME OF SURETY: Bond Safeguard Insurance Company A(XV)CA
Company Name

AUTHORIZED SIGNATURE: 
Peggy Faust ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY - ATTACH POWER OF ATTORNEY

RISK MANAGEMENT
Approved

 6-17-10
By Date

Approved as to form:

Date: _____

City Attorney
City of Moreno Valley

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange }

On June 15, 2010 before me, Trisha K. Villalta, Notary Public
Date Here Insert Name and Title of the Officer

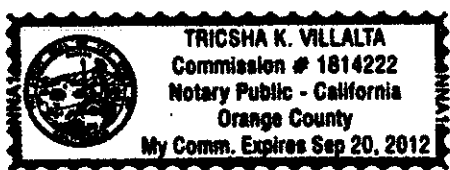
personally appeared Darios Fatakia and Bryan Bergeron
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature Trisha K. Villalta
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

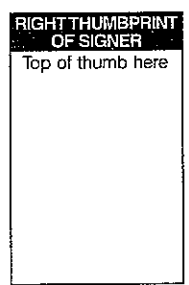
Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

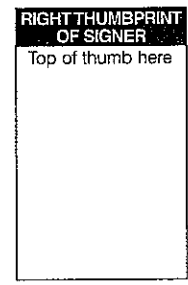
Capacity(ies) Claimed by Signer(s)

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



Signer Is Representing: _____

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



Signer Is Representing: _____

AO 30578

POWER OF ATTORNEY

Bond Safeguard INSURANCE COMPANY A-(V) CA

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Lombard, Illinois, does hereby constitute and appoint: James I. Moore, Bonnie Kruse, Stephen T. Kazmer, Dawn L. Morgan, Peggy Faust, ****
Kelly A. Gardner, Elaine Marcus, Jennifer J. McComb, Melissa Schmidt, Joel E. Speckman, Heather A. Beck, Tarise M. Pisciotto *****

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surely, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **BOND SAFEGUARD INSURANCE COMPANY** on the 7th day of November, 2001 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond, \$ 2,000,000.00 Two million dollars *****

which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **BOND SAFEGUARD INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate seal to be affixed this 7th day of November, 2001.



BOND SAFEGUARD INSURANCE COMPANY

BY *David E. Campbell*
David E. Campbell
President

ACKNOWLEDGEMENT

On this 7th day of November, 2001, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **BOND SAFEGUARD INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL"
MAUREEN K. AYE
Notary Public, State of Illinois
My Commission Expires 09/21/09

Maureen K. Aye
Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, Secretary of **BOND SAFEGUARD INSURANCE COMPANY**, An Illinois Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Lombard, Illinois this 11th Day of June, 20 10



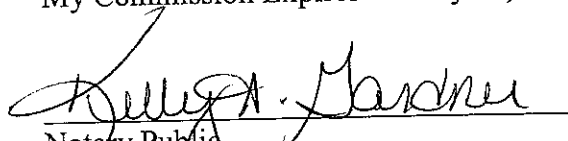
Donald D. Buchanan
Donald D. Buchanan
Secretary

STATE OF ILLINOIS }
 } S.S.
COUNTY OF DUPAGE }

On June 11, 2010, before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Peggy Faust, known to me to be Attorney-in-Fact of Bond Safeguard Insurance Company, the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument, and known to me to be the person who executed the said instrument on behalf of the said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires on May 13, 2012.



Notary Public



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MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements \$512,819.00 Project No. PA02-0133 (TR 31089)
Bond No. 5037572 Premium N/A
Surety Bond Safeguard Insurance Company A-(v)CA Principal Beazer Homes Holdings Corp.
Address 900 S. Frontage Road - Suite 250 Address 1800 Imperial Highway, Suite 200
City/Zip Woodridge, IL 60517 City/Zip Brea, CA 92821

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **BEAZER HOMES HOLDINGS CORP.**, (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA02-0133 (TR 31089)**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley 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.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of **FIVE HUNDRED TWELVE THOUSAND EIGHT HUNDRED NINETEEN AND NO/100** Dollars (*****\$512,819.00*****), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

EXHIBIT "D"


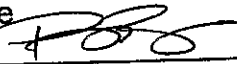
MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA02-0133 (TR 31089)

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

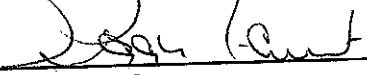
The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on
June 11, 2010.

NAME OF PRINCIPAL: Beazer Homes Holdings Corp.
Company Name

AUTHORIZED SIGNATURE(S): By:  **Darius Fatah, P.E.**
Name Title
 **Bryan Bergeron**
Name Title
Development Manager
Orange Division

NAME OF SURETY: Bond Safeguard Insurance Company A-CV)CA
Company Name

AUTHORIZED SIGNATURE: 
Peggy Faust ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY - ATTACH POWER OF ATTORNEY

RISK MANAGEMENT
Approved

Approved as to form:
Date: _____

M. Udon 6-17-10
By Date

City Attorney
City of Moreno Valley

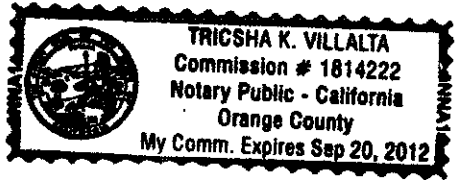
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On June 15, 2010 before me, Trisha K. Villalta, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Darius Fortakia and Bryan Bergeron
Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature Trisha K. Villalta
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

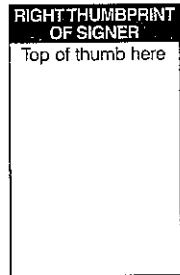
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

Bond Safeguard INSURANCE COMPANY A(V)CA

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Lombard, Illinois, does hereby constitute and appoint: James I. Moore, Bonnie Kruse, Stephen T. Kazner, Dawn L. Morgan, Peggy Faust, ****
Kelly A. Gardner, Elaine Marcus, Jennifer J. McComb, Melissa Schmidt, Joel E. Speckman, Heather A. Beck, Tariese M. Pisciotto *****

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surely, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **BOND SAFEGUARD INSURANCE COMPANY** on the 7th day of November, 2001 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond, \$ 2,000,000.00 Two million dollars *****

which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **BOND SAFEGUARD INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate seal to be affixed this 7th day of November, 2001.



BOND SAFEGUARD INSURANCE COMPANY

BY David E. Campbell
David E. Campbell
President

ACKNOWLEDGEMENT

On this 7th day of November, 2001, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **BOND SAFEGUARD INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL"
MAUREEN K. AYE
Notary Public, State of Illinois
My Commission Expires 09/21/09

Maureen K. Aye
Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, Secretary of **BOND SAFEGUARD INSURANCE COMPANY**, An Illinois Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Lombard, Illinois this 11th Day of June, 20 10



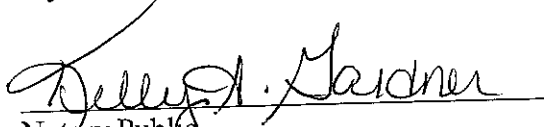
Donald D. Buchanan
Donald D. Buchanan
Secretary

STATE OF ILLINOIS }
 } S.S.
COUNTY OF DUPAGE }

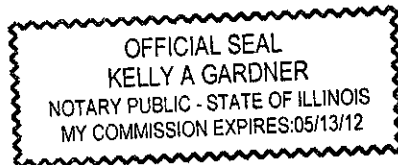
On June 11, 2010, before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Peggy Faust, known to me to be Attorney-in-Fact of Bond Safeguard Insurance Company, the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument, and known to me to be the person who executed the said instrument on behalf of the said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires on May 13, 2012.



Notary Public



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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: July 13, 2010

TITLE: RESOLUTION AUTHORIZING THE CITY OF MORENO VALLEY TO PARTICIPATE IN THE "COMMUNITY ENERGY PARTNERSHIP"

RECOMMENDED ACTION

Staff recommends that the City Council:

Adopt Resolution 2010-71 authorizing the City of Moreno Valley to continue to participate in the Community Energy Partnership, an Energy Efficiency Program among Southern California cities, with the Energy Coalition, a California non-profit corporation, Southern California Edison and Southern California Gas Company.

BACKGROUND

The Community Energy Partnership is an energy efficiency program funded by California utility ratepayers and administered by Southern California Edison and Southern California Gas Company under the auspices of the California Public Utilities Commission. The City of Moreno Valley has participated in the Partnership since 2002. During the most recent Program Cycle, from 2006-2008, the City achieved energy savings of over 710,000 kWh and over 11,000 therms. This amounts to an annual energy cost savings of \$116,000 to the Moreno Valley community. Cost effective energy efficiency is the resource of first choice for meeting California's energy needs. Energy efficiency is the least cost, most reliable, and most environmentally sensitive resource, and minimizes our contribution to climate change according to the 2005 CPUC and CEC's Energy Action Plan.

DISCUSSION

The approval of this resolution will allow the City's continued participation in the 2010-2012 Program. Three core initiatives, common to all local government partnerships with SCE and SCG, support the 2010-2012 program as follows:

- Implementation of energy efficiency projects within municipal facilities
- Support activities and policies in alignment with long-term energy efficiency goals of California
- Utility program marketing, education and outreach to the community

The mission of the Program is to deliver effective energy efficiency programs that forge positive relationships, motivate communities to reduce environmental impacts and promote sustainable cities; and

For the past 18 years, The Energy Coalition has been building a model now known as the Community Energy Partnership. The project initially began in 1992 with one city. Later, the Coalition managed an extensive process of community organizing and has evolved into the Community Energy Partnership which consists of seven Southern California cities, the Cities of Corona, Irvine, Santa Monica, Moreno Valley, San Bernardino, Brea, and Santa Clarita.

The City's commitment to this project will be to provide minimal "in-kind" services, i.e., a staff liaison working with The Energy Coalition and facilitating introductions and meetings with key institutions such as community groups.

Staff continues to maintain a strong relationship with The Energy Coalition to identify potential projects where energy-efficiency programs and energy-efficient products are needed and where there are specific opportunities in the City.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the City of Moreno Valley to continue to participate in the Community Energy Partnership, an Energy Efficiency Program among Southern California cities, with the Energy Coalition, a California non-profit corporation, Southern California Edison and Southern California Gas Company. *The approval of the resolution will benefit the City in consumer dollars, support the local economy and provide utility system benefits in the form of reasonably priced, clean and reliable power.*

2. Do not adopt the proposed Resolution authorizing the City of Moreno Valley to continue to participate in the Community Energy Partnership, an Energy Efficiency Program among Southern California cities, with the Energy Coalition, a California non-profit corporation, Southern California Edison and Southern California Gas Company. *The City would not benefit the City in consumer dollars, support the local economy and provide utility system benefits in the form of reasonably priced, clean and reliable power.*

FISCAL IMPACT

There is no direct fiscal impact. No membership fee or annual dues are required to enter into the Community Energy Partnership, and there are no required fees or dues associated with the Energy Coalition. The Community Energy Partnership's effort is funded through Public Goods Charges collected from customers of both the Southern California Edison Company and the Southern California Gas Company. The California Public Utilities Commission manages the collection of Public Goods Funds and awards the funding to organizations such as the Energy Coalition.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:

Create a positive environment for the economic development within the community.

NOTIFICATION

Posting of Agenda

ATTACHMENTS

Attachment: Proposed Resolution

Prepared By:

Department Head Approval:

Michelle Pierce
Electric Utility Project Coordinator

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

Concurred By:
George Hanson
Electric Utility Manager

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

RESOLUTION NO. 2010-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE CITY TO PARTICIPATE IN THE "COMMUNITY ENERGY PARTNERSHIP", AN ENERGY EFFICIENCY PROGRAM AMONG SOUTHERN CALIFORNIA CITIES, WITH THE ENERGY COALITION, A CALIFORNIA NON-PROFIT CORPORATION, SOUTHERN CALIFORNIA EDISON AND SOUTHERN CALIFORNIA GAS COMPANY.

WHEREAS, The Community Energy Partnership is an energy efficiency program funded by California utility ratepayers and administered by Southern California Edison ("SCE") and Southern California Gas Company ("SCG") under the auspices of the California Public Utilities Commission (the "CPUC"); and

WHEREAS, on October 1, 2009, the CPUC in D.09-09-047 authorized certain energy efficiency programs and budgets which include SCE programs and SCG programs to be delivered to California utility customers for the years 2010 through 2012; including the 2010-2012 Community Energy Partnership Program (the "Program"); and

WHEREAS, the City of Moreno Valley (the "City") had previously participated in the 2006-08 Community Energy Partnership Program; and

WHEREAS, the City has entered into the Program, with The Energy Coalition and its implementing partners – SCE and SCG, and the Partner Cities of Brea, Corona, Irvine, Moreno Valley, San Bernardino, Santa Clarita and Santa Monica - having been nominated by the implementing partners to continue its participation in the Program; and

WHEREAS, the mission of the Program is to deliver effective energy efficiency programs that forge positive relationships, motivate communities to reduce environmental impacts and promote sustainable cities; and

WHEREAS, The Energy Coalition, SCE and SCG have demonstrated their ability to work with Southern California municipalities, and with the City since 2002, to successfully implement energy efficiency programs and achieve energy savings for the participating cities and their communities; and

WHEREAS, The Energy Coalition, as facilitating partner in the Community Energy Partnership, bears primary responsibility for project management, performance tracking and implementation of energy efficiency programs and services to populations of the City; and

Attachment 1

Resolution No. 2010 - xxx
Date Adopted: July 13, 2010

WHEREAS, All projects in the City will be coordinated through an appointed City staff liaison to ensure that proposed projects meet the City's intended energy efficiency goals and target City residents, schools and businesses; and

WHEREAS, the City enters into this Resolution with the sole obligations listed therein.

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

The City will participate in the Program with The Energy Coalition, SCE and SCG to implement the Program in the City for the 2010-12 program cycle.

APPROVED AND ADOPTED this 13th day of July 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment 1

Resolution No. 2010 - xxx
Date Adopted: July 13, 2010

RESOLUTION JURAT

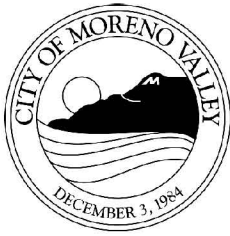
[Clerk's office will prepare]

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

Attachment 1

Resolution No. 2010 - xxx
Date Adopted: July 13, 2010

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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: July 13, 2010

TITLE: NOTICE OF COMPLETION AND ACCEPTANCE FOR LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD IMPROVEMENTS
PROJECT NO. 06-50182725

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the work as complete for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements, constructed by Wheeler Paving, Inc. (Wheeler Paving), 8432 63rd Avenue, Riverside, CA 92509.
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 Wheeler Paving, 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 road system.

BACKGROUND

On February 24, 2009, the City Council awarded a construction contract in the amount of \$2,909,811.50 to Wheeler Paving, for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements. Two (2) Purchase Orders for a combined amount of \$3,491,773.80, inclusive of a 20% contingency, were issued to the Contractor.

DISCUSSION

The Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard improved one-mile long roadway segment to its General Plan width of four (4) travel lanes and turning lanes at key intersections. The work included roadway and rock excavation, curb and gutter and AC pavement for the widened easterly half of the street and construction of a storm drain along Lasselle Street between Cactus Avenue and Alessandro Boulevard. Three traffic signals were upgraded at the John F. Kennedy Drive, Cactus Avenue and Alessandro Boulevard intersections with Lasselle Street, complete with signal interconnect system.

There were two (2) Contract Change Orders for this project. Contract Change Order No. 1 increased the contract total by \$214,822.90. Contract Change Order 2 (FINAL) increased the contract total by \$10,815.77. The final contract total cost was \$3,135,450.26, which did not exceed the \$3,491,773.80 approved purchase order amount.

ALTERNATIVES

1. Accept the work as complete for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements, constructed by Wheeler Paving, Inc. (Wheeler Paving), 8432 63rd Avenue, Riverside, CA 92509, 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 Wheeler Paving, 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 road system. *This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained road system.*
2. Do not accept the work as complete for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements, constructed by Wheeler Paving, Inc. (Wheeler Paving), 8432 63rd Avenue, Riverside, CA 92509, 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 Wheeler Paving, 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 road system. *This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

The project is included in Fiscal Year 2009/2010 Capital Improvement Project Budget. The project construction is funded by \$1,058,143 of 2005 Lease Revenue Bonds (Fund 501) and \$2,757,886 of Transportation Uniform Mitigation Fee Program (Fund 415). The funding for this project is restricted for transportation projects and cannot be utilized for other activities. There is no impact to the General Fund.

AVAILABLE BUDGET:

Fiscal Year 2009/2010 Budget (Account No. 501.82725)	\$1,058,143
Fiscal Year 2009/2010 Budget (Account No. 415.72927)	<u>\$2,757,886</u>
Total Fiscal Year 2009/2010 Budget.....	\$3,816,029

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Cost.....	\$3,136,000
Consultant Construction Design Support Services.....	\$60,000
Consultant Construction Geo-technical Services	\$105,000
Consultant Construction Survey Services	\$80,000
City Inspection, Project Management and Misc. Administration Costs.....	<u>\$266,000</u>
Total Final Construction Related Costs	\$3,647,000

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

Wheeler Paving has completed the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements project. The City Council is requested to accept the work as complete, direct the City Clerk to record the Notice of Completion, authorize the release of retention to Wheeler Paving, and accept the improvements into the City’s maintained road system.

ATTACHMENTS

Attachment “A” – Location Map

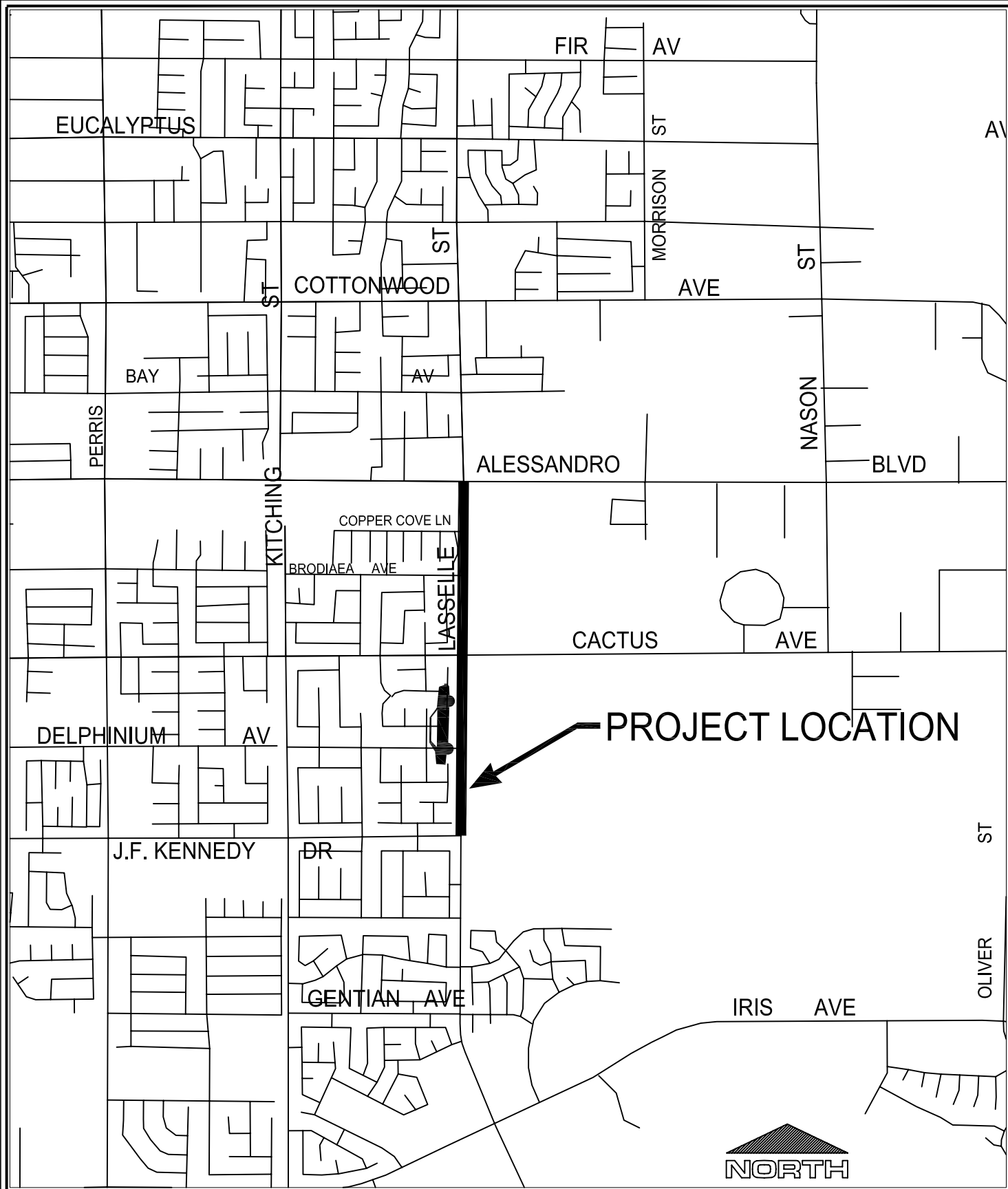
Prepared By:
Viren Shah, P.E.
Consultant Project Manager

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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LOCATION MAP



Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

LASSELLE STREET WIDENING
FROM JFK DRIVE TO ALESSANDRO BOULEVARD

PROJECT NUMBER 06-50182725 Item No. A.21

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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 and Redevelopment Agency Chairperson and Board of Directors

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

AGENDA DATE: July 13, 2010

TITLE: AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE
PROJECT NO. 09-89791726

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder.
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc. in the form attached hereto, on behalf of the City and the Community Redevelopment Agency.
3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of \$4,124,375.14 (\$3,749,431.95 plus 10% contingency) when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of \$374,943.19, subject to the approval of the City Attorney.

5. Re-appropriate \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin).
6. Re-appropriate \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

BACKGROUND

In November 2007 the Community Redevelopment Agency issued a Series A tax allocation bond issuance in the amount of \$41.7 million to finance a variety of capital projects. One of the projects authorized by the City Council is the Indian Detention Basin Storm Drain Improvement and Street Improvement Project. The Indian Detention Basin is situated on City owned land bounded by Ironwood Avenue, Davis Street and the Festival Shopping Center (see Attachment "A" – Location Map). The goal of the project is to provide the necessary infrastructure improvements to the Indian Detention Basin and installation of inlet and outlet storm drain facilities and street improvements along the south side of Ironwood Avenue between Heacock Street and Nita Drive to protect the surrounding area and neighborhoods that are currently within a Federal Emergency Management Agency (FEMA) mapped flood plain area.

On July 8, 2008, the City Council approved an Agreement for Professional Consultant Services for the Indian Detention Basin, Drainage Improvements, and Ironwood Avenue Street Improvements, with Lim And Nascimento Engineering Corporation (LAN), to provide planning and engineering services. On July 8, 2008, City Council also approved a separate Agreement for Professional Consultant Services for the Ironwood Avenue Improvements from Heacock Street to Perris Boulevard for street improvements on Ironwood Avenue easterly of the area covered by the Indian Basin project. The respective scopes of work included storm drain alignment alternatives analysis for Lines H, H-1A, and H-5 consistent with the Sunnymead Area Drainage Plan (ADP).

On March 24, 2009, the City Council adopted a Mitigated Negative Declaration for both projects, including the preferred alignment of Lines H, H-1A, and H-5 (necessary storm drain facilities along Ironwood Avenue).

On September 8, 2009, the City Council approved the Fourth Amendment to Agreement for additional design, right-of-way, and environmental services with LAN. The additional services included adjustment of storm drain and lateral alignments to avoid utility conflicts as requested by utility companies, and evaluating the proposed improvements using additive alternate scenarios in order to maximize available funding and minimize potential traffic disruption during construction.

On January 12, 2010, the City Council approved the Property Conveyance Agreement with Moreno Valley Festival, Ltd. to convey a 15-foot wide portion of property along the south side of Ironwood Avenue (APN 481-020-024) needed for the construction of Line H and the widening of Ironwood Avenue, thereby securing all the right-of-way needed for the project.

On May 12, 2010, the project was advertised for construction bids.

On June 8, 2010, the City Council authorized the execution of the Agreement Regarding Proposed Stream or Lake Alteration and the issuance of a Purchase Order for the Santa Ana Watershed Association (SAWA) for \$163,350 (\$148,500 plus 10% contingency of \$14,850) for environmental mitigation.

On July 13, 2010, the City Council is requested to approve the Reimbursement Agreement for the Eastern Municipal Water District improvements. The proposed storm drains conflict with EMWD's facilities at four separate locations along Ironwood Avenue and Davis Street. The "Reimbursement Agreement" identifies the financial responsibilities and contractual relationship between the City and EMWD for relocation of two 8-inch water lines, one 12-inch water line, and one 16-inch water line. The City Council is also requested to appropriate sufficient monies into Fund 414 to set-aside EMWD revenue for the relocations.

DISCUSSION

The Indian Basin, Appurtenant Storm Drain and Miscellaneous Street Improvements Project will construct Storm Drain Line H along Ironwood Avenue from the Ironwood Avenue/Heacock Street intersection to the Davis Street/Ironwood Avenue intersection, then southerly in Davis Street to the Indian Detention Basin. The project will also construct, at a minimum, street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive, Storm Drain Line H-1A from the Davis Street/Ironwood Avenue intersection to the Indian Detention Basin, and minor clearing for SCE poles at selected locations on the north side of Ironwood Avenue between Heacock Street and Perris Boulevard.

To maximize available funding, four Base Bid schedules, and eleven Additive Bid Alternate schedules were included in the bid documents. The Base Bid schedules consisted of: Storm Drain Line H, Ironwood Avenue widening, Storm Drain Line H-1A Station 10+00 to 15+31, and pole clearing. The Additive Bid Alternate schedules consist of: Storm Drain Line H-1A Station 15+31 to 18+37 (Additive Bid Alternate "1"), street lights (Additive Bid Alternate "2"), Ironwood Avenue sidewalk from bus bay to Davis Street (Additive Bid Alternate "3"), Ironwood Avenue sidewalk from Davis Street to Station 19+70 (Additive Bid Alternate "4"), Storm Drain Line H-1A Station 27+53 to 32+00 (Additive Bid Alternate "5"), Storm Drain Line H-1A Station 32+00 to 37+00 (Additive Bid Alternate "6"), Storm Drain Line H-1A Station 37+00 to 41+63 (Additive Bid Alternate "7"), 8-inch PVC water line east of Heacock Street (Additive Bid Alternate "8"), 16-inch PVC water line (Additive Bid Alternate "9"), 12-inch PVC water line (Additive Bid Alternate "10"), and 8-inch PVC water line at Hubbard Street (Additive Bid Alternate "11").

In accordance with the EMWD Reimbursement Agreement, during the bidding process, EMWD has the option to choose its own contractor to perform the water line work

(additive bid alternates 8-11), in order to maximize available EMWD funds. Whether the City's or EMWD's contractor performs the water line work, the respective bid documents include a provision for cooperation between the two contractors, and the work will be done at the same time. Both the City and EMWD will benefit by the relocation of the water lines concurrently with the storm drain work, because the majority of work lies within the traveled way of Ironwood Avenue, and work at a specific location within the street would be done at one time instead of two separate times.

Formal bidding procedures have been followed in conformance with the Public Contract Code (PCC) and the City Clerk opened bids at 1:30 p.m. on June 15, 2010, for the subject project. *Five (5)* bids were received as follows:

1. Riverside Construction Company, Riverside	\$3,834,353.20
2. H & H General Contractors, Inc., Highland.....	\$4,137,032.00
3. Norstar Plumbing and Engineering, Inc., Alta Loma.....	\$4,496,817.00
4. Erreca's Inc., Lakeside.....	\$4,713,070.60
5. KEC Engineering, Corona.....	non-responsive
Engineer's Estimate	\$4,125,000.00

Staff has reviewed the lowest bid received by Riverside Construction Company, Inc. and finds it to be the lowest responsible bidder. Riverside Construction Company, Inc. possesses a valid California License in good standing and has provided a bid bond as its required bid security. No outstanding problems were identified through a review of the references submitted by Riverside Construction Company, Inc.

The lowest responsible bidder was determined by comparing the cumulative total for all Base Bid items and Additive Bid Alternate items, as stipulated in the bid documents.

Based on available budget, City staff is recommending contract award of all Base Bid items and Additive Bid Alternate Nos. 1, and 5-11. The identified base and additive items will complete Storm Drain Line H, Ironwood Avenue widening, Storm Drain Line H-1A Station 10+00 to 15+31, and pole clearing, as well as Storm Drain Line H-1A Station 15+31 to 18+37, Storm Drain Line H-1A Station 27+53 to 32+00, Storm Drain Line H-1A Station 32+00 to 37+00, Storm Drain Line H-1A Station 37+00 to 41+63, and all water line relocations. This will complete all storm drain work in Ironwood Avenue from Heacock Street to Hubbard Street, as well as the widening of Ironwood Avenue from Heacock Street to Nita Drive.

The Contractor will notify, and provide safe ingress and egress to all potentially affected property owners about the construction, as well as law enforcement, the Fire Department, Waste Management of the Inland Empire, the postal service, the school district, and other affected entities. The Contractor is required to keep one lane open in each direction on Ironwood Avenue and provide driveway access to residents at all times. The traffic control plan has been approved by the City Traffic Engineer. Due to

construction, local streets along Ironwood Avenue may be restricted temporarily to right-in/right-out traffic.

ALTERNATIVES

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder, authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc. in the form attached hereto, on behalf of the City and the Community Redevelopment Agency, authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of \$4,124,375.14 (\$3,749,431.95 plus 10% contingency) when the contract has been signed by all parties, authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of \$374,943.19, subject to the approval of the City Attorney, re-appropriate \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin), and re-appropriate \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin). *This alternative allows the City to complete the project on schedule.*
2. Do not award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder, do not authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc. in the form attached hereto, on behalf of the City and the Community Redevelopment Agency, do not authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of \$4,124,375.14 (\$3,749,431.95 plus 10% contingency) when the contract has been signed by all parties, do not authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of \$374,943.19, subject to the approval of the City Attorney, do not re-appropriate \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin), and do not re-appropriate \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin). *This alternative will result in delaying the construction of the Indian Basin and Ironwood Avenue Improvements.*

FISCAL IMPACT

The Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements are being funded with 2007 RDA Tax Allocation Bonds (Account No. 897.91726). The project is also partially funded with 2005 Lease Revenue Bonds (Account No. 501.82625) and Development Impact Fee monies (Account No. 416.78727). Staff is requesting that the City’s budget for this project be amended by re-appropriating \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin), and \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin). On July 13, 2010 the City Council is requested to appropriate a maximum of \$295,000 into Fund 414 to set-aside EMWD revenue for Additive Bid Alternate Nos. 8-11.

Sufficient funds are available to award all Base Bid Items and Additive Bid Alternate Nos. 1, and 5-11. These funds have been allocated for these projects and cannot be utilized for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2009/2010 (Account No. 897.91726).....	\$2,795,000
Fiscal Year 2009/2010 (Account No. 501.82625).....	\$1,046,000
Fiscal Year 2009/2010 (Account No. 416.78727).....	\$1,116,000
Requested Re-Appropriation from Day Street (Account No. 987.91724)	\$180,000
Requested Re-Appropriation from Nason Bridge (Account No. 897.91728)	\$585,000
EMWD Water Line Facilities Costs (Account No. 414.XXXXX).....	\$295,000
Total Available Funds	\$6,017,000

ESTIMATED COSTS:

Design Costs – Fiscal Year 2009/2010 (Account No. 897.91726)	\$370,000
Design/ROW Costs – Fiscal Year 2009/2010 (Account No. 501.82625).....	\$780,000
Design Costs – Fiscal Year 2009/2010 (Account No. 416.78727)	\$156,000
Contractor Construction Costs (includes 10% contingency).....	\$4,124,000
Construction Design Support Services.....	\$100,000
Construction Geotechnical Services.....	\$90,000
Construction Survey Services	\$55,000
Project Administration and City Inspection*	\$190,000
Mitigation Cost	\$149,000
Total Estimated Project Related Costs.....	\$6,014,000

*Public Works staff will provide Project Administration and primary inspection services. Additional consultant inspection support will be provided for supplemental inspection.

ANTICIPATED SCHEDULE:

Begin Construction.....	August 2010
Complete Construction.....	April 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

The Indian Basin, Appurtenant Storm Drain and Miscellaneous Street Improvements Project will construct Storm Drain Line H along Ironwood Avenue from the Ironwood Avenue/Heacock Street intersection to the Davis Street/Ironwood Avenue intersection, then southerly in Davis Street to the Indian Detention Basin. The project will also construct related street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive, portions of missing Storm Drain Line H-1A in Ironwood Avenue, pole clearing at selected locations on the north side of Ironwood Avenue, and water line relocations in Ironwood Avenue from Heacock Street to Hubbard Street. This will complete all storm drain work in Ironwood Avenue from Heacock Street to Hubbard Street, as well as the widening of Ironwood Avenue from Heacock Street to Nita Drive. The City Council and the Community Redevelopment Agency are requested to approve the award of the construction contract to Riverside Construction Company, Inc. and the re-appropriation of \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin), and \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

ATTACHMENTS

Attachment "A" – Location Map

Attachment "B" – Agreement with Riverside Construction Company, Inc.

Prepared By:
 Margery A. Lazarus
 Senior Engineer, P.E.

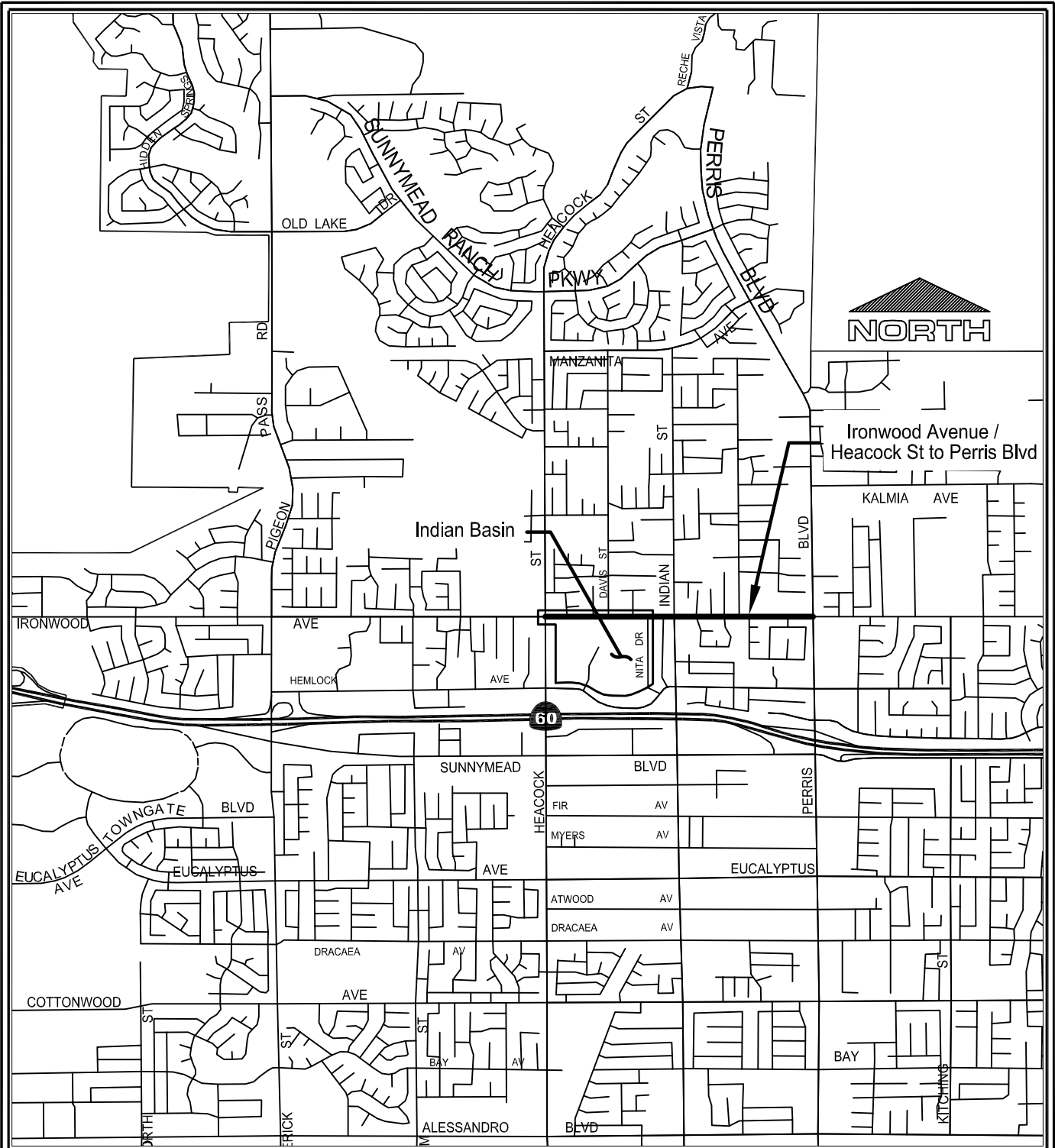
Department Head Approval:
 Barry Foster
 Economic Development Director

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

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

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 <p>CITY OF MORENO VALLEY DECEMBER 3, 1984</p>	<h1>LOCATION MAP</h1>	
	Public Works Department Capital Projects Division	IRONWOOD AVE IMPROVEMENTS FROM HEACOCK ST TO PERRIS BLVD PROJECT NUMBER 06-50182625-2
	Scale: None	INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS AND IRONWOOD AVE FROM HEACOCK ST TO NITA DR (SOUTH SIDE) PROJECT NUMBER 09-89791726
ATTACHMENT "A"		

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AGREEMENT

PROJECT NOS. 06-50182625 & 09-89791726

IRONWOOD AVENUE STREET AND STORM DRAIN IMPROVEMENTS

Street Improvements from Heacock Street to Nita Drive, and Sunnymead Master Drainage Plan Line H Stage 4, Line H-1A Stage 2, and Line H-5 Stage 3, from Heacock Street to Hubbard Street

THIS Agreement, made and entered into as of the date signed by the City Manager and Executive Director, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, and the Community Redevelopment Agency of the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **Riverside Construction Company, Inc.** hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. The written Agreement includes all of the following:
 - a. Any and all Contract Change Orders issued after execution of this Agreement
 - b. Addenda Nos. 1 & 2 inclusive, issued prior to the opening of the Bids
 - c. The bound Bid Documents
 - d. The Special Provisions which include the General Provisions and Technical Provisions, all of which are parts of this Agreement
 - e. The project Plans
 - f. The Standard Plans
 - g. The Standard Specifications
 - h. Reference Specifications, all of which are essential parts of this Agreement
 - i. The Bidder's Proposal which includes the Bidder's Bond and Noncollusion Affidavit

In the event of any conflict in the provisions thereof, the terms of said Contract Documents as set forth above shall control, each over the other, in the order provided. The above items are incorporated in this Agreement as though set forth in full.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Bid Documents for this project, the Bid Documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the **Base Bid Schedules A-D** and **Additive Bid Alternate Nos. 1, and 5-11** in the sum total amount of **\$3,749,431.95**, subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Bid Documents therefore and the requirements of the Engineer under them.

Attachment "B"

**AGREEMENT
PROJECT NOS. 06-50182625 & 09-89791726**

4. The Contractor hereby agrees to order materials pursuant to this Agreement within 7 calendar days after the date of authorization specified in the "Notice to Proceed with Order of Materials." The Contractor hereby agrees to commence work pursuant to this Agreement within 15 calendar days after the date of authorization specified in the "Notice to Proceed with Construction." The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to completion within **one hundred seventy (170) working days** after said date in the "Notice to Proceed with Construction," except as adjusted by Additive Bid Alternatives and/or subsequent Contract Change Order(s).

5. The City and Contractor hereby agree that in case all ordering of materials and construction called for under the Agreement is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of \$750.00 per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement, and extension thereof, and for a one (1) year warranty period, General Liability, Automobile Liability, and Worker's Compensation Insurance with such coverage limits as described in this Agreement. The Contractor shall name as additional insured, City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, the Eastern Municipal Water District, the Riverside County Flood Control and Water Conservation District, the County of Riverside, and Western Riverside Council of Governments, and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), the Eastern Municipal Water District (EMWD), the Riverside County Flood Control and Water Conservation District (RCFC&WCD), the County of Riverside, and Western Riverside Council of Governments (WRCOG), its officers, employees and agents, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, EMWD, RCFC&WCD, the County of Riverside, and WRCOG, its officers, employees and agents; under any third party liability policy.

It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

**AGREEMENT
PROJECT NOS. 06-50182625 & 09-89791726**

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	\$500,000.00	\$1,000,000.00	\$2,000,000.00
Property Damage	---	\$1,000,000.00	\$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of \$2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than \$1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

**AGREEMENT
PROJECT NOS. 06-50182625 & 09-89791726**

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the agreement price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Agreement pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Agreement fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government, and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Agreement is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Agreement in a form which is substantially similar to the Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), the Eastern Municipal Water District (EMWD), the Riverside County Flood Control and Water Conservation District (RCFC&WCD), the County of Riverside, and Western Riverside Council of Governments (WRCOG), its officers, agents, and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers,

**AGREEMENT
PROJECT NOS. 06-50182625 & 09-89791726**

agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, EMWD, RCFC&WCD, the County of Riverside, and WRCOG, its officers, agents, or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Agreement.

16. The effective date of this Agreement shall be the date of the Award of Agreement by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

**AGREEMENT
PROJECT NOS. 06-50182625 & 09-89791726**

CITY OF MORENO VALLEY,
Municipal Corporation

RIVERSIDE CONSTRUCTION COMPANY, INC.

BY: _____
City Manager

License No./
Classification: _____

Date: _____

Expiration Date: _____

COMMUNITY REDEVELOPMENT AGENCY
Municipal Corporation

Federal I.D. No.: _____

BY: _____
Executive Director

PRINT NAME: _____

Date: _____

SIGNATURE: _____

<u>INTERNAL USE ONLY</u>	
APPROVED AS TO LEGAL FORM:	
_____	_____
City Attorney	
_____	_____
Date	
RECOMMENDED FOR APPROVAL: <i>(if contract exceeds \$15,000)</i>	
_____	_____
Public Works Director/City Engineer	
_____	_____
Date	
_____	_____
Economic Development Director	
_____	_____
Date	

TITLE: _____

DATE: _____
Date

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Agreement on behalf of the Contractor must be acknowledged before a notary public. Attach Notary Certificates following this page.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

BOND NO. _____

PREMIUM \$ _____

**FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)**

PROJECT NOS. 06-50182625 & 09-89791726

IRONWOOD AVENUE STREET AND STORM DRAIN IMPROVEMENTS

Street Improvements from Heacock Street to Nita Drive, and Sunnymead Master Drainage Plan Line H Stage 4, Line H-1A Stage 2, and Line H-5 Stage 3, from Heacock Street to Hubbard Street

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **Riverside Construction Company, Inc.**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager and Executive Director, and identified as **Project Nos. 06-50182625 & 09-89791726**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and _____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, (\$ _____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

**FAITHFUL PERFORMANCE BOND
PROJECT NOS. 06-50182625 & 09-89791726**

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day
of _____ 20____.

CONTRACTOR (Principal)

SURETY

Contractor Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

Print Name: _____

Print Name: _____

Attorney-in-Fact

Signature: _____

Signature: _____

Approved as to Form this

_____ day of _____ 20____

City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal maybe affixed hereto.

BOND NO. _____

PREMIUM \$ _____

**LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)**

PROJECT NOS. 06-50182625 & 09-89791726

IRONWOOD AVENUE STREET AND STORM DRAIN IMPROVEMENTS

**Street Improvements from Heacock Street to Nita Drive, and Sunnymead Master Drainage Plan
Line H Stage 4, Line H-1A Stage 2, and Line H-5 Stage 3, from Heacock Street to Hubbard Street**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to **Riverside Construction Company, Inc.**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager and Executive Director, and identified as **Project Nos. 06-50182625 & 09-89791726**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____ dollars, (\$ _____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

**LABOR AND MATERIALS PAYMENT BOND
PROJECT NOS. 06-50182625 & 09-89791726**

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day
of _____ 20____.

CONTRACTOR (Principal)

SURETY

Contractor Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

Print Name: _____

Print Name: _____
Attorney-in-Fact

Signature: _____

Signature: _____

Approved as to Form this

_____ day of _____ 20____

City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal maybe affixed hereto

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RH</i>
CITY MANAGER	<i>WBS</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 Chairperson and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

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

AGENDA DATE: July 13, 2010

TITLE: PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE

DEVELOPER – COMMUNITY HOMES INC.
1720 S. MOUNTAIN VIEW AVENUE
LOMA LINDA, CA 92354

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue
2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On July 23, 2009 the Moreno Valley Planning Commission approved project PA09-0006. This project will be a 15 unit affordable housing project on 1.57 acres located on the northwest corner of Atwood Avenue and Liberty Street to house special needs individuals and senior citizens. The property owner is the Community Redevelopment Agency of the City of Moreno Valley. The developer is California Housing Foundation and the General Contractor is New Heights Construction.

The Conditions of Approval require that the developer record offers of dedication for highway purposes and an easement deed for pedestrian access on Liberty Street north of Atwood Avenue.

DISCUSSION

The developer is required to dedicate 4 feet of right-of-way around the driveway at the proposed project entrance and to dedicate the entire street right-of-way along the project frontage of Liberty Street north of Atwood Avenue including the corner cut back area at the northwest corner of Atwood Avenue and Liberty Street. In addition, a 3-foot easement is required for pedestrian access purposes along the west side of Liberty Street in order to accommodate a public sidewalk. The offers of dedication and easement deed are necessary in order to construct public improvements along the project frontage, thereby, matching the existing street improvements immediately to the north of the project. The required street improvements will benefit the public by increasing vehicular and pedestrian circulation. Once the offers of dedication and easement deed are executed by the City Manager, the documents will be forwarded to the City Engineer to execute the Acceptance Certificates as authorized by Resolution 94-5.

ALTERNATIVES

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement on Liberty Street north of Atwood Avenue and to direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.
2. Do not authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of

Atwood Avenue and do not direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment 1 – Vicinity Map

Attachment 2 – Offer of Dedication for right-of-way on Liberty Street

Attachment 3 – Offer of Dedication for 4 feet of right-of-way for pedestrian access purposes around the driveway approach on Liberty Street

Attachment 4 – Easement Deed for a 3-foot easement for pedestrian access purposes on Liberty Street

Prepared By
 Mark Westover
 Associate Engineer

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

Concurred By
 Clement Jimenez, P.E.
 Senior Engineer

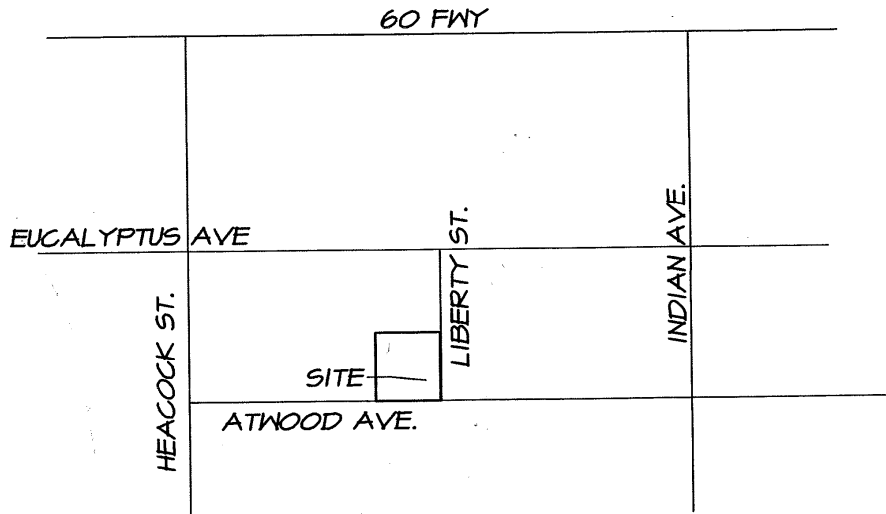
Concurred By
 Barry Foster, Economic Development Director
 Public Works Director/City Engineer

Concurred By
 Mark 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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VICINITY MAP
N.T.S.



CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
Attachment 1

PA09-0006
LOCATION MAP

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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
By:
A.P.N. 482-020-056

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

OFFER OF DEDICATION

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

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

GRANTOR(S) hereby irrevocably offer(s) to DEDICATE to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement and right of way, subject to the completion of improvements, 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 as follows:

All as described in the attached legal description and illustrated on the plats attached hereto and marked Exhibits "A" and "B", respectively.

Community Redevelopment Agency
of the City of Moreno Valley

By: _____
BONNIE FLICKINGER, Chairperson

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk

Date _____

(SEAL)

ATTACHMENT "2"

EXHIBIT "A"
RIGHT OF WAY DEDICATION
LIBERTY STREET AND
CORNER CUT BACK

BEING A PORTION OF LOT 167 OF EDGEMONT GARDENS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15, PAGE 90 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 167;

THENCE NORTH 89°59'00" WEST A DISTANCE OF 69.64 FEET ALONG THE NORTH RIGHT OF WAY LINE OF ATWOOD AVE. (60.00 WIDE);

THENCE NORTH 45°04'44" EAST A DISTANCE OF 39.05 FEET TO A POINT ON A LINE PARALLEL WITH AND 23.00 FEET WEST OF CENTERLINE OF LIBERTY STREET;

THENCE NORTH 00°01'00" EAST A DISTANCE OF 237.42 FEET;

THENCE SOUTH 89°59'00" EAST A DISTANCE OF 42.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 167;

THENCE SOUTH 00°01'00" WEST A DISTANCE OF 265.00 FEET ALONG THE EAST LINE OF SAID LOT 167 TO THE TRUE POINT OF BEGINNING.

PREPARED UNDER MY SUPERVISION

Paul T. Welsh 4/28/10

PAUL T. WELSH
L.S. NO. 5205
EXPIRES 6/30/11

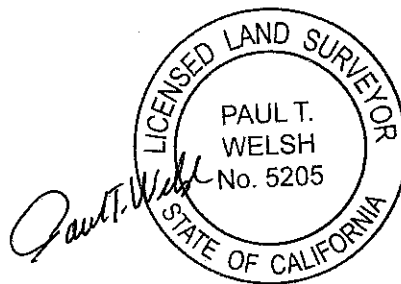
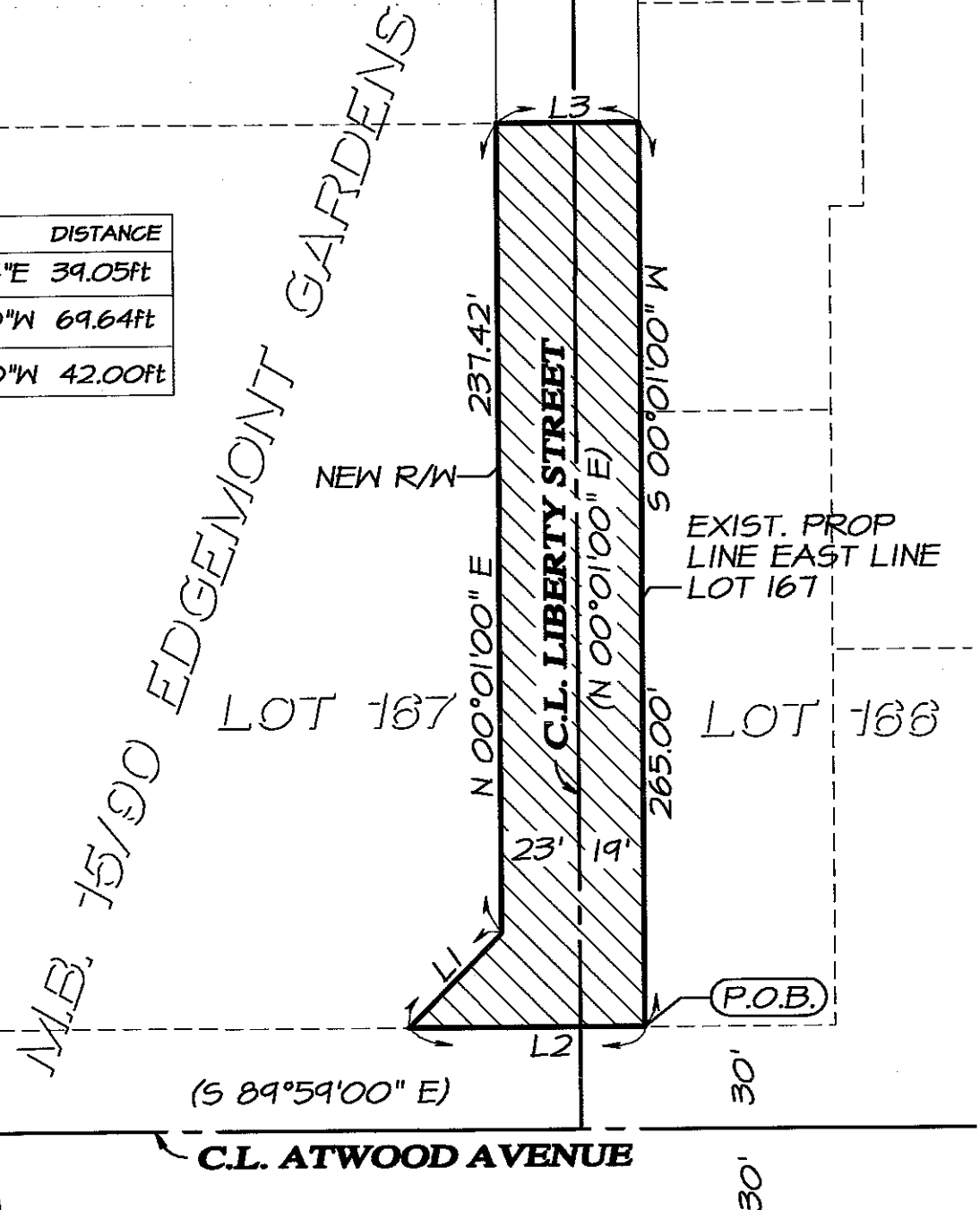


EXHIBIT "B"

RIGHT OF WAY DEDICATION

LINE DATA

#	DIRECTION	DISTANCE
L1	N45°04'44"E	39.05ft
L2	N89°59'00"W	69.64ft
L3	N89°59'00"W	42.00ft



Paul T. Welsh 5/20/10
 PAUL T. WELSH DATE: SCALE: 1"=50'

LEGEND

- PROP. DEDICATION
- EXIST. CENTER LINE
- EXIST. RIGHT OF WAY
- RECORD MAP DATA ()

MASSARO & WELSH CIVIL ENGINEERS LAND SURVEYORS 1572 N. WATERMAN AVENUE, SUITE 5 SAN BERNARDINO, CA 92404 (909) 883-9355 TELEPHONE (909) 889-9490 FAX	OWNER: REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY MORENO VALLEY SENIOR HOUSING INC. 14177 FREDERICK STREET MORENO VALLEY, CA 92552	DRAWN BY: R.W.	SHT. NO. 2 OF 2 SHEET
		CHECKED BY: P.W.	
		DATE: 2/23/11	Item No. A.23

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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
By:
A.P.N. 482-020-056

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

OFFER OF DEDICATION

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

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

GRANTOR(S) hereby irrevocably offer(s) to DEDICATE to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement and right of way, subject to the completion of improvements, 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 as follows:

All as described in the attached legal description and illustrated on the plats attached hereto and marked Exhibits "A" and "B", respectively.

Community Redevelopment Agency
of the City of Moreno Valley

By: _____
BONNIE FLICKINGER, Chairperson

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk

Date _____

(SEAL)

ATTACHMENT "3"

EXHIBIT A

**FOUR-FOOT RIGHT-OF-WAY DEDICATION FOR PEDESTRIAN
ACCESS BEHIND DRIVEWAY APPROACH**

BEING A PORTION OF LOT 167 OF EDGEMONT GARDENS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15, PAGE 90 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 167;

THENCE NORTH 89°59'00" WEST A DISTANCE OF 69.64 FEET ALONG THE NORTH RIGHT OF WAY LINE OF ATWOOD AVE. (60.00 WIDE)

THENCE NORTH 45°04'42" EAST A DISTANCE OF 34.81 FEET

THENCE NORTH 00°01'00" EAST A DISTANCE OF 172.24 FEET TO THE **TRUE POINT OF BEGINNING**

THENCE NORTH 44°59'00" WEST A DISTANCE OF 5.66 FEET.

THENCE NORTH 00°01'00" EAST A DISTANCE OF 55.27 FEET

THENCE NORTH 45°01'00" EAST A DISTANCE OF 5.66 FEET

THENCE SOUTH 00°01'00" WEST A DISTANCE OF 63.27 FEET TO THE **TRUE POINT OF BEGINNING**

PREPARED UNDER MY SUPERVISION

Paul T. Welsh

PAUL T. WELSH

L.S. No. 5205

EXPIRES 6/30/11

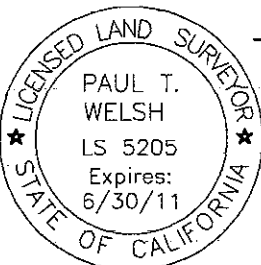
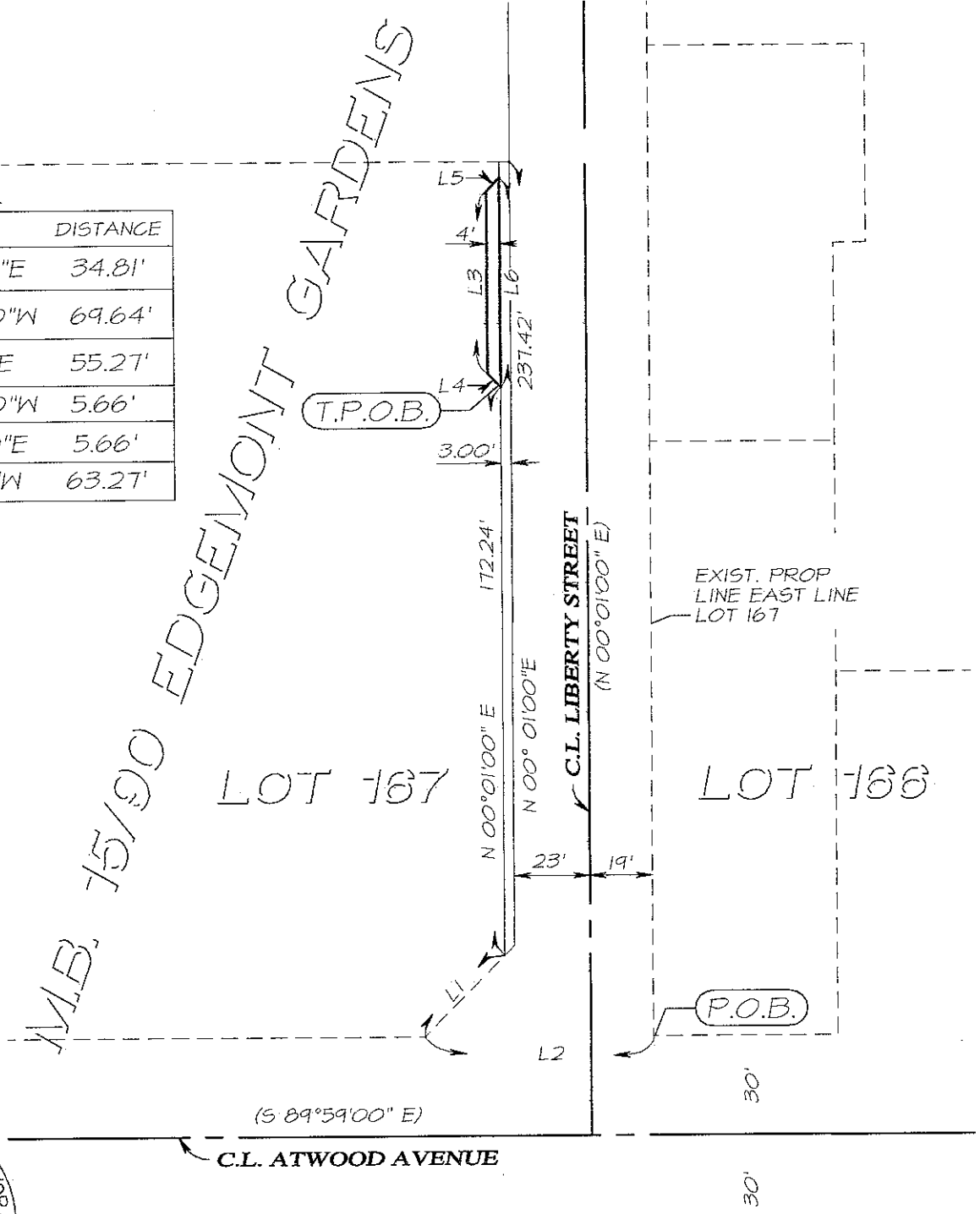
DATE SIGNED: 4/28/10



EXHIBIT "B"

LINE DATA

#	DIRECTION	DISTANCE
L1	N45 04'42"E	34.81'
L2	N89 59'00"W	69.64'
L3	N0 01'00"E	55.27'
L4	N44 59'00"W	5.66'
L5	N45 01'00"E	5.66'
L6	S0 01'00"W	63.27'



Paul T. Welsh 6/3/10
 PAUL T. WELSH DATE:



SCALE: 1"=50'

LEGEND

- PROP. DEDICATION
- EXIST. CENTER LINE
- EXIST. RIGHT OF WAY
- RECORD MAP DATA ()

MASSARO & WELSH
 CIVIL ENGINEERS LAND SURVEYORS
 1572 N. WATERMAN AVENUE, SUITE 5
 SAN BERNARDINO, CA 92404
 (909) 883-9355 TELEPHONE
 (909) 889-9490 FAX

OWNER:
 REDEVELOPMENT AGENCY OF THE
 CITY OF MORENO VALLEY
 MORENO VALLEY SENIOR HOUSING INC.
 14177 FREDERICK STREET
 MORENO VALLEY, CA 92552

DRAWN BY: R.W.
 CHECKED BY: P.W.
 DATE: 4/28/10

SHT. NO. 2
 OF 2 SHEET

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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
By:
A.P.N. 482-020-056

(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,

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

GRANTOR(S) hereby irrevocably convey(s) to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement, subject to the completion of improvements, for public pedestrian access purposes, over, under, upon, 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 plats attached hereto and marked Exhibits "A" and "B", respectively.

Community Redevelopment Agency
of the City of Moreno Valley

By: _____
BONNIE FLICKINGER, Chairperson

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk

Date _____

(SEAL)

ATTACHMENT "4"

EXHIBIT A

**THREE-FOOT RIGHT-OF-WAY DEDICATION FOR PEDESTRIAN
ACCESS FOR SIDEWALK**

BEING A PORTION OF LOT 167 OF EDGEMONT GARDENS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15, PAGE 90 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 167;

THENCE NORTH 89°59'00" WEST A DISTANCE OF 69.64 FEET ALONG THE NORTH RIGHT OF WAY LINE OF ATWOOD AVE. (60.00 WIDE)

THENCE NORTH 45°04'44" EAST A DISTANCE OF 34.81 FEET TO **TRUE POINT OF BEGINNING**

THENCE NORTH 00°01'00" EAST A DISTANCE OF 240.41 FEET;

THENCE SOUTH 89°59'00" EAST A DISTANCE OF 3.00 FEET

THENCE SOUTH 00°01'00" WEST A DISTANCE OF 237.42 FEET

THENCE SOUTH 45°04'44" WEST A DISTANCE OF 4.24 FEET TO THE **TRUE POINT OF BEGINNING**

PREPARED UNDER MY SUPERVISION



PAUL T. WELSH

L.S. No. 5205

EXPIRES 6/30/11

DATE SIGNED: 4/28/10

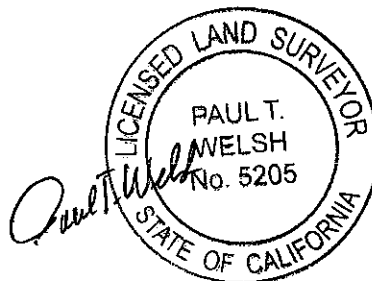
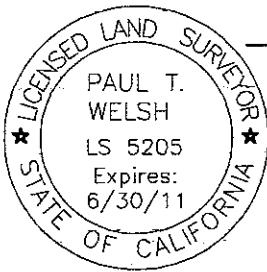
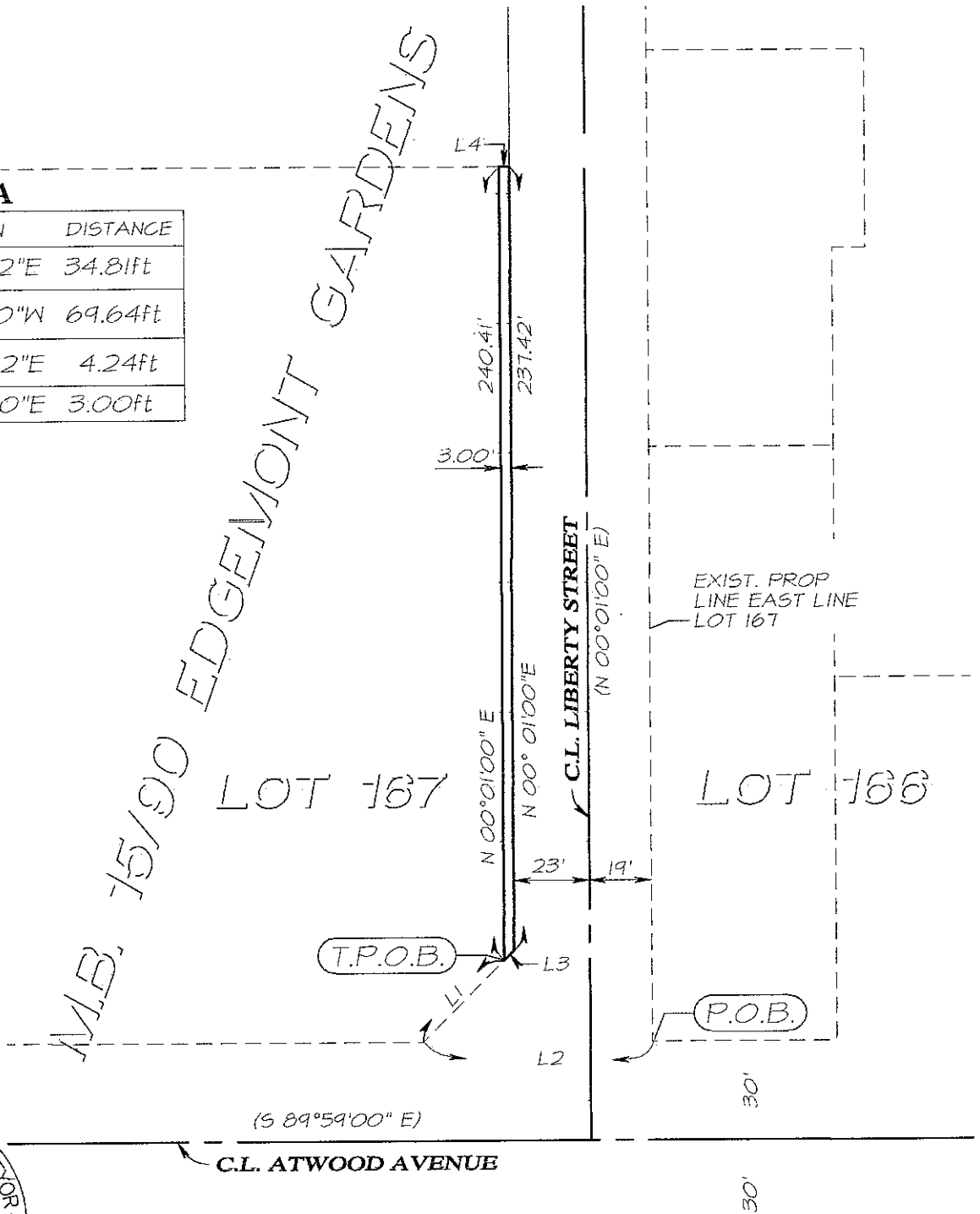


EXHIBIT "B"

LINE DATA

#	DIRECTION	DISTANCE
L1	N45 04'42"E	34.81ft
L2	N89 59'00"W	69.64ft
L3	N45 04'42"E	4.24ft
L4	S89 59'00"E	3.00ft



Paul T. Welsh
PAUL T. WELSH

6/3/10
DATE:

SCALE: 1"=50'



LEGEND

- PROP. DEDICATION
- EXIST. CENTER LINE
- EXIST. RIGHT OF WAY
- RECORD MAP DATA ()

MASSARO & WELSH

CIVIL ENGINEERS LAND SURVEYORS
1572 N. WATERMAN AVENUE, SUITE 5
SAN BERNARDINO, CA 92404
(909) 883-9355 TELEPHONE
(909) 889-9490 FAX

OWNER:

REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY SENIOR HOUSING INC.
14177 FREDERICK STREET
MORENO VALLEY, CA 92552

DRAWN BY: R.W.

CHECKED BY: P.W.

DATE: 4/28/10

SHT. NO. 2

OF 2 SHEET

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

Report to City Council

TO: Mayor and Members of the City Council

FROM: Barry Foster, Economic Development Department Director

AGENDA DATE: July 13, 2010

TITLE: FUNDING FOR ELSWORTH STREET UTILITY IMPROVEMENTS AND MVP EV ONSITE UTILITY CONNECTION: COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY AND 2007 LEASE REVENUE BOND FUNDS

RECOMMENDED ACTION

Staff recommends that the Mayor and Members of the City Council:

- 1) Review and approve the designation of \$107,841 in Community Development Block Grant – Recovery funds for the installation of electrical conduit and vaults on Elsworth Street from Goldencrest Drive to Corporate Center Drive,
- 2) Return to an undesignated status the commitment of \$107,000 in CDBG-R funds from the Participation Agreement with MVP EV, and
- 3) Secure an appropriation of \$107,841 from the 2007 Lease Revenue Bond Funds in support of the Participation Agreement with MVP EV.

BACKGROUND

The City received a Community Development Block Grant - Recovery (CDBG-R) grant for \$479,292 under the American Recovery and Reinvestment Act of 2009. The Neighborhood Preservation Division of the Economic Development Department has been tasked with administering the grant. The grant funds are allocated to four activities, plus administration, as follows:

- Employment Creation for Distribution and Manufacturing Business: This activity incentivized Frazee Industries to open a distribution facility in Moreno Valley, creating the required employment for low-to-moderate income persons. Frazee's employee recruitment is underway.

- Employment Creation for Vacant Restaurant Reuse: Incentivizes the attraction of a new restaurateur to a vacant Moreno Valley restaurant facility in exchange for creation of employment for low-to-moderate income persons. Economic Development is actively working with a qualified restaurateur for this funding allocation.
- Utility – Infrastructure Improvement Project: This activity funds the installation of new, environmentally conscious / energy effective utilities. The \$107,841 CDBG-R grant activity funded installation of electrical conduit and vaults on Elsworth Street from Goldencrest Drive to Corporate Center. This project was originally funded by the 2007 Lease Revenue Bonds. On December 8, 2009, the City Council awarded the contract for installing four utility line extensions, including the work on Elsworth Street, and construction has been completed.
- Economic Incentive for a Green Business: On November 23, 2009, the City Council approved a participation agreement and committed \$107,000 to MVP EV, Inc. to defray the cost of installing on-site electricity connections so that the MVP EV facility can take electric service from Moreno Valley Utility in exchange for qualified employment creation.

The CDBG-R grant regulations require full expenditure by September 30, 2012. However, under the direction of the Office of the Vice President, the Department of Housing and Urban Development (HUD) is strongly encouraging grantee agencies to expend the funds much sooner than the expenditure deadline.

Unfortunately, unforeseen delays in the MVP EV project have prevented the initiation of this business opportunity along with the employment creation and hampered the expedited expenditure of CDBG-R funds for the project's utility connection work. \$214,000 of the CDBG-R grant have not yet been spent.

DISCUSSION

At this time, the Economic Development Department seeks City Council approval of the following three funding allocations that will enable the expedited expenditure of CDBG-R funds as well as provide for the future on-site infrastructure connections for MVP EV:

- First, Economic Development proposes to fund the approved CDBG-R allocation for the off-site utility line extension on Elsworth Street immediately.
- Next, staff proposes the reallocation of the CDBG-R funds for the MVP EV Participation Agreement back to an undesignated status for future use consistent with CDBG-R program requirements.
- Finally, staff proposes the appropriation of \$107,841 in 2007 Lease Revenue Bond funds originally designated for use on the Elsworth Street utility extension to fund the Participation Agreement with MVP EV at a future date when the facility is ready and the required employee recruitment is completed.

ALTERNATIVES

1. Authorize the designation of \$107,841 in CDBG–R monies for the extension of electrical facilities on Elsworth Street, return to undesignated status the commitment of \$107,000 in CDBG-R funds for the MVP EV project, and appropriate \$107,841 in 2007 Lease Revenue Bond Funds to defray the cost of connecting the new MVP EV facility to Moreno Valley’s electric utility. **Staff recommends this alternative.** *This alternative will fund completed infrastructure, satisfy HUD’s expedited expenditure expectations and fund the Participation Agreement with MVP EV.*

2. Decline to authorize the designation of \$107,841 in CDBG–R monies for the extension of electrical facilities on Elsworth Street, decline to return to undesignated status the commitment of \$107,000 in CDBG-R funds for the MVP EV project, and decline to appropriate \$107,841 in 2007 Lease Revenue Bond Funds to defray the cost of connecting the new MVP EV facility to Moreno Valley’s electric utility. **Staff does not recommend this alternative.** *This alternative will extend and delay CDBG-R expenditures, potentially putting the grant funding at risk of recapture by HUD.*

FISCAL IMPACT

The proposed reallocations facilitate timely expenditure of available CDBG-R and 2007 Lease Revenue Bonds.

The extension of the electric line by Moreno Valley Utility provides energy effective utility service to the MVP EV site and to future development along Elsworth Street.

- The funding for the Utility Infrastructure Improvements will come from CDBG-R.

Fund	Business Unit Name	Amount
199	Utility Infrastructure Improvements 19910.6849.001	\$107,841

Move \$107,841 in total expenditures for the Goldencrest/Elsworth 12KV Line Project under Acct#602.61833.7200 to the CDBG-R Utility Infrastructure Improvement Project under Acct#199.19910.6849.001.

- The CDBG-R funding will be released from the MVP EV Participation Agreement and will be available to fund another CDBG-R eligible project.

Fund	Business Unit Name	Amount
199	Economic Incentive for Green & Technology Business CDBG-R 19910.6849.002	\$107,841

Return the commitment of \$ 107,000 for the MVP EV project to an undesignated status.

- The appropriation for the MVP EV Participation Agreement will come from the 2007 Lease Revenue Bonds.

Fund	Business Unit Name	Amount
602	2007 Lease Revenue Bonds 602.61833.7200	\$107,841

Appropriate \$ 107,841 in total funding for the MVP EV Facility Project under Acct#602.61840.7200.

Reduce the appropriation for the Goldencrest/Elsworth 12KV Line Project under Acct#602.61833.7200 by \$ 107,841.

The proposed fund reallocations have NO impact on the City’s General Fund. CDBG-R funding must be used for eligible activities. Funds from the 2007 Lease Revenue Bonds may be used to support on-site electrical utility installation.

CITY COUNCIL GOALS

1. REVENUE DIVERSIFICATION & PRESERVATION

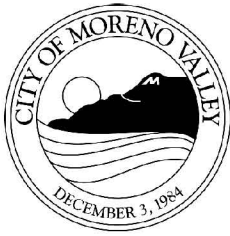
Use of CDBG-R and 2007 Lease Revenue Bond funds will enhance the City’s ability to create a stable revenue base and fiscal policies that will support essential City improvements and services.

Prepared By:
Michele Patterson
Redevelopment and Neighborhood
Programs Administrator

Department Head Approval:
Barry Foster
Economic Development Department Director

Concurred By:
Chris Vogt
Public Works Director / City Engineer

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



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rut</i>
CITY MANAGER	<i>Wib</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: July 13, 2010

TITLE: PA09-0025/PA09-0043 – APPROVE PROPOSED RESOLUTION, SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD WEST OF MORENO BEACH DRIVE

SOUTH SIDE OF ALESSANDRO BOULEVARD, WEST OF MORENO BEACH DRIVE

DEVELOPER: FRANK & MARIA POZGAJ FAMILY TRUST
P.O. BOX 10
RANCHO MIRAGE, CA 92270

RECOMMENDED ACTION

Staff recommends that the City Council

1. Approve and adopt Resolution No. 2010-72, summarily vacating a portion of Alessandro Boulevard, north of APN 486-240-009, located on the south side of Alessandro Boulevard, west of Moreno Beach Drive as a condition of approval for PA09-0043.
2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

BACKGROUND

This segment of Alessandro Boulevard is currently classified as a Divided Arterial according to the Circulation Plan from the City's General Plan. The existing half-street right-of-way on this portion of Alessandro Boulevard is 60 feet (60'). The City's current Standard Plan for a Divided Arterial only requires a half-street right-of-way of 55 feet

(55'). As a condition of approval for project PA09-0043, a five foot (5') street right-of-way vacation is required, along the project frontage. The conditions of approval require 55 feet (55') of the existing 60 feet (60') of right-of-way on the south side of Alessandro Boulevard for public roadway and utility purposes. No public or utility improvements exist within the remaining southerly five (5') of right-of-way along this portion of Alessandro Boulevard. In accordance with the conditions of approval approved by the Planning Commission on March 11, 2010, the developer/owner, Frank & Maria Pozgaj Family Trust has requested a vacation of this portion of Alessandro Boulevard.

DISCUSSION

PA09-0043 is a Tentative Parcel Map 36262. The five foot (5') area to be vacated on the south side of Alessandro Boulevard is located outside of the tentative parcel map boundary and therefore, cannot be vacated on the final parcel map. The five foot (5') area to be vacated must be vacated by separate instrument. The approved project consists of Tentative Parcel Map 36262 (PA09-0043) and a Plot Plan (PA09-0025). The project is for a 4,000 square-foot convenience store, gas station, and car wash. The project property (APN 486-240-009), is located on the south side of Alessandro Boulevard, west of Moreno Beach Drive. Land Development staff has reviewed the property owner's application along with the legal description and plat for the vacation of the aforementioned portion of Alessandro Boulevard. No public improvements exist and no public money was expended for maintenance of said portion of Alessandro Boulevard. This portion of Alessandro Boulevard is unnecessary for present or prospective public use. The local utility companies have been given written notice of the proposed street vacation. No objections have been received from the utility companies. The City Council's approval to vacate said portion of Alessandro Boulevard would abandon the City's right to said portion.

ALTERNATIVES

1. Approve and adopt the proposed Resolution, summarily vacating a portion of Alessandro Boulevard, north of APN 486-240-009, located on the south side of Alessandro Boulevard, west of Moreno Beach Drive. *The said portion of right-of-way is no longer, nor in the future will be, useful for road and public utility easement purposes.*
2. Do not approve and adopt the proposed Resolution, summarily vacating a portion of Alessandro Boulevard, north of APN 486-240-009, located on the south side of Alessandro Boulevard, west of Moreno Beach Drive. *This portion of Alessandro Boulevard would remain as right-of-way for public road and utility purposes; however, the right-of-way is no longer, nor in the future will be, useful for road and public utility easement purposes.*

FISCAL IMPACT

The developer/owner, Frank & Maria Pozgaj Family Trust has paid the City costs associated with the summary vacation proceedings; therefore, there is no fiscal impact to the City.

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Notice has been given to the various local utility companies. The public has been notified by publication of agenda.

ATTACHMENTS/EXHIBITS

- Attachment 1 - Vicinity Map
- Attachment 2 - Proposed Resolution
- Attachment 3- Legal Description
- Attachment 4- Plat

Prepared By
Clement Jimenez
Senior Engineer, P.E.

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

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

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

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\7-13-10 - PA09-0043 Summary Vacation.doc

RESOLUTION NO. 2010-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD, SOUTH SIDE OF ALESSANDRO BOULEVARD, WEST OF MORENO BEACH DRIVE.

WHEREAS, the City Council of the City of Moreno Valley, California, acquired an easement for road and public utility purposes located on the south side of Alessandro Boulevard, west of Moreno Beach Drive; and

WHEREAS, this easement is in excess of that right-of-way required for the existing General Plan classification and said excess is no longer, nor in the future will be, useful for road and public utility easement purposes; and

WHEREAS, no public improvements exist on said portion of right-of-way; and

WHEREAS, no public money was expended for maintenance of said portion of right-of-way,

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 is summarily vacated and abandoned:

That portion of Alessandro Boulevard located in the city of Moreno Valley, described as the southernmost five feet (5') of right-of-way on Alessandro Boulevard, north of APN 486-240-009 and north of a portion of Lot 1 in Block 117 per Map No. 1 of Bear Valley and Alessandro Development Company, recorded in Book 11, of Map Books, Page 10, records of the County Recorder's office of San Bernardino County, California described in the attached legal description and illustrated on the plat attached hereto and made a part hereto and marked Exhibits "A" and "B", respectively.

Attachment 1

1

Resolution No. 2010 - .
Date Adopted: July 13, 2010

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 portion of Alessandro Boulevard revert to the owner of the underlying fee thereof, free from use as an easement for road and public utility 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 13th day of July, 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment 1

2

Resolution No. 2010 - .
Date Adopted: July 13, 2010

RESOLUTION JURAT

[Clerk's office will prepare]

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

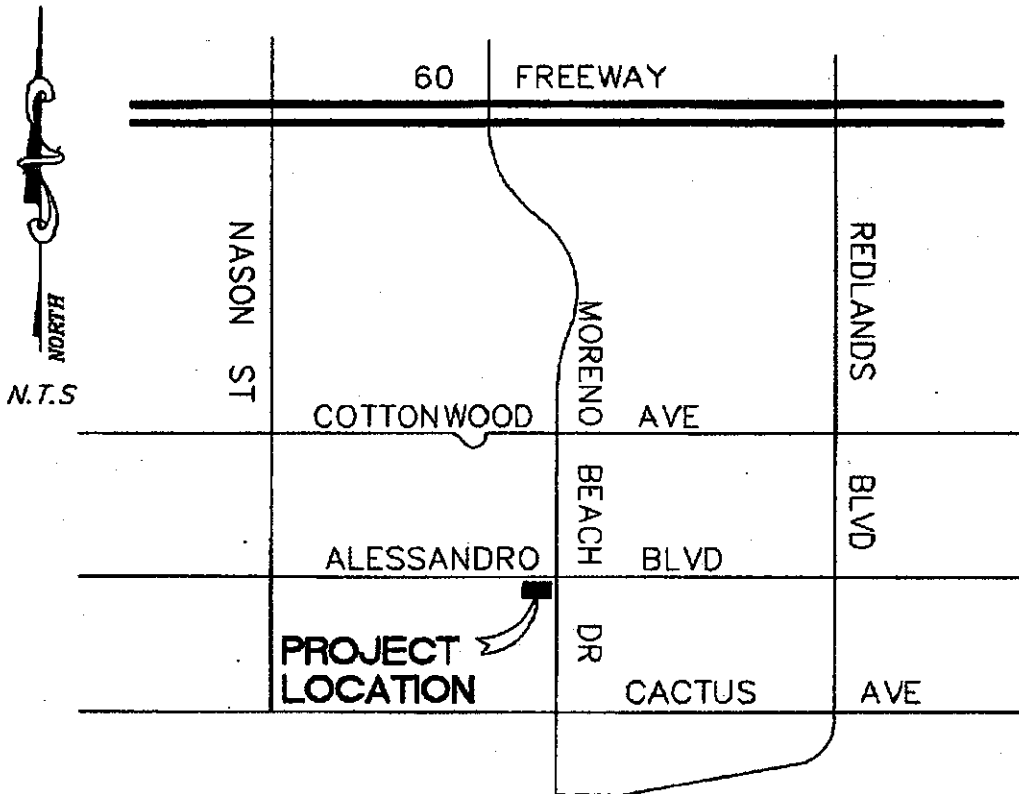
W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\7-13-10 - PA09-0025, PA09-0043 - Attachment 1
Resolution.doc

Attachment 1

3

Resolution No. 2010 - .
Date Adopted: July 13, 2010

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CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
 Attachment 2

PA09-0025/PA09-0043
VICINITY MAP

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EXHIBIT "A"
LEGAL DESCRIPTION


ROAD VACATION
ALESSANDRO BOULEVARD

THAT PORTION OF ALESSANDRO BOULEVARD LOCATED IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, WITHIN THE NORTHEAST ONE-QUARTER OF SECTION 15, T3S, R3W, S.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

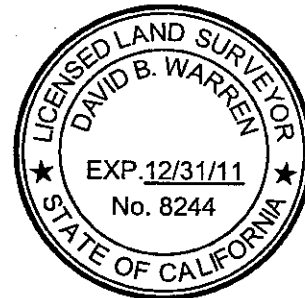
BEGINNING AT THE NORTHWEST CORNER OF THE EAST ONE-HALF OF LOT 1, IN BLOCK 117, PER MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY AS SHOWN IN BOOK 11, PAGE 10 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF ALESSANDRO BOULEVARD, HAVING A HALF WIDTH OF 60.00 FEET; THENCE NORTH 00°25'39" EAST, A DISTANCE OF 1.00 FEET TO A POINT ON A LINE 1.00 FEET NORTH AND PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE; THENCE SOUTH 89°33'48" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 39.99 FEET; THENCE NORTH 45°26'13" EAST, LEAVING SAID PARALLEL LINE, A DISTANCE OF 5.66 FEET TO A POINT ON A LINE 5.00 FEET NORTH AND PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE; THENCE SOUTH 89°33'48" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 71.13 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 70.50 FEET, A RADIAL LINE FROM SAID POINT BEARS SOUTH 00°26'12" WEST; THENCE EASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 17.53 FEET, THROUGH A CENTRAL ANGLE OF 14°15'00" TO THE POINT OF TANGENCY, A RADIAL LINE FROM SAID POINT BEARS SOUTH 14°41'12" WEST; THENCE SOUTH 75°18'48" EAST, A DISTANCE OF 11.50 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE; THENCE NORTH 89°33'48" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 143.63 FEET TO THE **POINT OF BEGINNING**.

CONTAINING APPROXIMATELY 498 SQ. FT.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME


DAVID B. WARREN, L.S. 8244
EXPIRES 12/31/2011

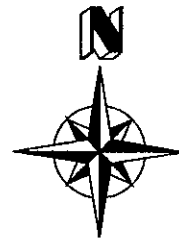
6/22/10
DATE



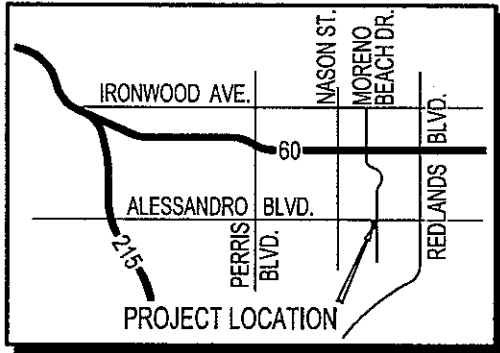
Attachment 3

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EXHIBIT "B" ROAD VACATION

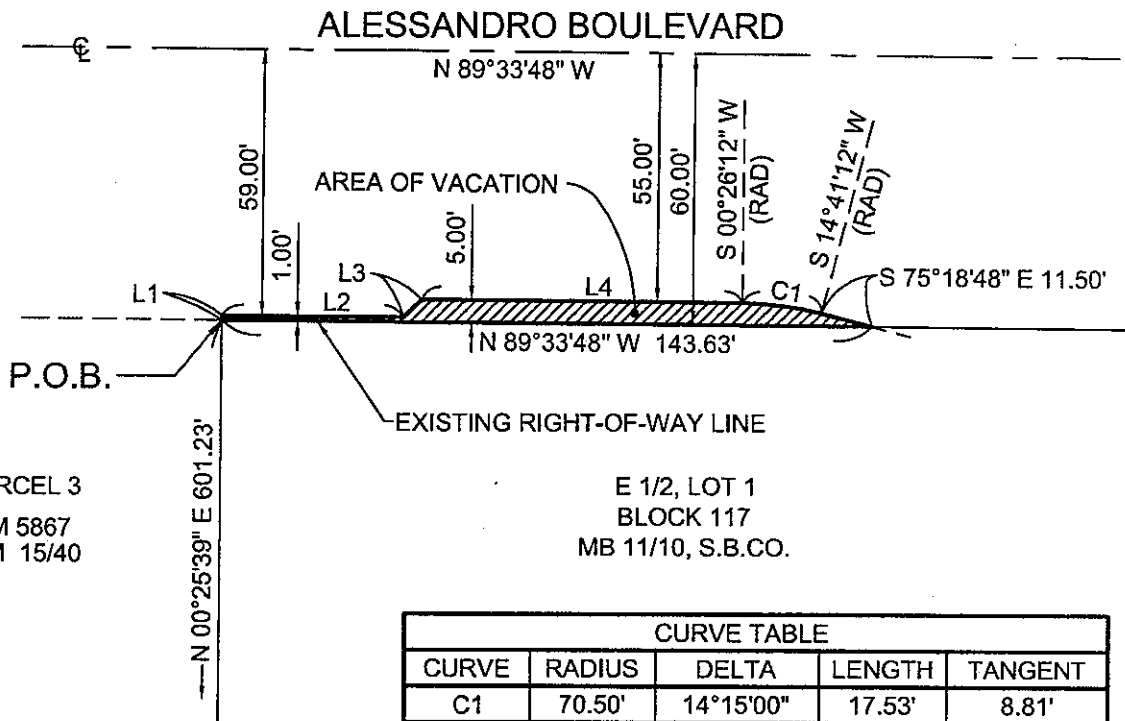


SCALE: 1"=40'



VICINITY MAP
N.T.S.


LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°25'39"E	1.00'
L2	S89°33'48"E	39.99'
L3	N45°26'13"E	5.66'
L4	S89°33'48"E	71.13'



PARCEL 3
PM 5867
P/M 15/40


E 1/2, LOT 1
BLOCK 117
MB 11/10, S.B.CO.

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	TANGENT
C1	70.50'	14°15'00"	17.53'	8.81'

 INDICATES VACATION AREA
(± 498 SQ. FT.)

THIS PLAT WAS PREPARED BY ME




DAVID B. WARREN, L.S. 8244
EXPIRES 12/31/2011

6/22/10
DATE

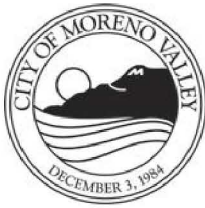
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**MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report
of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>lu</i>
CITY MANAGER	<i>wis</i>

Report to City Council

TO: 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: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: July 13, 2010

TITLE: Acceptance of Grant Monies from the California Department of Education, Child Development Services, for Child Care Services and Adoption of the Resolution to Certify the Approval of the Governing Board

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District:

1. Authorize the acceptance of grant money in the amount of \$747,338 for Fiscal Year (FY) 2010/2011 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services.
2. Adopt Resolution No. CSD 2010-22 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2010/2011.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable

BACKGROUND

The State of California appropriated a total of \$6.6 million to be utilized statewide as a continuous funding source for services to school age children, in the range of

kindergarten to 14 years of age. However, the Budget Act of 2003 eliminated child care services to children 13 years and older. Of the \$6.6 million allocated statewide, Riverside County was appropriated \$950,000 based on service level needs. In an effort to provide an increased level of services for Moreno Valley youth through diverse funding, staff submitted a competitive grant application to the California Department of Education, Child Development Division, requesting funding for an after school child care program. The City of Moreno Valley Parks and Community Services Department was one of ten agencies in Riverside County who competed for this funding. The Parks and Community Services Department was awarded funding.

On November 26, 1996, the City Council authorized the acceptance of a grant in the amount of \$427,683 for the calendar years 1997 and 1998 for the purpose of providing an after school child care program for children ages 5 to 14. Since that time, the City has applied for and received grant funding every fiscal year for this program. Although the City must apply for the grant funding each year, when the funding was made available to agencies for youth programs in 1987, those agencies that have received this type of grant funding have continued to receive funding for their youth programs.

DISCUSSION

The focus of the grant submitted by the City of Moreno Valley Parks and Community Services Department was based on the high demands assessed by the department within its own programs. This included the need for after school care during the traditional school year and full day care on school vacation days. The program utilizes five elementary schools: Creekside, Sunnymead, Rainbow Ridge, Armada, and Red Maple. The program accommodates 170 children between the ages of kindergarten up to 12 years of age and has been in effect since January 1997.

This program is state licensed and operates under the following conditions. The healthy social and emotional development of every child is addressed by providing activities, schedules, materials and equipment to ensure that children are both challenged and successful. Programming for the students includes a nutritious snack served daily, arts and crafts, indoor and outdoor games, story time, homework time, and social time. The program also includes field trips with bus transportation, parent conferences, and special parenting classes and programs with topics including health issues, substance abuse, nutrition, personal safety, community awareness, literacy and more. The program works closely with parents and school site staff to incorporate applicable school rules into the program and provide emotional support for children.

The program operates at schools utilizing the "modified traditional" school schedule between the hours of 2:00 p.m. and 6:00 p.m. on school days and 7:00 a.m. to 6:00 p.m. on school vacation days, Monday through Friday.

As part of the City's policy, the City Council must formally accept this funding from the California Department of Education, Child Development Services and adopt the corresponding resolution.

ALTERNATIVES

1. Approving staff's recommendation would authorize the acceptance of grant monies in the amount of \$747,338 for FY 2010/2011 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services.
2. Not approving staff's recommendation would eliminate the Child Care Grant Program.

FISCAL IMPACT

The proposed grant funds program expenditures on a cost reimbursement basis. The grant funds as well as food program revenue, Federal Grant Revenue, and program fees are used for providing school age child care and development services and are restricted to this program. There is no impact to the General Fund. Funds in the amount of \$942,800 are in the FY2010-11 Operating Budget (160.75710).

NOTIFICATION

Posting of the Agenda.

ATTACHMENTS/EXHIBITS

Exhibit 'A' - Resolution

Prepared By
Patty K. Grube
Management Analyst

Department Head Approval
Michael McCarty
Director of Parks and Community Services

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RESOLUTION NO. CSD 2010-22

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE APPROVAL OF THE GOVERNING BOARD TO ENTER INTO A TRANSACTION WITH THE CALIFORNIA DEPARTMENT OF EDUCATION FOR THE PURPOSE OF PROVIDING CHILD CARE AND DEVELOPMENT SERVICES AND TO AUTHORIZE DESIGNATED PERSONNEL TO SIGN CONTRACT DOCUMENTS FOR FY 2010/11.

WHEREAS, the Moreno Valley Community Services District Board of Directors desires to provide school age child care services to the citizens of Moreno Valley during FY 2010/11;

WHEREAS, the Moreno Valley Community Services District Board of Directors further desires to enter into this transaction with the California Department of Education for the purpose of providing child care and development services;

WHEREAS, the Moreno Valley Community Services District Board of Directors authorize the persons listed to sign the transaction for the Governing Board;

Michael McCarty, Director of Parks and Community Services _____

William Bopf, Interim City Manager _____

Steve Hargis, Acting Director of Financial & Administrative Services _____

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

1. Accept the grant monies from the California Department of Education, Child Development Division, in the amount of \$747,338 per fiscal year to provide child care services for FY 2010/2011;
2. Adopt a resolution to certify the approval of the governing board to enter into local agreement number/s CCTR-0203, Project Number 33-2186-00-0 with the California Department of Education for the purpose of providing child care and development services;
3. Authorize designated personnel to sign contract documents on behalf of the Governing Board for FY 2010/11.

APPROVED AND ADOPTED this 13th day of July, 2010.

Mayor of the City of Moreno Valley,
acting in the capacity of President
of the Moreno Valley Community
Services District

ATTEST:

Jane Halstead, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

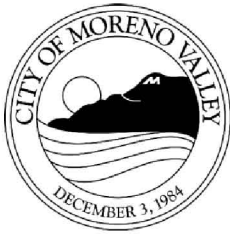
Robert Hansen, City Attorney acting
in the capacity of General Legal
Counsel of the Moreno Valley
Community Services District

**MINUTES - REGULAR MEETING OF JUNE 22, 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>Ret</i>
CITY MANAGER	<i>WV</i>

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 13, 2010

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS PROJECT NO. 08-89791725

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the Auto Mall Improvements project, in the form attached hereto, and to subsequently assign said Agreement to the Community Redevelopment Agency.

Staff recommends that the Community Redevelopment Agency (RDA):

1. Accept the assignment of the Agreement with VA Consulting, Inc. from the City in the form attached hereto.
2. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement in the form attached hereto on behalf of the Community Redevelopment Agency.
3. Authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of \$50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties (Account No. 897.91725).

BACKGROUND

The preliminary engineering and conceptual design plan for the Auto Mall Improvements was awarded to VA Consulting, Inc. (VA Consulting) by the City Council at its meeting on September 23, 2008. On January 13, 2009, the City Council approved the Auto Mall Improvements Project as part of the reprioritization of Capital Projects to be funded by 2007 RDA Bonds. A final conceptual plan to rejuvenate the mall was presented to the City Council Study Session on March 17, 2009 and was approved for final design. VA Consulting was authorized to proceed with the final design plans and specifications by the City Council at its meeting on April 28, 2009. A purchase order was issued in the amount of \$187,067 (\$155,889 for the original proposal plus 20% contingency amount of \$31,178).

DISCUSSION

The Moreno Valley Auto Mall is currently comprised of five (5) auto dealerships and six (6) vacant parcels. The City and the Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase public awareness by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The increase in Auto Mall business has the potential to increase additional opportunities for employment and enhance other long term related business benefits for the local community.

The Auto Mall project consists of two phases – the re-construction of the pylon sign and the street improvements. The construction agreement for the pylon sign was awarded to San Pedro Sign Company by the City Council and the Community Redevelopment Agency at its meeting on June 22, 2010.

Street improvement enhancements and revitalization are integral elements of the final conceptual plan. Recent changes in the Auto Mall ownership and lot line adjustments of the parcels fronting Motor Way will necessitate design revisions to the project's street improvement plans. VA Consulting has been retained to provide professional consultant design services under their current on-call agreement that expires May 1, 2011. An estimated \$50,000 increase to VA Consulting's purchase order allows for additional design services and design-related support services. This change order brings the purchase order total to \$237,067 (\$205,889 plus contingency) which is reflected in the Project Specific Agreement. Staff recommends executing a Project Specific Agreement with VA Consulting for the continuation of their services.

ALTERNATIVES

1. Authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the

Auto Mall Improvements project, in the form attached hereto, and to subsequently assign said Agreement to the Community Redevelopment Agency; accept the assignment of the Agreement with VA Consulting, Inc. from the City in the form attached hereto; authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement in the form attached hereto on behalf of the Community Redevelopment Agency; authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of \$50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties. *This alternative will allow for much needed improvements.*

2. Do not authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the Auto Mall Improvements project, in the form attached hereto, and to subsequently assign said Agreement to the Community Redevelopment Agency; do not accept the assignment of the Agreement with VA Consulting, Inc. from the City in the form attached hereto; do not authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement in the form attached hereto on behalf of the Community Redevelopment Agency; do not authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of \$50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties. *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Moreno Valley Auto Mall Improvements construction phase of this project is included in Fiscal Year 2009-2010 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). **These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

AVAILABLE FUNDS:

Fiscal Year 2009/2010 Budget (Account No. 897.91725)	\$1,742,000
Total Estimated Pylon Sign Related Construction Costs.....	\$890,000
Estimated Additional Design Related Services	<u>\$50,000</u>
Remaining Available Balance for Street Improvements	\$802,000

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:

Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

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 and neighborhood restoration.

SUMMARY

The street improvement plans are an integral element of the final conceptual plan to rejuvenate Auto Mall. Staff is recommending that the City Council authorize the execution of the Project Agreement with VA Consulting and the Community Redevelopment Agency is requested to accept the assignment of said Agreement and to authorize a change order to the purchase order in the amount of \$50,000 for additional design services.

ATTACHMENTS

Attachment "A" – Project Specific Agreement

Attachment "B" – Assignment Agreement

Attachment "C" – Change Order

Prepared By:
 Guy Pegan, P.E.
 Senior Engineer

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\Guy - 08-89791725 - Auto Mall Street Upgrades\CC Reports\Street Improvements\VA Consultant Award Agreement CC\Increase PO - Design 7-2010.doc

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**PROJECT SPECIFIC AGREEMENT FOR ON-CALL
PROFESSIONAL CONSULTANT SERVICES**

This Agreement is made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and VA Consulting, Inc., a California corporation hereinafter described as "Consultant."

RECITALS

WHEREAS, the City has pre-qualified Consultant for on-call consultant work in an Agreement ("On-call Agreement") executed on May 29, 2008, for services hereinafter described as "Project"; and

WHEREAS, the City wishes to engage the services of Consultant for the Project set forth in Exhibit "A".

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

1. The previously executed On-call Agreement between City and Consultant is incorporated herein and made a part of this Agreement as if set forth in full. In the event of a conflict between this Agreement and the On-call Agreement, the most current amendment shall prevail.

2. The City's scope of service is for Professional Consultant Design Services for the Moreno Valley Auto Mall Improvements and is described in detail on Exhibit "A" attached hereto and incorporated herein by this reference.

ATTACHMENT "A"

**PROJECT AGREEMENT FOR PROFESSIONAL
CONSULTANT SERVICES**

3. The Consultant's scope of service for Professional Consultant Design Services is described in detail on Exhibit "B" attached hereto and incorporated herein by this reference.

4. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

5. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee in accordance with the payment terms provided in Exhibit "D," attached hereto and incorporated herein by this reference.

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. Consultant shall provide updated insurance documentation, certificates or endorsements unless specifically waived by the City's Risk Manager.

SIGNATURE PAGE FOLLOWS

**AGREEMENT FOR PROFESSIONAL
CONSULTANT SERVICES**

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

City of Moreno Valley

VA Consulting, Inc.

BY: _____
City Manager

BY: _____

Name: _____

Date

TITLE: _____
(President or Vice President)

Date

BY: _____

TITLE: _____
(Corporate Secretary)

Date

APPROVED AS TO LEGAL FORM:

City Attorney

DATE: _____

- Enclosures: Exhibit "A" – City Request for Proposal/Scope of Services
 Exhibit "B" – Consultant Scope of Services/Proposal
 Exhibit "C" – City's Responsibility
 Exhibit "D" – Terms of Payment

MORENO VALLEY AUTO MALL IMPROVEMENTS

PROJECT NO: 08-89791725

SCOPE OF SERVICES

I. INVITATION

You are hereby invited to submit a Proposal for Professional Consultant Design Services associated with the **Moreno Valley Auto Mall Improvements** as shown on the attached location map.

Three (3) copies (one of the copies shall be unbound and paper clipped) of your proposal shall be submitted no later than **5:00 p.m., Monday, June 23, 2008**, addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (Mail delivery), **Attention: Reza Zolghadr, Consultant Project Manager**. The unbound copy of the proposal is to have no tabs, holes, perforations, or cardboard inserts, and be suitable for copying with an automatic-feed copy machine.

Note: If choosing not to propose, please contact Mr. Zolghadr within two days after the receipt of the Request for Proposal, to inform him of such intent.

II. GENERAL PROJECT DESCRIPTION

The Moreno Valley Auto Mall is currently comprised of seven Auto dealerships and two vacant parcels. It is the City's objective to reconfigure the traffic circulation at the Mall to entice customers to visit the Mall. The City and the Redevelopment Agency are currently exploring opportunities to increase business opportunities by creating attractive visual displays of dealer products and other aesthetic elements. They will provide the ability for an increased interaction between business owners and prospective customers. As part of this effort the City is hereby seeking proposals for a conceptual plan with alternatives to accomplish the above goals and rejuvenate the Mall.

The project site is bordered by SR 60 on the north and Moreno Beach Drive, on west.

III. PROPOSED BUDGET AND SCHEDULE

The project budget is \$1.8 million and the project schedule is as follows:

Conceptual and Preliminary Design.....	July 2008 – October 2008
Environmental Document	October 2008 - March 2009
Final Design/ROW	December 2008 - April 2009
Construction	August 2009 - March 2010

IV. SCOPE OF SERVICES

The City is requesting firms to provide Conceptual, Preliminary and Final Design based on proposed budget and anticipated schedules for the **Moreno Valley Auto Mall Improvements**.

Exhibit "A"

A. PROJECT CONSTRAINTS:

1. Vacation of southerly portion of Motor Way.
2. Vacation of "short-street" segment between Auto Mall Drive and easterly property line, south of Eucalyptus Avenue as shown on the project exhibit.
3. Maintenance of existing and proposed street lights, parkways and medians needs to be clearly identified.

B. PROJECT TASKS AND SUGGESTED ANALYSES NEEDED:

1. Analyze the ingress/egress, realignment, and extension of Trail Ridge Way, easterly to Motor Way from the intersection of Moreno Beach Drive.
2. Analyze and provide a conceptual design, as an interim improvement, the alignment of the proposed east leg of the intersection of Trail Ridge Way and Moreno Beach Drive with the existing southerly driveway entrance to the car dealership on Motor Way. Review all associated landscaping in parkway and medians, existing lighting and develop new lighting concepts.
3. Analyze and provide a conceptual design for the southerly portion of Motor Way to be vacated from its intersection on the south with Auto Mall Drive to the proposed intersection with the Trail Ridge Way realignment, on the north. All affected street improvements within this vacated corridor segment need to be abandoned, demolished and re-graded. Any existing utilities affected by this vacation will be abandoned, retrofitted, or retained in place by easements across said parcels.
4. Analyze and provide a conceptual design for the portion of Motor Way from its northerly intersection with Eucalyptus Avenue to a new fire/emergency vehicle-accessible City standard cul-de-sac constructed at its now south end, just north of the alignment of Trail Ridge Way. Other circulation elements shall also be considered on Motor Way.
5. Analyze and provide a conceptual design for traffic signal system modifications to the existing traffic signal at Trail Ridge Way and Moreno Beach Drive to accommodate these proposed improvements.
6. Analyze entry features/monument signage and vehicle display pads locations at key street intersections and corners throughout the Auto Mall.
7. Analyze other immediate area enhancements that would improve traffic circulation and attract more customers to the Auto Mall.
8. Review the project budget to determine and recommend how best to utilize and prioritize it, including using some funds to provide incentives to attract development of the remaining unused parcels within the mall.
9. The Consultant shall complete planning and traffic studies.

10. Attend and present the development of alternatives, conceptual plans and report to property owners, City Staff, and all stakeholders prior to commencing the work and at various stages to get consensus from all stakeholders.

C. SCOPE OF ENGINEERING SERVICES:

1. GENERAL DESCRIPTION

The Consultant will be required to provide services for preliminary engineering and conceptual plans. These services are described in more detail below. Please be advised that the following is not intended to be a complete description of the scope of services; projects of this nature do need occasional un-foreseen work, meetings, coordination etc. to meet the stated goal and objectives of the project and as such the Consultant needs to anticipate such work and include it in the proposed fee proposal.

Preliminary Engineering:

- Prepare project summary memorandum and conceptual plans with project alternatives and construction estimates.
- Prepare traffic circulation report.
- Collect traffic data, review traffic signal modification with preliminary design for the signal at the intersection of Trail Ridge Way and Moreno Beach Drive.
- Prepare traffic control concept for project.
- Prepare and maintain a project schedule identifying the critical path for the expeditious project completion.

2. RESEARCH OF RECORD INFORMATION

- a. The Consultant shall perform general research to secure all the information required to identify, locate, and accurately lay out streets centerline, right-of-way, and other ancillary items that may affect the improvement project.
- b. The City will provide copies of available pertinent City records, such as Street Improvement Plans, Striping Plans, Tract and Parcel Maps that the City knowingly has in its possession.

3. MEETINGS

The Consultant shall schedule and attend meetings in the planning phase as follows:

- Kickoff meeting including Sub-Consultants
- Project Development Team (PDT) monthly (or sooner if necessary) progress meetings
- Other meetings as necessary but not limited to stakeholder agencies, field reviews, utilities, and meetings with individuals
- Periodic meetings during construction to provide design clarification when required

The Consultant shall prepare meeting agendas and minutes for all meetings. The minutes shall be distributed to all attendees, invitees, and the City's project manager within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

4. PROJECT SCHEDULE

The Consultant shall provide a digital version of the project schedule using the Microsoft Project scheduling program, hard copies shall be provided for reports and staff usage.

The project schedule shall be divided into tasks and subtasks in full detail showing their critical path for expeditious project completion.

5. COMPENSATION FOR SERVICES PERFORMED

Please submit an itemized breakdown for the work described herein, in a separate sealed envelope as part of your proposal. Payment will be made on completion of the following deliverables:

- a Development of alternatives
- b Preparation of conceptual plans and report

6. STATEMENT OF QUALIFICATIONS FOR FINAL DESIGN

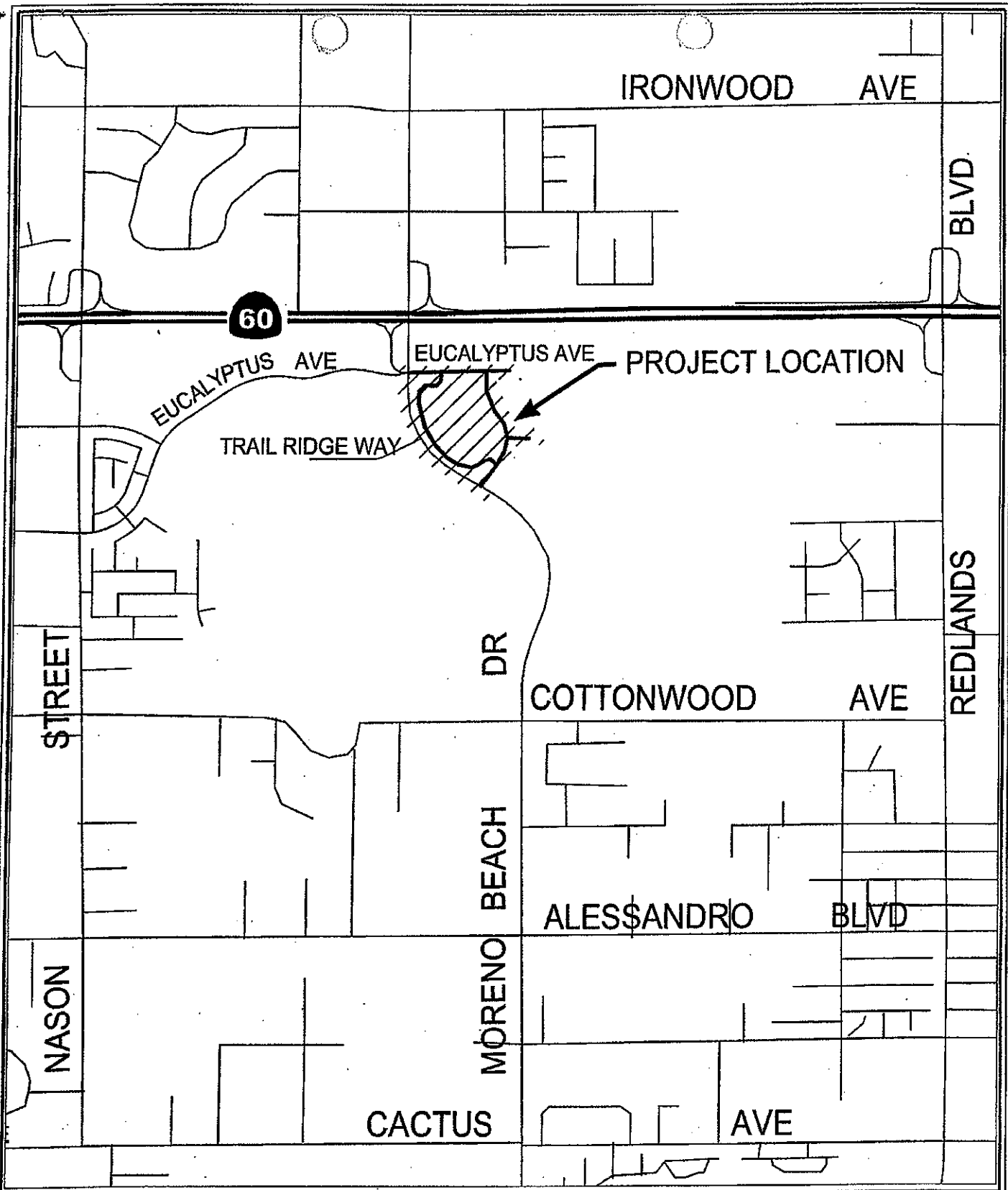
Consultant shall submit a Statement of Qualification for preparation of final design to cover the following items of work:

- a. Prepare and maintain a project design schedule identifying the critical path for expeditious project completion.
- b. Conduct and attend design kick-off meeting with all stakeholders.
- c. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
- d. Schedule, facilitate, and attend public meetings as necessary.
- e. Provide progress reports at a minimum monthly basis.
- f. Compose all correspondences to keep the project on schedule.
- g. Attend and present the project to City Council and property owners as required by City Staff.
- h. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
- i. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.

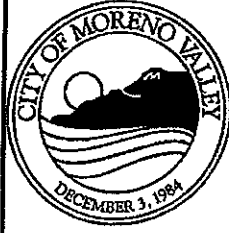
- j. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
- k. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.
- l. Oversee and arrange for an independent and timely plan check review, either through in-house appropriate experienced staff or outside sub-consultant, including, but not limited to Project Summary Memorandum, Geotechnical Report, Traffic Study, Environmental Documents, 35% Plans, 65%, 95%, 100% and final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, and all documents related to right-of-way acquisition.
- m. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:
 - Various City Council Staff Reports.
 - Utility correspondence letters and e-mails.
 - Federal, State and local correspondence.
 - Federal, State, and local documentation required for the project.
 - Right-of-way related documents and correspondence.
 - Necessary communication and reports to the funding agencies.
- n. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and biddability, constructability, and claim avoidance emphasis.
- o. Coordinate and ensure that all stakeholders and city Divisions and Departments complete plan check of all appropriate project documents.
- p. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments.
- q. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated.

Reza Zolghadr, P.E.
Consultant Project Manager

Exhibit "A" – Location Maps



LOCATION MAP



Public Works Department
 Capital Projects Division

Scale: None

ATTACHMENT "A"

PROJECT NO. 08-89791725
 MORENO VALLEY AUTO MALL
 IMPROVEMENTS



**ADDENDUM NO. 1
TO THE REQUEST FOR SCOPE OF SERVICES
PROJECT NO. 08-89791725
PROFESSIONAL CONSULTANT DESIGN SERVICES
FOR THE MORENO VALLEY
AUTO MALL IMPROVEMENTS**

June 18, 2008

TO: PROSPECTIVE PROPOSERS

This Addendum forms a part of the Request for Proposal (RFP) for the above-identified project and modifies the original RFP as noted below. Portions of the RFP, not specifically mentioned by the Addendum, remain in force.

1. Proposal Submittal Date Change:

The date for submittal of the Moreno Valley Auto Mall Improvements proposal has been extended from June 23, 2008 as referenced in the Request for Proposal, page 1, section I "Invitation", first paragraph shall be modified to read as follows: **"...Proposal shall be submitted no later than Monday, 5:00 p.m., July 7, 2008"**.

All consultants submitting proposals for this project shall acknowledge receipt of and make this addendum no. 1 a part of their proposal.

If you have any questions, please contact me, at 951.818.8419.

Sincerely,

Reza Zolghadr, P.E.
Consultant Project Manager

RZ:dmc

c: File

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April 7, 2009

Mr. Reza Zolghadr
Consultant Project Manager
City of Moreno Valley
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805

Dear Mr. Zolghadr:

VA Consulting, Inc. (VA) is pleased to submit this revised proposal to provide professional consultant services associated with the final engineering and design of **Moreno Valley Auto Mall Improvements** (Project No. 08-89791725) in response to the City of Moreno Valley (City) request. Your project will benefit from the familiarity and experience the VA Team has with the Conceptual Design of the Auto Mall Improvements. A copy of the Conceptual Plan dated March 4, 2009 is enclosed for reference. This proposal supersedes our proposal submitted on March 17, 2009.

A detailed scope of services is provided in Section I and proposed fees in Section II of this proposal. We will provide our services on a time-and-materials, not-to-exceed basis in accordance with the attached estimated fees and expenses (Exhibit "A") and fee schedule (Exhibit "B").

I. SCOPE OF SERVICES

1. Topographic Survey

VA will provide a topographic survey of the areas of work on Moreno Beach Drive, Eucalyptus Avenue and Auto Mall Drive within the project limits. Control data will be assembled and established for the project area (to include record map monuments for centerline control/right-of-way and City benchmark). This survey will include topographic survey shots for proposed areas of design and 10' outside of those areas. Survey will pick up any visible surface utilities (manholes/inverts, water valves, fire hydrants, catch basins, utility boxes, utility poles, guy wires, vaults, etc.) curb/gutter, driveways, fences, landscape, trees, striping, paving, walks, handicap ramps, walls, adjoining building corners, signage, etc. In areas of longitudinal street reconstruction such as along Motor Way, cross-sections will be taken at 25-foot intervals.

The survey data will be down loaded and compiled to create topographic mapping of the area, including surface features, recovered monumentation, right-of-way,

Exhibit "B"

VA Consulting, Inc.
Corporate Office
Orange County Division
6400 Oak Canyon, Suite 150
Irvine, CA 92618

Phone 949.474.1400
Fax 949.261.8482

adjoining lot lines, assessor parcel numbers, addresses, culture and contours for design purposes. The final map (24" x 36") will be at a scale of 1" = 20' with 1' contours.

2. Legal Descriptions and Exhibits

VA will prepare metes and bounds legal description/plat exhibit for four (4) vacations of Motor Way. This proposal includes reviewing a 6 month current preliminary title report, deeds, easements, and record maps of each affected property and legal description/plat exhibit preparation based on four (4) exhibits. The City will provide all current Title Reports, and will keep an active and open order with the Title Company. Processing of legal description/plat exhibit for vacation is not a part of this proposal.

3. Utility Coordination and Notification

VA will identify all public utilities within the project limits and will assist City staff with utility coordination. VA will prepare utility notifications and will request utility maps. The City will send out all utility verifications and relocation notices. VA will prepare a Utility Base Map depicting all existing utilities found within project limits based on available information, and indicate any proposed utility adjustments or relocations on the construction plans.

4. Traffic Study

VA will prepare a traffic study brief for the project intersections which will include analysis of am and pm peak hour traffic turning movement counts (turning and through) as collected during the preliminary design phase of this project in 2008. The turning movement counts were performed by National Data & Survey Services (NDS) for a typical weekday. VA will analyze the traffic counts and evaluate the level of service at the intersections surrounding the project. Level of service D or better will be maintained for traffic movements through the intersections. VA will identify and provide recommendations in a summary report for traffic signal phasing, lane configurations, and design queues for left and right turn movements at the intersections.

5. Geotechnical Report

The scope of geotechnical services presented in this proposal is developed based on the requirements and guidelines stated in the RFP and Leighton Consulting, Inc. (LCI) past experience with similar projects. The following scope of services is proposed:

- Review of existing geotechnical/geologic maps, reports or other related documents.
- Conduct a field exploration to evaluate subsurface conditions and collect representative soil samples.

- Evaluate the physical soil properties including in-situ moisture and density, maximum dry density, soil Resistance Values (R-Values) of representative soil materials along subject street improvement areas.
- Provide a letter report that includes geotechnical-engineering recommendations and coring logs.
- Post report consultation- Review of project plans and specification during the design process with consideration of geotechnical issues.

A detail description of the proposed field exploration, laboratory testing, engineering (office) studies and reports is discussed further below.

A. Field Exploration

This task includes 1) drilling, sampling and logging of 1-2 hollow stem auger borings to a depth of 5 ft. with a hand auger. The shallow 5-foot boring will be drilled in the area of the proposed street paving; and, 2) drilling, sampling and logging of 2 hollow stem auger borings to a depth of 15 feet with a conventional drill rig at the 2 locations of the proposed monument signs (Lots G and H). All excavated soil borings will be backfilled with soil cuttings and quick set concrete mix, if needed.

Before the start of fieldwork, the exploration locations will be marked out and Underground Service Alert (USA) will be notified so that known public or private underground utilities can be identified. Traffic control will be provided when drilling within the public street in accordance with the W.A.T.C.H manual. An encroachment permit application with a map showing the proposed soil boring and pavement coring locations will be submitted to the City prior to the field exploration.

Identification, handling and treatment of hazardous materials are beyond the scope of the geotechnical engineering services. If such materials are encountered, the City will be notified immediately, and a proposal for handling of such materials will be submitted, if requested.

B. Geotechnical Laboratory Testing

Geotechnical testing on the representative soil samples will be performed to evaluate subgrade soils and aggregate base resistance values (in place moisture content and density tests, R-Value, maximum dry density and optimum moisture content, expansion index as needed).

C. Office Studies and Report

LCI will review the field and laboratory data and perform engineering analyses to develop geotechnical recommendations. The geotechnical report will include the coring logs, laboratory test results, summary of the findings and geotechnical recommendations.

D. Time Schedule

Depending on site access constraints, permitting, weather and exploration equipment availability, field exploration may begin 5 to 10 working days after receipt of an order to proceed and a signed contract. California law requires that Underground Service Alert (USA) be provided at least two working days advanced notice to locate registered utilities in the proposed exploration area, before exploration can begin. LCI anticipates submitting the final report in 4 to 5 weeks after receipt of written authorization to proceed or after obtaining the permit from the City.

The following is assumed:

- LCI is not responsible for damage to unidentified utilities or structures.
- No inclement weather or environmental issues are to preclude drilling.
- Encroachment permit will be provided by the City (at no cost) and the field investigation can be performed during normal weekday daylight-hours.

6. Demolition Plan

VA will prepare a demolition plan at 1"=20' scale on four (4) 24" x 36", "double-stacked" plan sheets showing existing paving, street features, Project site structures, and other elements to be removed and relocated.

7. Street Modification Plans

VA will prepare street plans and profiles at a scale of 1" = 20' horizontal, 1" = 4' vertical (where applicable), for the Project on 24" x 36" sheets for the proposed improvements per the City's approved Conceptual Plan. Plans will show proposed finish grade elevations, sidewalks, finish paving elevations, curb and gutter and wheel chair ramps, as well as construction notes, details and quantities. Plan set to include the following:

- (1) Title Sheet;
- (1) Detail Sheet; and
- (7) Street Modification Plan and Profile Sheets with horizontal control data, vertical design data, hardscape improvements, surface drainage improvements, and applicable construction notes. Included on the Street Modification Plans will be the following:
 - a. Signage and striping improvements, showing the new striping and pavement markings within the project limits. The plans will also include existing signs and new signs if necessary to meet current California Manual on Uniform Traffic Control Devices (CA MUTCD) standards. The traffic sign work will be based on an inventory of existing signs and an assessment of new project signage upgrade requirements, if any. All

improvements will be based on the latest California Manual on Uniform Traffic Control Devices (CA MUTCD) and City standards.

- b. Final disposition of miscellaneous utility relocations and adjustments.
- c. Details for construction of Lot G display area.

8. Erosion Control Plan

VA will prepare an Erosion Control Plan for the Project work at a scale of 1"= 40' on two (2) 24" x 36" "double-stacked" plan sheets. Erosion Control Plans will be incorporated into the Street Modification Plan set.

9. Landscape and Irrigation Plans

SJA, Inc. will prepare plans for the following areas as delineated on the Conceptual Plan (dated March 4, 2009):

- The easterly parkway of Moreno Beach Drive from Eucalyptus Avenue to Auto Mall Drive;
- Lot G and Lot H; and
- Areas created by new landscape fingers and "bulb out" locations per the plan along Eucalyptus Avenue, Auto Mall Drive, and on Motor Way between the new entry from Moreno Beach Drive and Eucalyptus Avenue.

Included are landscape and irrigation plans consistent with existing landscape and irrigation systems (served by domestic water), attendance at Project Team meetings, and incorporation of City review comments. Prepare Final Construction Documents to the appropriate progress levels (35%, 65%, 95%, and 100%), more specifically described as:

- Prepare final construction documents for circulation to City/agencies;
 - Irrigation Plans and Details;
 - Planting Plans;
 - Planting Details; and
 - Specifications.
- Update Preliminary Estimate of Probable Construction Costs;
- Submit plans for agency submittal (four sets each);
- Revise plans per agency comments / in house plan check; and
- Project development team meetings.

Preliminary or Concept Drawings are not included. The following optional services may be provided as requested. Compensation for optional services will be paid per SJA, Inc. hourly billing schedule.

- Water Budgeting Calculations; and
- Water Auditing.

10. Lighting Plan

VA's subconsultant, JCA Engineering (JCA), will provide electrical engineering services for the preparation of lighting plans for the project. JCA will perform the following tasks:

- Design of power distribution from existing site service and sub-panels to each new light fixture and devices to meet City's requirements;
- Design relocation of existing tree accent up lighting;
- Design new tree accent up lighting;
- Design of new pedestrian walkway lighting to meet all building codes presently adopted by the authority having jurisdiction, as required;
- Design of monument sign accent up lighting;
- Provide revisions necessary as a part of Building Department review and submit construction documents for bid issue and construction. Respond to requests for information and prepare any addenda as necessary;
- Review all shop drawings relating to the electrical work for compliance with the construction documents;
- Provide structural pole base calculations for walkway poles;
- Provide electrical book specifications; and
- Provide electrical engineer's stamp and signature.

11. Traffic Signal Modification Plan

VA will prepare a traffic signal modification plans using AutoCAD at 1" = 20' scale on one (1) 24 x 36" sheet for signal improvements required for adding a new east-west crosswalk over the southerly leg of the Trail Ridge Way and Moreno Beach Drive intersection. Traffic signal plans will be prepared in accordance with City of Moreno Valley and Caltrans standards. As part of this task, VA will conduct a thorough field inventory of the existing signal improvements at this location to confirm and supplement the as-built plans.

12. Traffic Control Plans

Traffic control plans will be prepared using AutoCAD, at 1" = 40' scale and will follow the guidelines established in the California Manual on Uniform Traffic Control Devices (CA MUTCD). Traffic control plans will be five (5) sheets, "double stacked" with two horizontal layout strips placed on each plan. The plans will show traffic control measures required for the construction of the project including all traffic control devices, temporary lane delineation, and construction signing. VA will make every effort to reduce the impacts of traffic control and lane closures on adjacent properties by implementation of an efficient design that emphasizes public and worker safety and cost-effective construction.

13. Final Quantities and Engineer's Opinion of Probable Construction Costs

VA will prepare final quantity estimates and an engineer's opinion of probable construction costs for the work shown on the plans onsite improvements. The opinion of costs will be prepared once upon first plan check submittal of Project plans, and upon final 100% submittal of plans.

14. Specifications

VA will prepare project specifications for the project work items including Special Provisions (including traffic control and detour information) and Bid Schedule forms in a format consistent with current City projects and boiler plate. Specifications will be provided with the 65% and 100% plan submittals. The specifications will also include requirements for erosion and pollution control during construction. VA will use Standard General Provisions and Construction Contract Agreement documents supplied by the City.

15. Structural Design

VA will prepare a structural design detail and calculations for a typical Lot G and H Monument Sign caisson footing. VA will engage a third party structural engineer to perform a peer review of the design.

16. Project Management

A. Meetings, Coordination and Processing

- VA will report directly to the City Program Manager.
- VA will schedule, facilitate, and attend public meetings as necessary. VA will attend and present the project to City Council and property owners as required by City Staff. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services. VA will assist the City in determining if the project meets all applicable Federal, State, and local construction requirements.
- VA will provide coordination services including attendance at project meetings, coordination with design team and consultants under contract to Client, investigate project issues as requested by Client, and will assist Client concerning processing of plans with jurisdictional agencies.
- VA will address plan checks completely for the appropriate project documents. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments, such that updates necessary as a result of plan check review are communicated and incorporated.

B. Project Schedule

- Prepare and maintain a project design schedule identifying the critical path for expeditious project completion.
- Conduct and attend design kick-off meeting.
- Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within one (1) week.

C. Document Submittal and Plan Information

The plan submittals for each project will comply with City's requirements as stated in the RFP. All project files will be maintained in accordance with the City boiler format or as otherwise directed by the City Program Manager.

- First Submittal: 65% complete geometric plans with survey information, draft Specifications, Preliminary Opinion of Costs and draft Soils Report;
- Second Submittal: 95% complete plans, specifications, and opinion of costs sets;
- Third Submittal: 100% complete plans, specifications, and opinion of costs; and
- Final Submittal: Original Mylar Plans, Specifications, Opinion of Costs, and other Contract Documents in hard copy and electronic format.

D. Project Progress Reporting

- Provide progress reports on a monthly basis by email.
- Oversee all measures of the specific project's scope of services for timely completion and in a professional manner with an emphasis on providing the City with a high quality project.
- Complete all appropriate communication, correspondence, and reports on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the VA Team will review and/or provide in the course of the work:
 - Various City Council Staff Reports;
 - Utility correspondence letters and e-mails;
 - Agency correspondence;
 - Right-of-way related documents and correspondence.

- Provide a detailed independent review of the 95% PS&E package by VA's in-house Construction Manager. Include an in-depth field review with biddability, constructability, and claim avoidance emphasis.
- During Plan Check, VA will oversee and arrange for an independent and timely plan check review, through in-house appropriate experienced staff. Review materials may include the Project Summary Memorandum, Geotechnical Report, Traffic Study, Environmental Documents, 35% Plans, 65%, 95%, 100% and final PS&E packages, Legal and Plats, and documents related to right-of-way acquisition/vacation.

During the Final Design Phase, approximately five (5) hours per week for four (4) months, for a total of 77 staff hours has been budgeted for the project management task.

17. Bid Support Services

VA will assist the City in preparation of contract documents for bidding, and attend the pre-bid meeting. VA will be available to respond to questions from bidders, provide clarification of plans and specifications, and prepare addenda as needed to modify or clarify the Contract Documents during the bid phase. VA will also assist the City in evaluating the submitted bids. The budget for this task assumes approximately 40 hours of combined VA staff time.

18. Record Drawings

Upon completion of construction, VA will prepare Record Drawings based on markups provided by the Contractor and City inspector. The budget for this task assumes approximately 32 hours of combined VA staff time. For the landscape plans, another 12 hours is assumed.

Optional Tasks

19. Conceptual Landscape Plan (Lots G & H)

- Meet with client/city to develop program and define scope of work, review conceptual sketches and discuss alternatives
- Prepare conceptual sketches for presentation to client/city.
- Prepare preliminary estimate of probable construction costs based on agreed upon design alternative, and review overall design and estimates with City.
- Refine concept per minor City comments for final review.
- Prepare final color plan suitable for mounting to 30x42 foam core boards.

The following optional services may be provided as requested. Compensation for optional services will be paid per SJA, Inc. hourly billing schedule.

- Water Budgeting Calculations; and
- Water Auditing.

20. Construction Support Services (Civil and Landscape)

VA will assist the City during the construction phase and will attend the Pre-Construction Meeting. During construction VA will attend periodic (bi-weekly) construction meetings, review shop drawings/submittals, and respond to requests for information (RFI) from the Contractor and the City.

VA will also perform site visits at major milestones of the completion of construction to observe in general if the work is being performed in substantial conformance with the construction documents. For the civil work, The budget for this task assumes approximately 52 hours of combined VA staff time and a construction duration of approximately (3) three months (13 weeks) beginning in 2009. For the landscape work, another 40 hours is assumed.

21. Legal Description/Exhibit

VA will prepare legal description/exhibit for vacation of the stubbed street east of Auto Mall Drive and between Parcels 6 and 7. Title Report to be provided by City.

22. Stakeholder Coordination

VA will assist the City in coordination, notifications, presentations and meetings with Project stakeholders. The budget for this task assumes approximately 30 hours of VA management time.

Assumptions and Exclusions

1. Mapping will be based on available City/County vertical datum and an assumed horizontal control, unless specifically requested otherwise.
2. The project will be designed and constructed as a single phase.
3. The project will not require storm drain pipes 12-inches in diameter and larger.
4. The boundary corners for the site have been established and monumented by others. VA will use record data for establishing the project boundaries and right of ways.
5. Investigation and documentation of "as-built" electrical assumes existing drawings are available. Field investigation is limited to visual observation of panels and overcurrent devices without exposing live parts. City shall furnish licensed electrician, if necessary, to determine panel capacity.
6. The following services are not included in this Scope of Services, but may be provided by VA or sub-consultant per supplemental City authorization:

- Water, sewer, storm drain, or dry utility plans;
 - Revisions to work completed or underway due to a change in information or instruction provided to VA by City or revised Agency Policy;
 - SWPPP, WQMP and NOI unless specifically included in the Scope;
 - Environmental forms or assessment;
 - Design of remedial electrical work where existing conditions are in violation of California Electric Code;
 - Design or specification for removal of existing or addition of new street lighting or street signal (City to provide for bid, if required);
 - Re-establishment of missing survey monumentation;
 - Potholing of underground facilities; and
 - Obtaining permission to enter upon private properties.
7. Revisions requested by City to VA's agency-approved plans will be billed on a time-and-materials basis, subject to supplemental City authorization.
8. City may set up an account with a blueprint company or may elect to have VA process as a reimbursable expense. VA will surcharge all reimbursable expenses 10% to cover costs of invoicing, processing and carrying charges.

II. PROPOSED FEES

1. Topographic Survey	\$10,820
2. Legal Descriptions and Exhibits (4 total)	\$ 6,896
3. Utility Coordination and Notification	\$ 3,568
4. Traffic Study	\$ 3,900
5. Geotechnical Report	\$ 8,000
6. Demolition Plan	\$ 7,304
7. Street Modification Plans	\$37,676
8. Erosion Control Plan	\$ 4,000
9. Landscape and Irrigation Plans	\$20,500
10. Lighting Plan	\$ 4,000
11. Traffic Signal Modification Plan	\$ 5,600

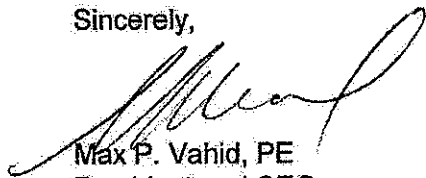
12. Traffic Control Plans	\$ 7,500
13. Final Quantities and Engineer's Opinion of Probable Construction Costs....	\$ 3,000
14. Specifications	\$ 4,090
15. Monument Sign Footing Structural Design	\$ 4,100
16. Project Management	\$11,100
17. Bid Support Services	\$ 5,152
18. Record Drawings	\$ 6,232
Reimbursable Expenses.....	\$ 2,451
TOTAL FEES.....	\$155,889

Optional Tasks

19. Conceptual Landscaping Plans for Lots G & H.....	\$ 5,900
20. Construction Support Services	\$13,200
21. Legal Description/Exhibit (1 total).....	\$ 2,000
22. Stakeholder Coordination	\$ 4,800

We appreciate the opportunity to submit this proposal and look forward to being of service to you on this project. Should you have questions, please contact Wayne Richardson or me at (949) 474-1400.

Sincerely,



Max P. Vahid, PE
President and CEO

MPV/cmj

Enclosures: Exhibit "A" - Estimated Fees & Expenses
Exhibit "B" - Fee Schedule
Project Schedule
Conceptual Plan (dated January 30, 2009)

cc: Wayne Richardson; Jeff Wilkerson; Contracts

EXHIBIT "A"

CITY OF MORENO VALLEY
AUTO MALL FINAL ENGINEERING

ESTIMATED FEES & EXPENSES

Tasks	Description	No of mtgs reports	P/DJR hrs	PM hrs	PE hrs	SDE hrs	DE hrs	ZMC hrs	Clerical hrs	VA hrs	VA Fees	Subconsultants hrs	Fees
FINAL ENGINEERING													
1	Topographic Survey	1	2	6	12		16	30		66	\$10,820		
2	Legal Descriptions and Exhibits	4	2	4	24		24			54	\$6,896		
3	Utility Coordination and Notification		1	4	16		6			27	\$3,568		
4	Traffic Study	1	6	4	17		2		2	29	\$3,800		
5	Geotechnical Report	1	1	2			2		1	6	\$800	ne	\$7,200
6	Demolition Plan	4	2	4	20		32			58	\$7,304		
7	Street Modification (and Striping) Plans	9	16	40	60	32	148			296	\$37,676		
8	Erosion Control Plan	1	2	4	8		17			31	\$4,000		
9	Landscape and Irrigation Plan	2	2	4	4		8		1	19	\$2,425	120	\$18,075
10	Lighting Plan	1	2	2			2			4	\$500	26	\$3,500
11	Traffic Signal Modification	1	8		18		16			42	\$5,600		
12	Traffic Control Plans	5	4		34		20			58	\$7,500		
13	Opinion of Costs	1	2	4	9		8			23	\$3,000		
14	Specifications	1	4	8	16				2	30	\$4,090		
15	Monument Sign Footing Structural Design	1	4	17			8			29	\$4,100		
16	Project Management (4 mtgs)		4	69			16		4	77	\$11,100		
17	Bid Support Services	2	2	11	9		17		2	40	\$5,152		
18	Record Drawings	9	4	6	4		17		1	32	\$4,132	12	\$2,100
TOTAL HOURS												\$122,563	\$15,225
SUBCONSULTANT TOTAL												\$2,451	
REIMBURSABLE EXPENSES												\$155,889	
TOTAL FEES													
OPTIONAL ITEMS													
19	Lot G and H Concept Landscaping Plan	1	1	2			2			5	\$700	35	\$5,200
20	Construction Support Services		4	42			4		2	52	\$7,500	40	\$5,700
21	Legal Description and Exhibit (ea.)	1	1	5			9			15	\$2,000		
22	Stakeholder Coordination		28						2	30	\$4,800		
23	Reimbursables for Optional Items@1.5%										\$225		
Rate (\$/hr)												\$166	\$147
Rate (\$/hr)												\$122	\$132
Rate (\$/hr)												\$117	\$205
Rate (\$/hr)												\$89	\$15,225
Rate (\$/hr)												\$30,675	
Rate (\$/hr)												\$15,225	
Rate (\$/hr)												\$155,889	
Rate (\$/hr)												\$700	\$5,200
Rate (\$/hr)												\$7,500	\$5,700
Rate (\$/hr)												\$2,000	\$4,800
Rate (\$/hr)												\$225	\$10,900

EXHIBIT "B"

VA CONSULTING, INC.

FEE SCHEDULE - 2009

Staff Classification

Civil Engineering and Planning Services **Hourly Rate**

President.....	\$190
Division President/Division Manager.....	\$173
Sr. Vice President/Vice President/ Exec. Director.....	\$163
Director.....	\$160
Senior Project Manager.....	\$155
Project Manager.....	\$147
Assistant Project Manager.....	\$142
Senior Project Engineer/Senior Design Supervisor/Senior Planner.....	\$137
Project Engineer/Design Supervisor.....	\$132
Senior Design Engineer/Senior Designer.....	\$122
Design Engineer/Planner.....	\$117
Designer.....	\$110
Assistant Engineer/Assistant Planner.....	\$100
Research and Processing Coordinator.....	\$95
Senior CADD Technician.....	\$90
Junior Engineer.....	\$85
CADD Technician.....	\$80
Engineering Intern.....	\$70
Office Support/Clerical.....	\$69

Field Survey and Mapping Services

Director of Survey and Mapping.....	\$158
Manager of Field Survey.....	\$130
Survey and Mapping Associate.....	\$95
Survey and Mapping Technician.....	\$75
3-Man GPS Crew.....	\$235
2-Man GPS Crew.....	\$205
1-Man GPS Crew.....	\$175

Special Services

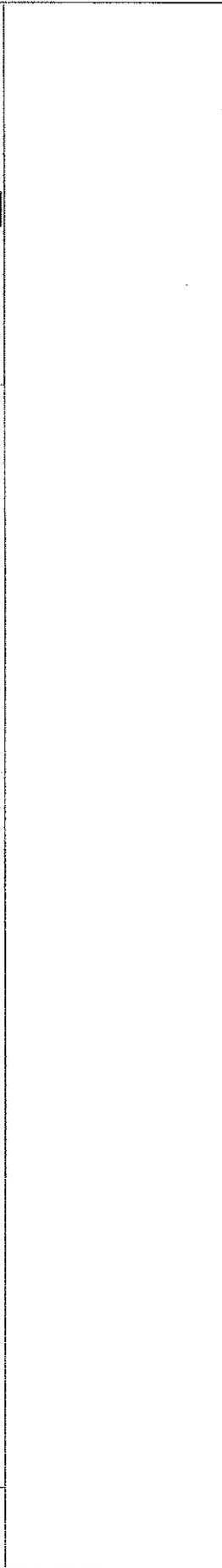
Litigation.....	\$450
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Notes:

1. Invoices will be prepared for all services through the end of each calendar month. Invoices are due and payable on presentation.
2. Overtime, when requested by the client, will be surcharged at a rate of 135% of the standard hourly rates. Sundays and holidays will be surcharged at a rate of 170% of the standard hourly rates.
3. Reprographics, messenger service, travel (including lodging and meals), and other direct expenses will be charged at cost plus 10%. The services of outside consultants will be charged at cost plus 15% to cover administration and overhead.
4. In-house reprographics charges: B&W Bond copies \$0.66/sq.ft, Color Bond \$6.00/sq.ft.
5. Mileage will be billed at standard mileage rates set by IRS. 2009 rates currently listed at \$0.55 per mile.

**CITY OF MORENO VALLEY
AUTOMALL FINAL ENGINEERING
PROJECT SCHEDULE**

ID	Task Name	Duration	Start	Finish	Apr	May	Jun	Jul	Aug	Sep	Oct
1	Notice to Proceed / Kick Off Meeting	1 day	Mon 5/4/09	Mon 5/4/09		5/4					
2	Preliminary Engineering	25 days	Mon 5/4/09	Fri 6/5/09							
3	Surveying and Topo Mapping	2 wks	Mon 5/4/09	Fri 5/15/09							
4	Utility Coordination	2 wks	Mon 5/4/09	Fri 5/15/09							
5	Traffic Study	2 wks	Mon 5/4/09	Fri 5/15/09							
6	Geotechnical Report	5 wks	Mon 5/4/09	Fri 6/5/09							
7	Improvement Plans	91 days	Mon 5/11/09	Mon 9/14/09							
8	Prepare 35% Submittal (Plans and Estimates)	4 wks	Mon 5/11/09	Fri 6/5/09							
9	City Review of 35% Submittal	3 wks	Mon 6/8/09	Fri 6/26/09							
10	Prepare 65% Submittal (Plans)	3 wks	Mon 6/29/09	Fri 7/17/09							
11	City Review of 65% Submittal	2 wks	Mon 7/20/09	Fri 7/31/09							
12	Prepare 90% Submittal (Plans and Specifications)	2 wks	Mon 8/3/09	Fri 8/14/09							
13	City Review of 90% Submittal	2 wks	Mon 8/17/09	Fri 8/28/09							
14	Prepare 100% Submittal (Plans, Specifications, and Estimates)	1 wk	Mon 8/31/09	Fri 9/4/09							
15	City Review of 100% Submittal	6 days	Mon 9/7/09	Mon 9/14/09							
16	Plans, Specifications and Estimates Completed	1 day	Mon 9/14/09	Mon 9/14/09							
17	Right-of-Way Engineering	55 days	Mon 5/4/09	Fri 7/17/09							
18	Obtain Title Reports (By City)	8 wks	Mon 5/4/09	Fri 6/26/09							
19	Prepare Legal Descriptions and Plats	3 wks	Mon 6/29/09	Fri 7/17/09							



VA Consulting, Inc.
March 9, 2009

SC-H01_AutomallFinalDesign.mpp

Page 1

Task: [Solid Bar]

Milestone: [Diamond]

Split: [Bar with Dotted Line]

Summary: [Thick Bar]

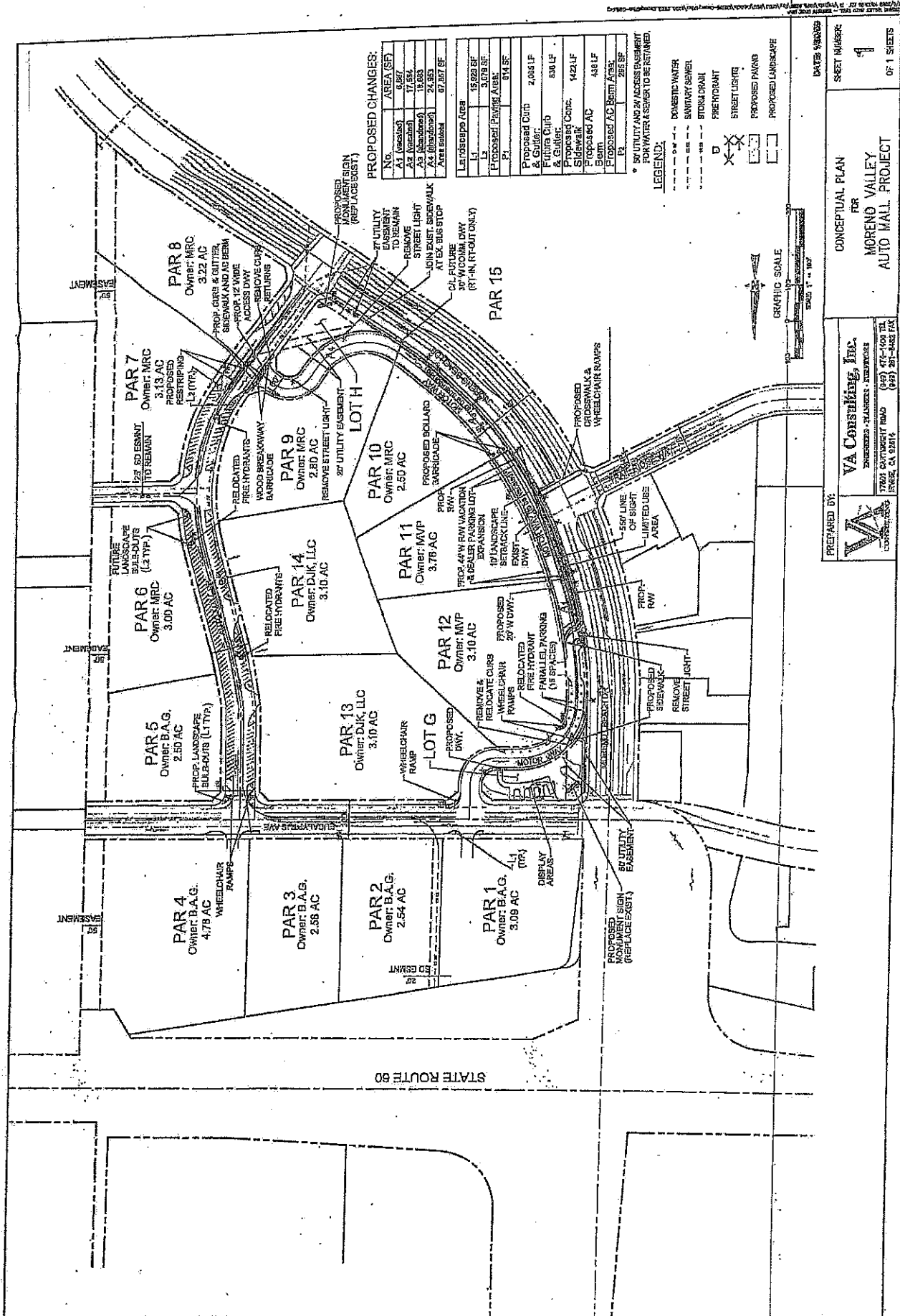
Progress: [Bar with Gradient]

External Tasks: [Hatched Bar]

External Milestone: [Diamond]

Project Summary: [Thick Bar]

Deadline: [Arrow]



**CITY - SERVICES TO BE PROVIDED
TO CONSULTANT**

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

TERMS OF PAYMENT

1. This Agreement and Project shall have a Not-to-Exceed Fixed Fee of \$237,067.
2. Rates for personnel and services shall be as provided in the attached "Rate Sheet."
3. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work covered by this Proposal.
4. The City will pay the Consultant for work completed as identified in the Payment Schedule. Work can only commence after a Project Agreement has been executed and the City issues a notice to proceed.
5. Progress payments shall be based on tasks performed as identified in the Payment Schedule. Monthly invoices will specifically identify job title, person-hours, and costs incurred by each task.
6. Sub-categorization of tasks is permitted to better define the task for payment.
7. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fixed Fee."
8. All tasks including labor and reimbursable costs such as mileage, printing, telephone, photographs, postage, and delivery shall have supporting documentation presented at the time payment is requested.
9. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services" and the "Project Agreement."
10. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services" or the "Project Agreement," an "Amendment to the Agreement" will be executed between the City and Consultant.
11. Payment will be based on hourly rate for work completed associated with each applicable task as identified in the scope of work.
12. A resource loaded progress schedule shall be submitted with the proposal. All payments will be made if the Consultant demonstrates adequate progress per the resource loaded schedule.

EXHIBIT "D"

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\Design Phase\Consultant -Agreement\VA Consulting\Project Specific On-call Agreement - VA Consulting (July 2010).doc

ASSIGNMENT OF PROJECT SPECIFIC AGREEMENT

Whereas, on _____, the City of Moreno Valley entered into a Project Specific Agreement for the Auto Mall Freeway Improvements Project ("Agreement") with VA Consulting, Inc., hereinafter referred to as "Consultant".

Whereas, for accounting, clarity, and other purposes, the City of Moreno Valley desires to assign all of its interest, rights, and obligations in the Agreement to the Community Redevelopment Agency of the City of Moreno Valley, hereinafter referred to as "RDA".

Section 1. Assignment

1.1 The City of Moreno Valley hereby assigns all of its interests, rights, and obligations in and to the Agreement to the Community Redevelopment Agency of the City of Moreno Valley. The RDA shall be obligated to the same terms of the City in the Agreement.

1.2 By signing this Assignment, the City of Moreno Valley, the RDA, and the Contractor agree to this Assignment.

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

City of Moreno Valley

VA Consulting, Inc.

By: _____
William Bopf
City Manager

By: _____
Name
President

Date: _____

Date: _____

Community Redevelopment Agency of the City of Moreno Valley

By: _____
William Bopf
Executive Director

Date: _____

Approved as to Legal Form:

Suzanne Bryant
Deputy City Attorney

Date: _____

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CHANGE ORDER FORM

VENDOR NAME:

VA Consulting, Inc.

CITY OF MORENO VALLEY, CA

ORIGINAL PO NUMBER

TODAY'S DATE: 6/2/10

37386

Project Number:

DESCRIPTION OF NEEDED CHANGE

Note: If text does not fill across the row shorten the text (under 260 characters) and use two or more rows

Increase purchase order 37386 by \$50,000 for design revisions and design-related construction support services for the Moreno Valley Auto Mall Improvements, Project Number 08-89791725,

per Project Specific Agreement executed by the City Manager on _____.

On-Call Agreement with VA Consulting expires on May 15, 2011. The On-Call Civil Engineering Design Services Agreement is on file with the Purchasing Division.

Notes:

Signatures below are based on the total accumulated expenditure amount of original PO and all subsequent change orders (Revised Total Spend).

Requested by: Guy Pegan

Date:

Division Manager (\$15k)

Date:

Department Head (\$30K)

Date:

Financial & Admin. Svcs. Director (\$50K)

Date:

City Manager (\$100K)

Date:

Purchasing Manager's Signature:

COST
(use negative sign to reduce amount)

\$50,000.00

Change Order Sub Total from Above: \$50,000.00

Original P.O. and Prior Change Order Amount: \$187,067.00

Revised Total Spend: \$237,067.00

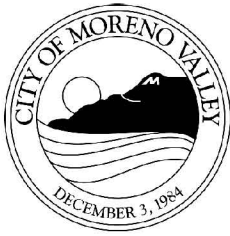
Business Unit and Expenditure Code
(e.g. 31510.6221.225)
Cannot split between fund numbers

Split Amounts

\$237,067.00

Split Allocated Total Spend: \$237,067.00

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

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

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

AGENDA DATE: July 13, 2010

TITLE: APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE
PROJECT NO. 09-89791726

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive.
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney.
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$49,096.00, subject to the approval of the City Attorney.
4. Authorize the City Manager to appropriate a maximum amount of \$109,333.50 (\$91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX).

5. Authorize the City Manager to appropriate a maximum amount of \$185,242.50 (\$154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

BACKGROUND

In November 2007 the Community Redevelopment Agency issued a Series A tax allocation bond issuance in the amount of \$41.7 million to finance a variety of capital projects. One of the projects authorized by the City Council is the Indian Detention Basin Storm Drain Improvement and Street Improvement Project. The Indian Detention Basin is situated on City owned land bounded by Ironwood Avenue, Davis Street and the Festival Shopping Center (see Attachment "A" – Location Map). The goal of the project is to provide the necessary infrastructure improvements to the Indian Detention Basin and installation of inlet and outlet storm drain facilities and street improvements along the south side of Ironwood Avenue between Heacock Street and Nita Drive to protect the surrounding area and neighborhoods that are currently within a Federal Emergency Management Agency (FEMA) mapped flood plain area.

On July 8, 2008 the City Council approved an Agreement for Professional Consultant Services for the Indian Detention Basin, Drainage Improvements/Ironwood Avenue Improvements, with Lim And Nascimento Engineering Corporation (LAN), to provide planning and engineering services. On July 8, 2008, City Council also approved a separate Agreement for Professional Consultant Services with LAN for Ironwood Avenue Improvements from Heacock Street to Perris Boulevard (Project No. 06-50182625) for street improvements on Ironwood Avenue easterly of the area covered by the Indian Basin project. The respective scopes of work included storm drain alignment alternatives analysis for Lines H, H-1A, and H-5 consistent with the Sunnymead Area Drainage Plan (ADP).

On March 24, 2009 the City Council adopted a Mitigated Negative Declaration for both projects, including the preferred alignment of Lines H, H-1A, and H-5 to provide for the necessary storm drain facilities along Ironwood Avenue.

On September 8, 2009 the City Council approved the Fourth Amendment to Agreement for additional design, right-of-way, and environmental services with LAN. The additional services included adjustment of storm drain and lateral alignments to avoid utility conflicts as requested by utility companies, and evaluating the proposed improvements using additive alternate scenarios in order to maximize available funding and minimize potential traffic disruption during construction.

On January 12, 2010 the City Council approved the Property Conveyance Agreement with Moreno Valley Festival, Ltd. to convey a 15-foot portion of right-of-way along the north side of Ironwood Avenue to allow for the preferred alignment to construct Line H and the widening of Ironwood Avenue, thereby securing the right-of-way needed for the project.

DISCUSSION

The Indian Detention Basin Drainage Improvements, and Ironwood Avenue Improvements project will construct: storm drain Line H along Ironwood Avenue from the Davis Street/Ironwood Avenue intersection to Heacock Street, and associated laterals, and missing street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive. The separately-funded improvements on Ironwood Avenue from Heacock Street to Perris Boulevard (Project No. 06-50182625) will construct missing street improvements along both the north and south sides of Ironwood Avenue from Heacock Street to Perris Boulevard excepting the south side from Heacock Street to Nita Drive, storm drain Lines H-1A and H-5, relocation of SCE transmission poles, and related work. Due to the size and amount of new storm drain required for both projects, Riverside County Flood Control and Water Conservation District (RCFC&WCD) has approved plans which include all the storm drain work for both projects, consisting of Line H, Line H-1A, and Line H-5. The bid documents contain base bid and additive alternates in order to maximize available funding. The proposed storm drains conflict with EMWD's facilities at four separate locations along Ironwood Avenue and Davis Street. Through negotiations with EMWD, EMWD has completed plans for inclusion in the City's bid documents.

The "Reimbursement Agreement" identifies the financial responsibilities and other arrangements between the City and the Community Redevelopment Agency, and EMWD for relocation of two 8-inch water lines, one 12-inch water line, and one 16-inch water line, and related appurtenances. Two of the conflict locations lie within the limits of the Indian Basin Drainage improvement project, and the other two lie within the Ironwood Avenue street improvement project. During the bidding process, EMWD has the option to choose its own contractor to perform the water line work, in order to maximize available EMWD funds. Whether the City's or EMWD's contractor performs the water line work, the respective bid documents include a provision for cooperation between the two contractors, and the work will be done at the same time. Both the City and EMWD will benefit by the relocation of the water lines concurrently with the storm drain work, because the majority of work lies within the traveled way of Ironwood Avenue, and work at a specific location within the street would be done at one time instead of two separate times. Because the water line relocation work encompasses two separate City projects, separate account numbers are required. The water line work is estimated at \$245,480 total for both projects. A 20% contingency is added in case adjustments are needed.

The City will advertise, award, and administer the project including construction administration, surveying and materials testing, and will be responsible for any additional costs associated with said work. EMWD will reimburse actual costs to the City.

EMWD's Board of Directors is concurrently reviewing and approving the agreement due to the desire of both parties to meet the aggressive schedule. Staff requests the City Manager have the authority to make any changes (subject to approval of the City Attorney) to the agreement that may be requested by EMWD. Since the "Reimbursement Agreement" exceeds \$100,000, approval from the City Council is necessary.

There are several residences that are served by the existing water lines. The contractor(s) will notify residences in advance of any interruptions in water service. Local access to the residences will be provided at all times during construction.

ALTERNATIVES

1. Approve the “Reimbursement Agreement” for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the “Reimbursement Agreement” in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney, authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$49,096.00, subject to the approval of the City Attorney, authorize the City Manager to appropriate a maximum amount of \$109,333.50 (\$91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX), and authorize the City Manager to appropriate a maximum amount of \$185,242.50 (\$154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX). *This alternative allows the City to complete the project on schedule.*

2. Do not approve the “Reimbursement Agreement” for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, do not authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the “Reimbursement Agreement” in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney, do not authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of \$49,096.00, subject to the approval of the City Attorney, do not authorize the City Manager to appropriate a maximum amount of \$109,333.50 (\$91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX), and do not authorize the City Manager to appropriate a maximum amount of \$185,242.50 (\$154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No.

414.XXXXX). *This alternative will result in delaying the construction of the Indian Basin Improvements and the Ironwood Avenue Improvements.*

FISCAL IMPACT

The “Reimbursement Agreement” shall have no fiscal impact to the City. In accordance with the terms of the subject “Reimbursement Agreement”, EMWD will be responsible for all construction and related costs. Furthermore, EMWD will deposit 90% of the cost of work in advance of the construction. The remaining 10% will be reimbursed upon completion of the project.

The “Reimbursement Agreement” totals \$245,480 plus a 20% contingency, for a maximum total reimbursement of \$294,576. The work encompasses two separate projects. Therefore, the appropriation requested is for two separate Fund 414 accounts, one for Indian Basin in the amount of \$109,333.50 (\$91,111.25 plus 20% contingency) and one for Ironwood Avenue in the amount of \$185,242.50 (\$154,368.75 plus 20% contingency).

The Indian Basin Project is being funded with 2007 RDA Tax Allocation Bonds (Account No. 897.91726). The Ironwood Avenue project is funded with 2005 Lease Revenue Bonds (Account No. 501.82625). The funds utilized for these projects are designated for capital improvements for the Indian Basin and Ironwood Improvement projects and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2009/2010 (Account No. 897.91726).....	\$2,795,000
Fiscal Year 2009/2010 (Account No. 501.82625).....	\$1,046,000
EMWD Maximum Deposit (Account No. 414.XXXXX).....	\$109,000
EMWD Maximum Deposit (Account No. 414.XXXXX).....	\$185,000
Total Available Funds	\$4,135,000

ESTIMATED PROJECT COSTS:

Total Estimated Fiscal Year 2009/2010 Design Phase Costs	\$130,000
Total Estimated Construction Phase Costs (Line H and Ironwood Avenue Widening)	\$2,800,000
EMWD Water Line Relocation (including contingency)	\$295,000
Total Estimated Project Costs	\$3,225,000

ANTICIPATED SCHEDULE FOR EMWD WATER LINE WORK:

Advertise	May 2010
Start Construction.....	August 2010
Finish Construction.....	March 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

This "Reimbursement Agreement" identifies financial responsibilities, schedules, and other arrangements between the City and EMWD for the relocation of water lines for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive. Furthermore, EMWD will deposit 90% of the cost of work in advance of the construction. The remaining 10% will be reimbursed upon completion of the project.

ATTACHMENTS

Attachment "A" – Location Map

Attachment "B" – "Reimbursement Agreement"

Prepared By:
 Margery A. Lazarus
 Senior Engineer, P.E.

Department Head Approval:
 Barry Foster
 Economic Development Director

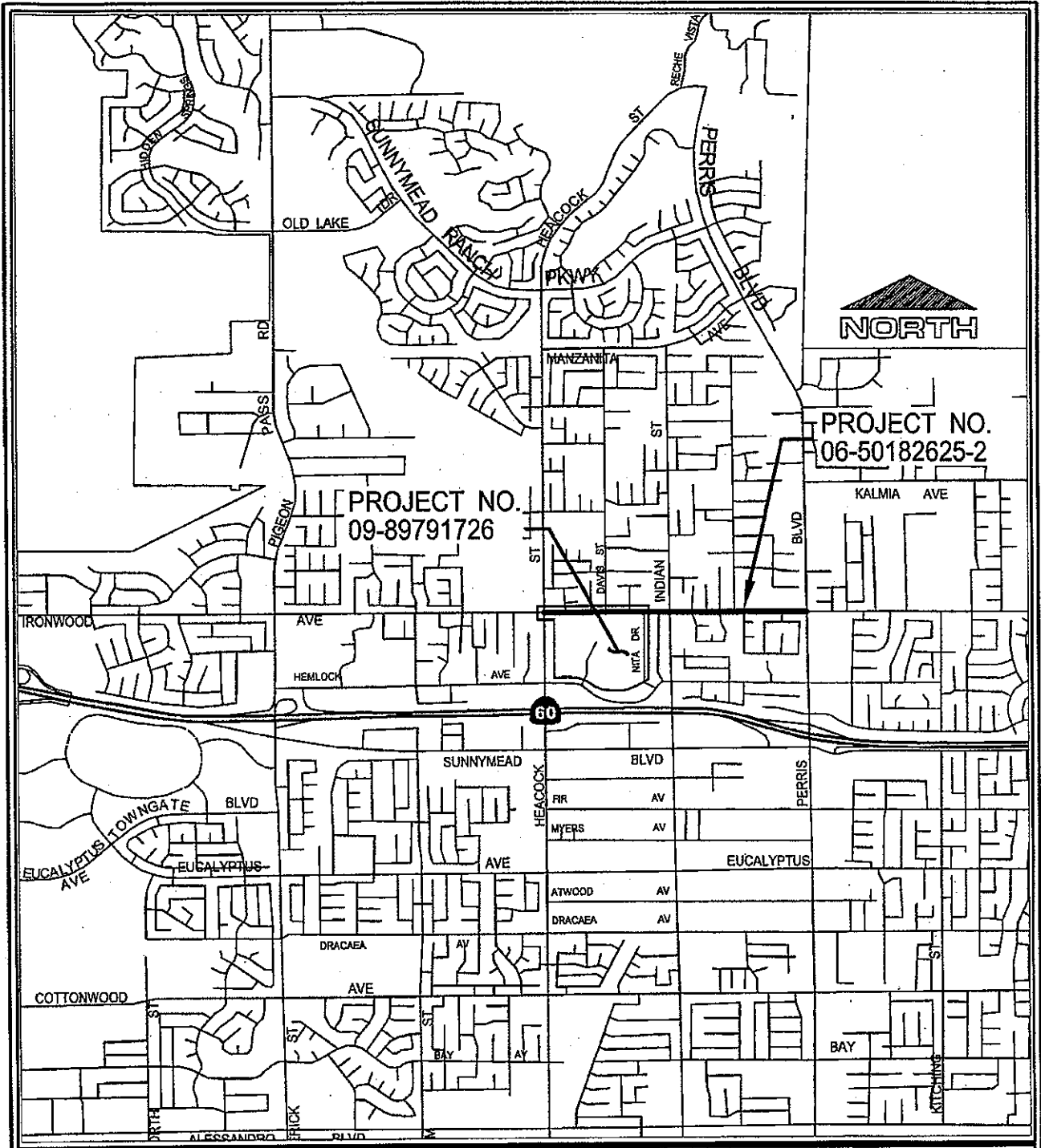
Concurred By:
 Prem Kumar, P.E.
 Deputy Public Works Director/Assistant City Engineer

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

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

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LOCATION MAP



Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

IRONWOOD AVE IMPROVEMENTS FROM HEACOCK ST TO
PERRIS BLVD
PROJECT NUMBER 06-50182625-2

INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS AND
IRONWOOD AVE FROM HEACOCK ST TO NITA DR (SOUTH SIDE)
PROJECT NUMBER 09-89791726

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**REIMBURSEMENT AGREEMENT
FOR THE INSTALLATION OF THE EASTERN MUNICIPAL WATER DISTRICT
(EMWD) WATER MAINLINES AND SERVICE LINES AND THE REMOVAL OF
EXISTING WATER LINES LOCATED WITHIN AND NEAR IRONWOOD AVENUE
FROM HEACOCK STREET TO HUBBARD STREET AND IN DAVIS STREET FROM
IRONWOOD AVENUE TO THE INDIAN BASIN BY THE CITY OF MORENO VALLEY**

This Agreement is made and entered into as of the date signed by the City Manager and Executive Director, by and between EASTERN MUNICIPAL WATER DISTRICT, a public agency (hereinafter "District"), and the CITY OF MORENO VALLEY, a municipal corporation, along with the COMMUNITY REDEVELOPMENT AGENCY of the City of Moreno Valley, a municipal corporation (hereinafter "City").

RECITALS

WHEREAS, on May 12, 2010 the City advertised for bids for the Ironwood street improvement project from Heacock Street to Nita Drive, including the installation of Ironwood Avenue Sunnymead Master Drainage Plan (MDP) Line H Stage 4, Line H-1A Stage 2, and Line H-5 Stage 3 located within Ironwood Avenue, Davis Street, and Hubbard Street in the City of Moreno Valley; and

WHEREAS, the City's project will require the relocation of District's existing water lines and related appurtenances at specific locations within the project limits; and

WHEREAS, at the District's request, City will advertise for bids to relocate the water lines and appurtenances at District's expense. Said improvements, hereinafter referred to as the "Project," are shown and depicted on Exhibit "A;" and

WHEREAS, the purpose of this Agreement is to set forth financial and other terms and conditions associated with the construction of the Project by City.

NOW, THEREFORE, in consideration of the above recited premises, together with the mutual covenants herein contained, it is mutually agreed as follows:

AGREEMENT

1. DESCRIPTION OF WORK.

The water main and water service line facilities and associated appurtenances consist of the following, as shown on Exhibit A and listed in Exhibits B and C:

- Relocation of approximately 504 linear feet of an existing 12" water line located in Ironwood Avenue from Davis Street to Kevin Street.

Attachment "B"

- Relocation of approximately 21 linear feet of an existing 8" water line between an existing well south of Ironwood Avenue (on Assessor Parcel Numbers 481-020-011 and 481-020-012) and Ironwood Avenue, approximately 3 linear feet of which lies within a District easement, and 18 linear feet of which lies within Ironwood Avenue. In order to facilitate calculations of actual costs, EMWD will bear full cost of water line relocation and City will bear cost of relocating minor appurtenances, as shown on Exhibits B and C, respectively.
- Relocation of approximately 90 linear feet of an existing 8-inch water line located in Hubbard Street, from Ironwood Avenue to approximately 60 feet north of Ironwood Avenue.
- Relocation of approximately 245 linear feet of an existing 16-inch water line located in and adjacent to Davis Street from Ironwood Avenue to approximately 220 feet south of Ironwood Avenue.
- Related fittings, valves, meters, and services.
- Engineering services (City contract administration, geotechnical testing, inspection service for traffic control, and construction surveying) associated with the construction of District facilities.
- District inspection of District facilities.

2. FINANCIAL OBLIGATIONS AND RESPONSIBILITIES.

The District shall be solely responsible for costs associated with the installation and removal of said facilities, including related appurtenances, as shown on Exhibit B. The City shall be solely responsible for costs shown on Exhibit C. The District agrees to pay its share, of the construction and construction related costs, which are estimated at **\$245,480.00** as shown on **Exhibit B**, attached hereto. In the event additional work becomes necessary to complete District's work or District requests additional work to be performed, the District shall bear full financial responsibility for all costs associated with the additional work.

District may choose to obtain bids from their own approved contractors simultaneously during City's bidding period. If District chooses City's successful bidder for any or all of the work, the District will deposit with the City 90% of the cost for the chosen work, including construction and administrative costs, which represents the District's contribution toward this project as shown in Exhibit "B". City will invoice District the said 90% of the chosen work and District agrees to pay City within 30 calendar days of the date of the invoice. The City will issue a Notice to Proceed to the contractor within sixty (60) days of receipt of the District's deposit.

Upon completion of construction and determination of final costs, City shall notify District of any additional payment owing or refund due. Determination of final costs will be based on actual costs for all work, with the exception of Construction Administration and Inspection for Traffic Control, which will be 10 percent of actual costs. The District or City will make additional payment or refund, as appropriate, within 30 days following City's notification to District of the actual total costs.

Any contract changes to the District's work shall be in writing, executed by the City with the approval of the District. Additional costs owed the contractor as a result of the approved change order shall be invoiced by the City to the District at the time such payment is requested by the contractor. The District will pay the City within thirty (30) calendar days of receipt of the City's invoice.

Neither City nor District will assess permit fees or plan check fees to each other.

3. CONSTRUCTION BIDS AND AWARD.

The construction bid package shall identify City's and District's facilities as separate additive alternates. Upon receipt of the bids and acceptance of the lowest responsive, responsible bid, City shall notify District of its identified portion of the construction costs and, upon approval by District, in writing, authorize City to award the contract to include construction of District's facilities. District shall provide written approval to City within eight (8) days of bid opening.

If District chooses not to use City's successful bidder, District shall use District's selected contractor, and so inform City in writing within eight (8) days of bid opening. District agrees to insert a cooperation clause with City's contractor into District's bid documents and District's construction contract.

The District will insert into the District's plans and specifications a specific number of days for testing and acceptance of each of the water line locations listed in Section 1. The specifications will address appropriate consequences of the delay. At a minimum, the District will state that the contractor may request additional working days but no additional compensation.

Whether by City's or District's contractor, District shall, at a minimum, perform all the water line installation and removal work necessary to accommodate the City's awarded work, including City's base bid and awarded additive alternates.

4. CONSTRUCTION TIMELINE.

District shall perform construction of District's facilities concurrently with City's project.

5. CONSTRUCTION PLANS AND SPECIFICATIONS.

District will provide the construction plans for District's work. The City shall incorporate District's plans, specifications, and quantities within the City's detailed construction Plans, Specifications, and Cost Estimate. All costs incurred by the City for preparation of City's construction Plans and Specifications will be solely financed by the City. All costs incurred by the District for preparation of District's construction plans, specifications, and cost estimate will be solely financed by the District. In any event, District will prepare as-built drawings for District's facilities and provide to City within 30 calendar days after completion of Project construction.

6. NEPA AND CEQA

The City shall be individually responsible for compliance with the State of California, and the Federal Environmental Acts as these acts pertain to the entire improvement project.

7. CONSTRUCTION AND INSPECTION RESPONSIBILITIES

All District facilities furnished, constructed, and installed by the City's contractor shall be installed in compliance with the Plans and Specifications approved by the District. All materials furnished by the City's contractor must conform to the District's approved material list. Any and all deviations from said Plans and Specifications must be approved by the District, in writing, prior to being made. Change Orders involving District facilities will not be paid for without the District's prior written approval.

The District shall be responsible to inspect the furnishing and installation of all District facilities and the performance of the involved work by the City's or the District's contractor for compliance with the approved construction Plans and Specifications. It is specifically understood that the District's inspection personnel shall have the authority to enforce the District's construction Plans and Specifications for the involved facilities, which authority shall include the authority to require that any and all unacceptable materials, workmanship and/or installation be replaced, repaired or corrected by the City's contractor in accordance with the District approved Plans and Specifications. All inspection costs incurred by the District will be solely financed by the District. All contract administration and construction administration costs incurred by District will be paid solely by District.

The District will provide reasonably expeditious submittal review and responses and approve change orders in a timely manner (10 working days or less) and will not delay the project construction. Both District and City agree to cooperate with each other to complete the work in an expeditious manner.

The parties agree that coordinating their respective work is critical to avoiding conflicts, delays, and additional costs. The District, City representatives, and their project managers therefore agree to meet weekly during the time the water relocations are underway to discuss the progress and issues. The District and the City shall discuss in advance who should attend the meetings, how often additional meetings should occur (may vary at different stages of the project), and provide ample notification to allow for attendance of all required individuals. If the District chooses District's contractor, the District shall place their contractor under the foregoing notices through their respective contract with the contractor.

The District's inspector shall maintain good communication/coordination between the City and the Contractor to keep all parties informed of the construction activities and any conflicts discovered during construction. If utility conflicts are encountered the District shall work with said utility company to redesign/resolve the conflicts expeditiously (10 working days or less) in order to meet the project schedule.

8. RECIPROCAL INDEMNIFICATION

The District and the City, the Moreno Valley Community Services District (CSD), and the Community Redevelopment Agency (RDA) of the City of Moreno Valley, each hereby agree to indemnify, defend, save and hold harmless the other party and their respective officers, agents, servants and employees, of and from any liabilities, claims, demands, suits, action and cause of action arising out of or in any manner connected with any act or omission of such indemnifying party, performed in connection with such party's duties and obligations hereunder.

9. CITY/DISTRICT TO PROVIDE INSURANCE

For the period during which the City or its contractor(s) controls the job site, the City will require that the contractor shall provide, for the entire period of construction, a policy of Workers' Compensation Insurance and Comprehensive General Liability Insurance with coverage broad enough to include the contractual obligation it may have under the construction contract and having a combined single limit of liability in the amount of \$2,000,000 covering the District's officers, employees and agents as additional insured.

The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

"Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s)

provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

10. CITY/DISTRICT TO PROVIDE PROFESSIONAL SERVICES

For the period during which the City or its contractor(s) control the job site, the City will provide, or cause to be provided, for the entire period of construction, professional services for construction surveying and geotechnical testing services, and City contract administration.

The City will obtain Proposals for professional construction surveying and geotechnical testing services for the water facility relocation work. The District shall approve the Proposals within five (5) working days, prior to the City issuing purchase orders for these services. The District reserves the right to reject any or all Proposals for the water facility work.

The District reserves the right to utilize professional services not under Agreement with the City for the water facility work at District's expense.

All costs for professional construction surveying and geotechnical testing services and City contract administration for water facility relocation work will be solely financed by the District in accord with Section 2.

City and District shall each provide, or cause to be provided, for the entire period of District's work, professional services for project management, design, and plan conformance. Any District changes requiring design services will be paid by District and any City changes requiring design services will be paid by the City.

11. SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding on each of the parties and their successors and assigns.

12. EFFECTIVE DATE

This Agreement shall become effective upon acceptance hereof by City and District and by execution by their respective authorized representatives.

13. NOTICES

All notices under this Agreement shall be sent as follows:

EMWD: Eastern Municipal Water District
2270 Trumble Road
P.O. Box 8300
Perris, CA 92572-8300
ATTN: Severino Mendoza, Senior Civil Engineer

CITY: City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0805
ATTN: Margery Lazarus, Senior Engineer, P.E.

Either party may change its address for notices by notifying the other party. All notices given at the most recent address specified shall be deemed to have been properly given.

15. GENERAL

This Agreement contains the entire agreement between the parties with respect to the matters herein provided for and may only be amended by a subsequent written Agreement executed by all parties. This Agreement may be executed in counterparts, each of which shall be deemed an original, but which together shall constitute a single Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date indicated above.

CITY OF MORENO VALLEY
Municipal Corporation

EASTERN MUNICIPAL WATER DISTRICT

By: _____
City Manager

By: _____
Anthony J. Pack, General Manager

Dated: _____

Dated: _____

COMMUNITY REDEVELOPMENT AGENCY
Municipal Corporation

ATTEST:

By: _____
Executive Director

Rosemarie V. Howell, Board Secretary

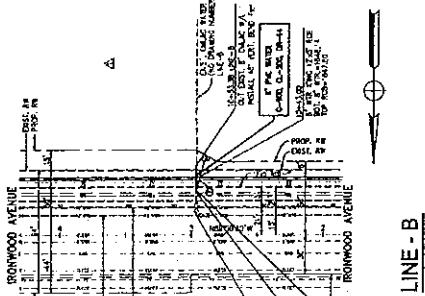
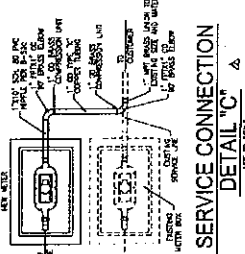
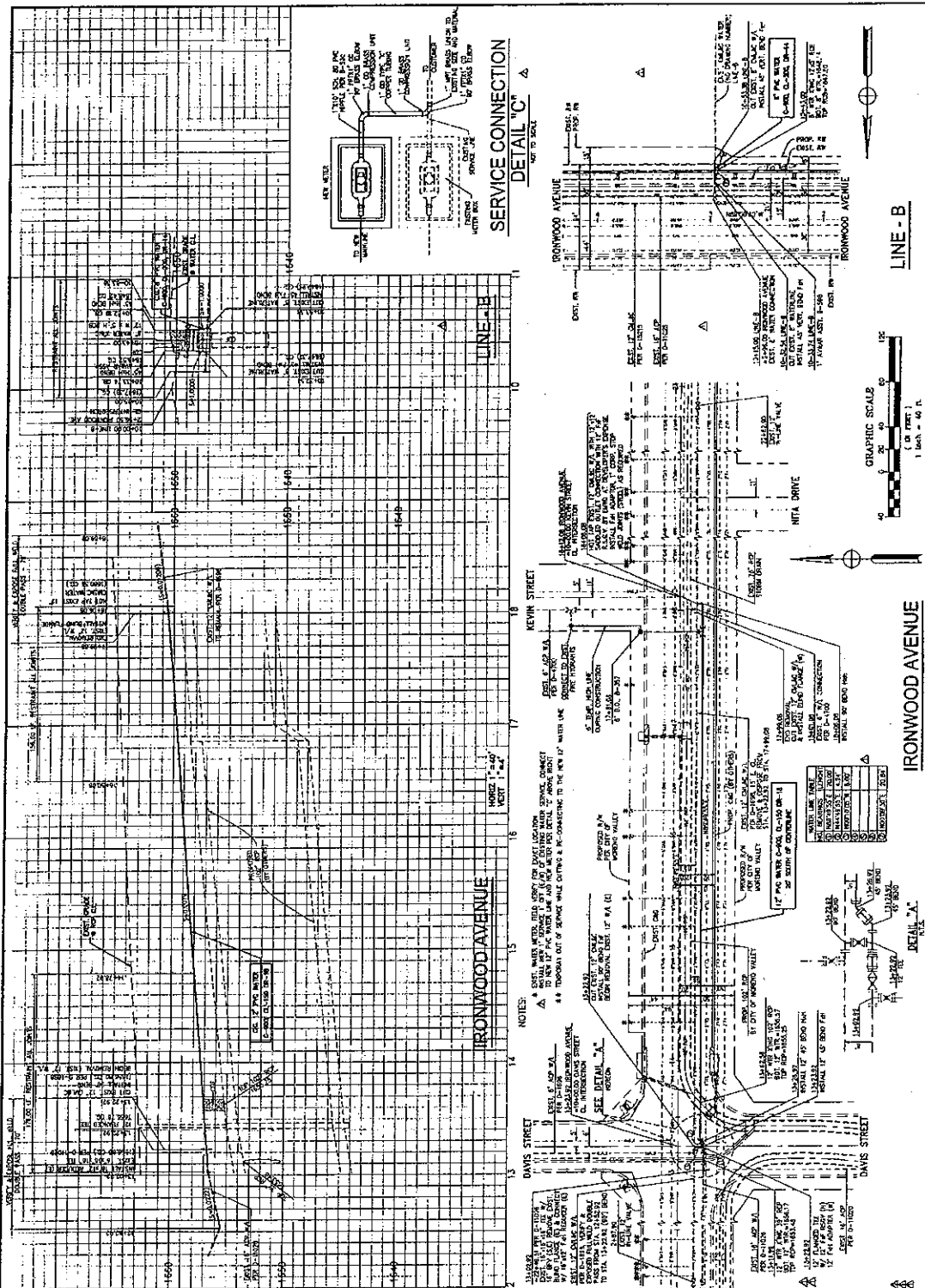
Dated: _____

APPROVED AS TO FORM:

City Attorney

- Attachments: Exhibit "A" – Draft Project Plans
- Exhibit "B" – Preliminary Engineer's Estimate - EMWD Costs
- Exhibit "C" – Preliminary Engineer's Estimate - City Costs

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WATER CONSTRUCTION NOTES

1. WATER MAINS AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF WOOD VALLEY, CALIFORNIA, WATER MAINS SPECIFICATIONS.
2. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF WOOD VALLEY, CALIFORNIA, WATER MAINS SPECIFICATIONS.
3. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF WOOD VALLEY, CALIFORNIA, WATER MAINS SPECIFICATIONS.
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15. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF WOOD VALLEY, CALIFORNIA, WATER MAINS SPECIFICATIONS.
16. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF WOOD VALLEY, CALIFORNIA, WATER MAINS SPECIFICATIONS.
17. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF WOOD VALLEY, CALIFORNIA, WATER MAINS SPECIFICATIONS.
18. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF WOOD VALLEY, CALIFORNIA, WATER MAINS SPECIFICATIONS.
19. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF WOOD VALLEY, CALIFORNIA, WATER MAINS SPECIFICATIONS.
20. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF WOOD VALLEY, CALIFORNIA, WATER MAINS SPECIFICATIONS.

WATER QUANTITY ESTIMATE

ITEM	QUANTITY	UNIT	ESTIMATE
1. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
2. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
3. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
4. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
5. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
6. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
7. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
8. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
9. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
10. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
11. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
12. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
13. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
14. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
15. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
16. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
17. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
18. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
19. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00
20. 12" DIA. WATER MAIN	1.00	LINEAL FEET	1.00

EASTERN MUNICIPAL WATER DISTRICT
 12" & 8" WATER PIPELINE
 IRONWOOD AVENUE, LINE - B
 PLAN AND PROFILE & NOTES

DATE: 11/15/2004
 SCALE: 1" = 40' (PLAN)
 SCALE: 1" = 4' (PROFILE)

APPROVED BY: [Signature]
 PROJECT NO.: [Number]
 SHEET NO.: [Number]

WATER APPROVED BY: [Signature]
 EASTERN MUNICIPAL WATER DISTRICT
 APPROVALS: [Signatures]

REVISIONS:

NO.	DATE	DESCRIPTION
1	11/15/04	ISSUED FOR PERMIT
2	11/15/04	ISSUED FOR PERMIT
3	11/15/04	ISSUED FOR PERMIT
4	11/15/04	ISSUED FOR PERMIT
5	11/15/04	ISSUED FOR PERMIT
6	11/15/04	ISSUED FOR PERMIT
7	11/15/04	ISSUED FOR PERMIT
8	11/15/04	ISSUED FOR PERMIT
9	11/15/04	ISSUED FOR PERMIT
10	11/15/04	ISSUED FOR PERMIT
11	11/15/04	ISSUED FOR PERMIT
12	11/15/04	ISSUED FOR PERMIT
13	11/15/04	ISSUED FOR PERMIT
14	11/15/04	ISSUED FOR PERMIT
15	11/15/04	ISSUED FOR PERMIT
16	11/15/04	ISSUED FOR PERMIT
17	11/15/04	ISSUED FOR PERMIT
18	11/15/04	ISSUED FOR PERMIT
19	11/15/04	ISSUED FOR PERMIT
20	11/15/04	ISSUED FOR PERMIT

Underground Service Alert (USA) logo and text: "Call 811 before you dig. 24 hours a day, 7 days a week. 1-800-4-A-SHARE."

EMWD Cost Estimate

PROJECT NAME: Additive Bid 8 - One 8" waterline relocation at Well Site						
Note: Additive Bid #8 shall be bidded together with Base Bid "A"						
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost
1-8" waterline relocation - connectors to ex Sunnymead Mutual water well						
1	Furnish & install 8" PVC water C900 CL 200 per EMWD Std 408 with restrain joints	S	21	LF	\$70.00	\$1,470
2	Cut into ex 8" CML&C waterline & join		2	EA	\$4,500.00	\$9,000
3	Remove & dispose ex 8" CML&C		21	LF	\$18.00	\$378
4	Furnish & install locator wire per EMWD Std B-656	S	37	LF	\$1.00	\$37
5	Furnish & install 1" AV/AR per EMWD Std B-598		1	EA	\$4,500.00	\$4,500
TOTAL CONSTRUCTION COST						\$15,385
Contingency						\$1,539
CONSTRUCTION COST + CONTINGENCY						\$16,924

Survey \$846.00
 Geotechnical \$1,692.00
 Construction Administration & Inspection for Traffic Control of EMWD Work \$1,692.00
TOTAL \$21,155.00

EXHIBIT "B"

Page 1 of 4

EMWD Cost Estimate

PROJECT NAME: Additive Bid 9 - One 16" waterline relocation at Davis St						
Note: Additive Bid #9 shall be bidded together with Base Bid "A"						
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost
16" waterline relocation at Davis St						
1	Furnish & Install 16" PVC water C905 CL 235 per EMWD Std 408 with restrain joints	S	202	LF	\$96.00	\$19,392
2	Furnish & Install 16" PVC water C905 CL 235 per EMWD Std 408 no restrain joints	S	43	LF	\$76.00	\$3,268
3	Connect to existing 16" ACP waterline		1	LS	\$5,000.00	\$5,000
4	Cut into ex 16" ACP waterline & join		1	LS	\$5,000.00	\$5,000
5	Replace existing water meter and service per B-590		1	EA	\$1,780.00	\$1,780
6	Remove & dispose ex 16" ACP per Health Dept Std		253	LF	\$64.00	\$16,192
7	Furnish & install locator wire per EMWD Std B-656	S	245	LF	\$1.00	\$245
TOTAL CONSTRUCTION COST						\$50,877
Contingency			10%			\$5,088
CONSTRUCTION COST + CONTINGENCY						\$55,965

Survey
 Geotechnical
 Construction Administration & Inspection for Traffic Control of EMWD Work

	5%	\$2,798.00
	10%	\$5,597.00
	10%	\$5,597.00
TOTAL		\$69,956.00

EXHIBIT "B"

Page 2 of 4

EMWD Cost Estimate

PROJECT NAME: Additive Bid 10 - 12" waterline relocation - along Ironwood near Kevin					
Note: Additive Bid #10 shall be bid together with Base Bid "B"					
Item	Description of Construction Items	Code	Quantity	Unit	Item Cost
1	Furnish & Install 12" PVC water C900 CL 200 DR18 per EMWD Std 408 no restrain	S	172	LF	\$9,460
2	Furnish & Install 12" PVC water C900 CL 200 including restrain joints	S	332	LF	\$24,900
3	Verify & expose full weld double pass all joints 12" CML&C waterline		122	LF	\$1,342
4	Cut into ex 12" CML&C waterline & join		1	LS	\$4,500
5	Connect to ex 12" CML&C waterline		1	LS	\$4,500
6	Cut into existing 12" CML&C waterline & blind flange		1	LS	\$4,500
7	Hot tap 12"x12" saddled outlet connection with 12" RSGV	S	1	LS	\$4,500
8	Furnish & install 12" RSGV per EMWD Std B-255		1	EA	\$2,300
9	Furnish & install 16"x12" Reducer		1	EA	\$1,000
10	Furnish & install 12" flange tee		1	EA	\$1,000
11	Replace existing water meters and services per B-590		6	EA	\$10,680
12	Furnish & install 6" BO per EMWD Std B-357		1	EA	\$5,000
13	Remove & dispose existing 12" CML&C		504	LF	\$9,072
14	Furnish & install locator wire per EMWD Std B-656	S	504	LF	\$504
15	Temporary highline waterline		1	LS	\$5,000
TOTAL CONSTRUCTION COST					\$88,258
Contingency			10%		\$8,826
CONSTRUCTION COST + CONTINGENCY					\$97,084
Survey				5%	\$4,854.00
Geotechnical				10%	\$9,708.00
Construction Administration & Inspection for Traffic Control of EMWD Work				10%	\$9,708.00
TOTAL					\$121,355.00

EXHIBIT "B"

EMWD Cost Estimate

PROJECT NAME: Additive Bid 11 - 8" waterline relocation at Hubbard St						
Note: Additive Bid #11 shall be bidded together with Additive Bid #7						
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost
1	Furnish & install 8" PVC water C900 DR18 per EMWD Std 408 with restrain joints	S	90	LF	\$70.00	\$6,300
2	Disconnect & connect 6" FH per EMWD Std B-362 from old to new line		1	EA	\$7,000.00	\$7,000
3	Connect to existing 8" PVC waterline		1	LS	\$4,500.00	\$4,500
4	Cut into ex. 8" PVC waterline & join		1	LS	\$4,500.00	\$4,500
5	Remove & dispose ex 8" PVC		90	LF	\$18.00	\$1,620
6	Furnish & install locator wire per EMWD Std B-656	S	90	LF	\$1.00	\$90
7						
8						
9						
10						
TOTAL CONSTRUCTION COST						\$24,010
Contingency			10%			\$2,401
CONSTRUCTION COST + CONTINGENCY						\$26,411

Survey \$1,321.00
 Geotechnical \$2,641.00
 Construction Administration & Inspection for Traffic Control of EMWD Work \$2,641.00
TOTAL \$33,014.00

EXHIBIT "B"

Page 4 of 4

City Bid Items (Water Line)

City Bid Items (Water Line)

PROJECT NAME: Indian Basin - SD Line H - Final Engineer's Estimate						BASE BID "A"	
Note: Base Bid "A" shall be bidded together with Additive Bid #8							
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost	
28	Temporary highline waterline (8" wtr in ADB #8)		1	LS	\$5,000	\$5,000	
TOTAL CONSTRUCTION COST						\$5,000	
Contingency						10%	\$500
CONSTRUCTION COST + CONTINGENCY							\$5,500

PROJECT NAME: Indian Basin - Heacock to Nita Street Improvement - Final Engineer's Estimate						BASE BID "B"	
Note: Base Bid "B" shall be bidded together with Additive Bid #9 & #10							
Item	Description of Construction Items	Code	Quantity	Unit	Unit Cost	Item Cost	
26	Relocate 6" BO per EMWD Std B-357	S	1	EA	\$7,000	\$7,000	
27	Relocate 1" AV/AR per EMWD Std B-598	S	1	EA	\$4,500	\$4,500	
28	Relocate water meter to R/W		3	EA	\$2,000	\$6,000	
TOTAL CONSTRUCTION COST						\$17,500	
Contingency						10%	\$1,750
CONSTRUCTION COST + CONTINGENCY							\$19,250

EXHIBIT "C"



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rut</i>
CITY MANAGER	<i>WMB</i>

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

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

AGENDA DATE: July 13, 2010

TITLE: APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street.
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney.
3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney.
4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

BACKGROUND

On May 27, 2008, the City Council and the Community Redevelopment Agency of the City of Moreno Valley awarded the Ironwood Avenue improvements project from Day Street to Barclay Drive, Part 1, Phase 1, only for the 35% design, Planning Application and Environmental Documentation (PA&ED) portion of the contract to AEI-CASC Engineering, Inc. (AEI-CASC).

On February 24, 2009, the City Council awarded Part 1, Phases 2 and 3 of the Ironwood Avenue improvements project from Day Street to Barclay Drive to AEI-CASC for final Plans, Specifications, and Estimate (PS&E).

DISCUSSION

The Ironwood Avenue improvements project from Day Street to Barclay Drive will provide much needed street and related improvements to assist with traffic management enhancements on an important arterial thoroughfare and congested intersection at Day Street. This project utilizes funding from the Redevelopment Agency (RDA) through the 2007 RDA bond issue and qualifies for Transportation Uniform Mitigation Fee (TUMF) programmed funds for Riverside County as administered through the Western Riverside Council of Governments (WRCOG).

AEI-CASC is almost complete with the final plans for Ironwood Avenue from Day Street to Barclay Drive. When constructed, the improvements will include one (1) additional lane plus a right turn lane on the south side of Ironwood Avenue between Day Street and Barclay Drive. The modifications to the intersection of Ironwood Avenue and Day Street will facilitate a smooth transition through the intersection for east and west bound traffic on Ironwood Avenue and Box Springs Road, and improve the flow for northbound traffic turning east off of Day Street onto Ironwood Avenue to enter future development south of Ironwood Avenue at Athens Street. Ironwood Avenue becomes Box Springs Road just west of Day Street. Ironwood Avenue is designated as a minor arterial street with ultimate build-out to four (4) lanes. The Ironwood Avenue street improvements require the construction of a new 24" EMWD waterline.

A "Reimbursement Agreement" has been drafted to identify the financial responsibilities and contractual relationship between the City, the Community Redevelopment Agency, and EMWD for the construction of 1402 linear feet of new 24" waterline between the existing 18" waterline located on the east end of the project and connecting to an existing 12" waterline within Day Street. The City will also install a 12" stub-out waterline from the 24" waterline at Athens Street. The cost sharing between the City and EMWD at this time is advantageous to both agencies because it will avoid damaging the new street if the needed waterline installation is delayed to a later time. Constructing the waterline during the street improvements work will also result in a cost savings and reduce the disruption to traffic. The City's share of the cost for the waterline is estimate at \$237,755 due to the impacts of the City's street improvement project. Concurrently, EMWD feels it is an opportune time to upsize their existing waterline and their estimated share of the

cost is \$150,096, which will be deposited with the City. If the final cost varies from that, EMWD will reimburse the City for the actual costs. The City will advertise, award, and administer the project including construction administration, surveying, and materials testing, and will be responsible for any additional costs associated with said work.

EMWD's Board of Directors is concurrently reviewing and approving the agreement due to the desire of both parties to meet the aggressive schedule. Staff requests the City Manager have the authority to make any changes (subject to approval of the City Attorney) to the agreement that may be requested by EMWD. Staff requests approval of a funding amount for the project for an amount not to exceed \$273,418 (\$237,755 plus 15% contingency) related to the City's share of the cost of the waterline. Staff also requests that the Public Works Director/City Engineer be authorized to execute any amendments to the agreement with EMWD not to exceed the 15% contingency amount of \$35,663. Since the "Reimbursement Agreement" exceeds \$100,000, approval from the City Council is necessary.

ALTERNATIVES

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street, authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney, authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney, and authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction. *This alternative allows the City to complete the project on schedule.*
2. Do not approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street, do not authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" in the form attached hereto upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney, do not authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney, and do not authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement

Agreement” to fund the waterline construction. *This alternative will result in delaying the construction of the Ironwood Avenue Improvements.*

FISCAL IMPACT

In accordance with the terms of the subject “Reimbursement Agreement,” EMWD will deposit funds to pay for its portion of the waterline being upsized and relocated within Ironwood Avenue. The City will deposit the amount of the EMWD reimbursement into Fund 414, after the revenue is received from EMWD.

The Ironwood Avenue improvements from Day Street to Barclay Drive is being funded with 2007 RDA Tax Allocation Bonds (Account No. 897.91727). The funds utilized for this project are designated for capital improvements for the Ironwood Avenue improvements project and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2009/2010 (Account No. 897.91727).....	\$2,812,000
EMWD Deposit (pending execution of “Reimbursement Agreement”)	\$150,000
Total Available Funds	\$2,962,000

TOTAL ESTIMATED PROJECT RELATED COSTS:

Design Costs.....	\$506,000
Construction Costs.....	\$1,712,000
Administrative Costs*	\$81,000
SCE Costs.....	\$32,000
SAWA In-lieu Fees	\$33,000
EMWD Water Line Relocation (City & EMWD portions).....	\$388,000
Total Estimated Project Costs	\$2,752,000

* Staff will provide project related administrative services.

Total Remaining Budget Amount	\$210,000
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ANTICIPATED SCHEDULE FOR IRONWOOD AVENUE:

Advertise	July 2010
Start Construction.....	September 2010
Finish Construction.....	February 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

The "Reimbursement Agreement" identifies the financial responsibilities and contractual relationship between the City, the Community Redevelopment Agency, and EMWD for the construction of 1402 linear feet of new 24" waterline for the Ironwood Avenue Street improvements project from Day Street to Barclay Drive. EMWD will deposit its portion of the cost prior to the start of construction.

ATTACHMENTS

- Attachment "A" – Location Map
- Attachment "B" – "Reimbursement Agreement"

Prepared By:
 Christopher L. Wiberg
 Senior Engineer, P.E.

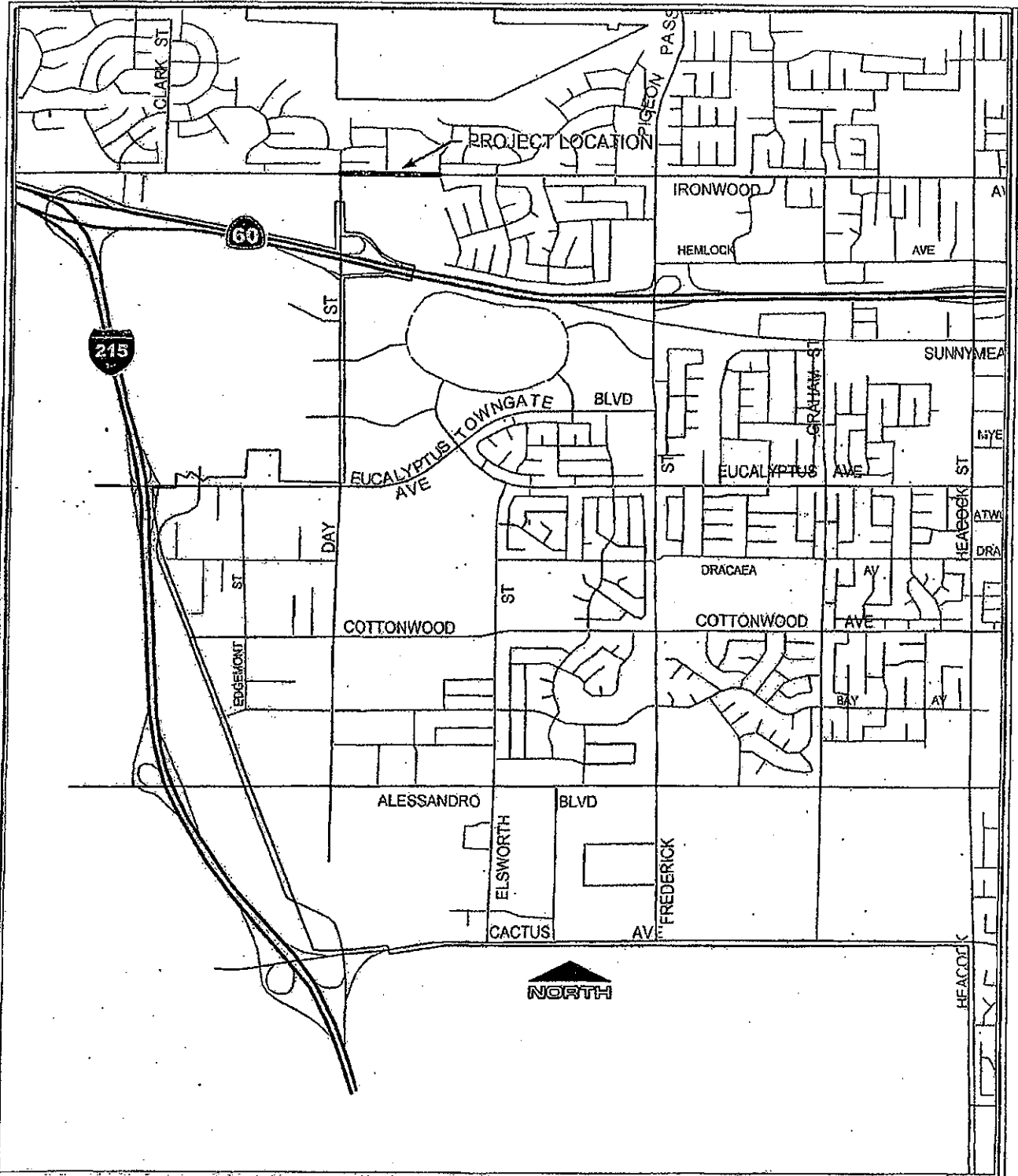
Department Head Approval:
 Barry Foster
 Economic Development Director

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

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

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LOCATION MAP



LOCATION MAP
Public Works Department
Capital Projects Division

Attachment "A"

**Ironwood Avenue Improvements,
From Day Street to Barclay Drive
Project No. 10-41570027**

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**REIMBURSEMENT AGREEMENT
RELOCATION OF WATERLINE
WITHIN IRONWOOD AVENUE**

This Agreement is made and entered into as of the date signed by the City Manager and Executive Director, by and between EASTERN MUNICIPAL WATER DISTRICT, a public agency (hereinafter "District"), and the CITY OF MORENO VALLEY, a municipal corporation, along with the COMMUNITY REDEVELOPMENT AGENCY of the City of Moreno Valley, a municipal corporation (hereinafter "City").

RECITALS

WHEREAS, in July 2010 the City intends to solicit bids for the Ironwood Avenue Improvements from Day Street to Barclay Drive in the City of Moreno Valley; and

WHEREAS, the City's project would include construction of a 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street.

WHEREAS, the City will advertise for bids to construct the 24" waterline as part of the City's Ironwood Avenue improvements. City's share in the costs of the 24" waterline is the upsized costs of the waterline from 12" to 24". The City's share shall also include construction of the 12" waterline stub-out off the 24" waterline to service the development to the south of Ironwood at the Athens Street intersection. Said waterline improvements, hereinafter referred to as the "Project" are shown and depicted on Exhibit "A"; and

WHEREAS, the purpose of this Agreement is to set forth financial and other terms and conditions associated with the construction of the Project by City.

NOW, THEREFORE, in consideration of the above recited premises, together with the mutual covenants herein contained, it is mutually agreed as follows:

AGREEMENT

1. DESCRIPTION OF WORK.

City shall be responsible for its share of the construction cost of the Project, the preliminary cost estimate of which is \$237,755 as shown on attached Exhibit "B." The work consists of the following:

- Constructing approximately 1402 linear feet of new 24" waterline between the existing 18" waterline located on the east end of the project at approximate Station 113 + 70 running west and connecting to an existing 12" waterline within Day Street at approximate Station 99 + 68, and construction

Attachment "B"

**Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue**

of approximately sixty-four (64) linear feet of a new 12" waterline at Athens Street to serve as a stub-out waterline to provide water services to the future development on the south side of Ironwood Avenue.

2. FINANCIAL OBLIGATIONS AND RESPONSIBILITIES.

- City shall pay for the Project design costs.
- City/District shall share equally in the Project construction surveying and geotechnical construction services costs as related to waterline improvements.
- District shall be responsible to reimburse City for the District's fair share of the cost of the 24" waterline as shown in Exhibit "B."
- Neither City nor District will assess permit fees to each other.

District agrees to pay City the lump sum amount of \$150,096 within 45 days of receipt of City's invoice if City's low bid construction contract for said work is within 10% of the total value shown on Exhibit "B." If the City's low bid construction contract is not within 10% of the total value shown in Exhibit "B," the reimbursement amount will be adjusted by the percent (%) difference between the total value in Exhibit "B" and the total cost of the actual low bid.

3. CONSTRUCTION BIDS AND AWARD.

Upon receipt of the bids and acceptance of the lowest responsive, responsible bid, City shall notify District of its identified portion of the construction costs and, upon approval by District, in writing, authorize City to award the contract. District shall notify City of its decision no later than ten (10) days after District's receipt of bid selection from City.

4. CONSTRUCTION TIMELINE.

City anticipates completing construction of the Project within 120 working days and prior to February 2011.

5. CONSTRUCTION PLANS AND SPECIFICATIONS.

City will provide the construction plans and technical specifications for the District's review and approval for the waterline improvements. District will provide City with the waterline technical specifications and standard drawings for use in the contract document. City will provide as-built drawings to district within 30 calendar days after completion of Project construction.

**Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue**

6. CEQA

City shall be individually responsible for compliance with the State of California, Environmental Act as pertains to the entire improvement project.

7. CONSTRUCTION AND INSPECTION RESPONSIBILITIES

All District facilities furnished, constructed, and installed by the Contractor shall be installed in strict compliance with the Plans and Specifications approved by District. All materials furnished by the Contractor must conform to District's approved material list. Any and all deviations from said Plans and Specifications must be approved by City/District, in writing, prior to being made.

The performance of the involved waterline work by the Contractor for compliance with the approved Construction Plans and Specifications shall be to the approval of the District. It is specifically understood that District's inspection, surveying, and material testing personnel shall have the authority to enforce District's waterline construction Plans and Specifications for the involved facilities, which authority shall include the authority to require that any and all unacceptable materials, workmanship and/or installation be replaced, repaired or corrected by City's contractor without cost to either City or District. All contract administration and construction administration costs incurred by City will be shared by District.

City and District shall provide reasonably expeditious submittal review and responses to requests for information in a timely manner (10 working days or less). Both City and District agree to cooperate with each other to complete the project in an expeditious manner.

The parties agree that coordinating their respective projects is critical to avoiding conflicts, delays, and additional costs. The City, District representatives, and their project managers therefore agree to meet on a bi-weekly basis to discuss the progress and issues surrounding the projects and construction schedules. The City and the District shall discuss in advance who should attend the meetings, how often additional meetings should occur (may vary at different stages of the project), and provide ample notification to allow for attendance of all required individuals. The City shall place their respective contractor under the foregoing notices through their respective contract with the contractor.

The City's inspector shall maintain good communication/coordination between the District and the Contractor to keep all parties informed of the construction activities and any conflicts discovered during construction. If utility conflicts are encountered

Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue

the City shall work with said utility company to redesign/resolve the conflicts expeditiously in order to meet the project schedule.

8. RECIPROCAL INDEMNIFICATION

City and the District, hereby agree to indemnify, defend, save and hold harmless the other party and their respective officers, agents, servants and employees of and from any liabilities, claims, demands, suits, action and cause of action arising out of or in any manner connected with any act or omission of such indemnifying party, performed in connection with such party's duties and obligations hereunder.

9. CONTRACTOR TO INDEMNIFY DISTRICT

City's contract with Contractor shall require the Contractor to defend and indemnify the District to the same extent as the coverage provided to the City.

10. CITY TO PROVIDE INSURANCE

For the period during which City or its contractor(s) controls the job site, City will require that the contractor shall provide, for the entire period of construction, a policy of Workers' Compensation Insurance and Comprehensive General Liability Insurance with coverage broad enough to include the contractual obligation it may have under the construction contract and having a combined single limit of liability in the amount of \$2,000,000 covering the City of Moreno Valley, Eastern Municipal Water District, the Moreno Valley Community Services District (CSD), and the Community Redevelopment Agency of the City of Moreno Valley (RDA) and City/District's officers, employees and agents as additional insured.

11. DISTRICT TO PROVIDE PROFESSIONAL SERVICES

For the period during which City or its Contractor controls the job site, District shall provide, or cause to be provided, for the entire period of construction, professional services for project management and plan conformance. Any City changes requiring design services will be shared by District/City.

City reserves the right to utilize professional services not under Agreement with District for the water facility work without cost to District.

12. SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding on each of the parties and their successors and assigns.

**Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue**

13. EFFECTIVE DATE

This Agreement shall become effective upon acceptance hereof by City and District and by execution by their respective authorized representatives.

14. RESCISSION

In the event said improvements are constructed by a developer prior to construction by City, this Agreement between City and District shall be rescinded.

15. NOTICES

All notices under this Agreement shall be sent as follows:

CITY: City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0805
ATTN: Christopher L. Wiberg, Senior Engineer, P.E.

EMWD: Eastern Municipal Water District
2270 Trumble Road
P.O. Box 8300
Perris, CA 92572-8300
ATTN: Severino Mendoza, Senior Civil Engineer

Either party may change its address for notices by notifying the other party. All notices given at the most recent address specified shall be deemed to have been properly given.

16. PRIOR RIGHTS

District's existing 12" waterline was constructed under a grant of easement recorded on February 26, 1973 in Book 1973, Page 33598 of Official Records of Riverside County. One new 24" waterline shall be constructed within the District's existing waterline easement and which exists within the City's right-of-way of Ironwood Avenue. It is the intent of this agreement to acknowledge, transfer and preserve District's historical rights onto the new 24" waterline.

That portion of the 24" waterline to which prior rights apply is delineated as the "Prior Rights Line" on District drawing "D-3414," attached hereto and made a part hereof as Exhibit "A." The Prior Rights Line is located 15 feet south of the Ironwood Avenue (previously called Lawless Road) center line between Ironwood Avenue

**Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue**

Station 158+69.13 to Station 141+84.56. As described and shown on Exhibit "A," the newly constructed 24" waterline will be considered to have prior rights over future construction projects within the impaction portion of the City right-of-way of Ironwood Avenue.

17. GENERAL

This Agreement contains the entire agreement between the parties with respect to the matters herein provided for and may only be amended by a subsequent written Agreement executed by all parties. This Agreement may be executed in counterparts, each of which shall be deemed an original, but which together shall constitute a single Agreement.

Attachments: Exhibit "A" – Draft Project Plans
Exhibit "B" – Preliminary Engineer's Estimate

SIGNATURE PAGE TO FOLLOW:

**Reimbursement Agreement
Relocation of Waterline within Ironwood Avenue**

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date indicated above.

CITY OF MORENO VALLEY

EASTERN MUNICIPAL WATER DISTRICT

By: _____
City Manager

By: _____
Anthony J. Pack, General Manager

Dated: _____

Dated: _____

COMMUNITY REDEVELOPMENT AGENCY

ATTEST:

By: _____
Executive Director

Rosemarie V. Howell, Board Secretary

Dated: _____

APPROVED AS TO FORM:

City Attorney

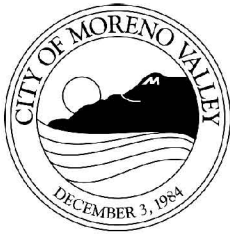
W:\CapProj\CapProj\PROJECTS\Chris - 09-89280127 Ironwood-Day St to Barclay\Utility\Water -\Agreement EMWD-CITY\EMWD Reimbursement Agreement - Ironwood 6-8-10.doc

**Exhibit B
Cost Sharing Estimate**

	Calculations	Moreno Valley Share	EMWD Share	Total
Item 1	The existing 12" Water Service Line (890 ft) City's adjusted cost toward the 24" waterline improvement for the replacement costs of the existing 12" waterline within the limits that are too deep to be maintained by the District.	\$150,260	\$0	
Item 2	The Proposed 24" Transmission Line (1402 feet) City & EMWD share the cost by paying half for extending the 12" an additional 512 feet (1402 - 890 = 512), even though a 24" transmission line is to be constructed.	$(\$268,874 - \$150,260) / 2$ \$59,307	\$59,307	
Item 3	City's cost include the full amount for sixty four feet of 12" water line connecting to the 24" line in Ironwood Avenue at Athens Drive that services the future development to the south and includes applicable fire hydrants.	\$28,188	\$0	
Item 4	EMWD pays the full amount of increasing the pipe size from 12" to 24"	\$359,663 - \$268,874	\$90,789	
	Total Waterline Construction Cost	\$237,755	\$150,096	\$387,851

Exhibit "B"

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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 and Redevelopment Agency Chairperson and Board of Directors

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

AGENDA DATE: July 13, 2010

TITLE: AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder.
2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc. in the form attached hereto, on behalf of the City and the Community Redevelopment Agency.
3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of \$4,124,375.14 (\$3,749,431.95 plus 10% contingency) when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of \$374,943.19, subject to the approval of the City Attorney.

5. Re-appropriate \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin).
6. Re-appropriate \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

BACKGROUND

In November 2007 the Community Redevelopment Agency issued a Series A tax allocation bond issuance in the amount of \$41.7 million to finance a variety of capital projects. One of the projects authorized by the City Council is the Indian Detention Basin Storm Drain Improvement and Street Improvement Project. The Indian Detention Basin is situated on City owned land bounded by Ironwood Avenue, Davis Street and the Festival Shopping Center (see Attachment "A" – Location Map). The goal of the project is to provide the necessary infrastructure improvements to the Indian Detention Basin and installation of inlet and outlet storm drain facilities and street improvements along the south side of Ironwood Avenue between Heacock Street and Nita Drive to protect the surrounding area and neighborhoods that are currently within a Federal Emergency Management Agency (FEMA) mapped flood plain area.

On July 8, 2008, the City Council approved an Agreement for Professional Consultant Services for the Indian Detention Basin, Drainage Improvements, and Ironwood Avenue Street Improvements, with Lim And Nascimento Engineering Corporation (LAN), to provide planning and engineering services. On July 8, 2008, City Council also approved a separate Agreement for Professional Consultant Services for the Ironwood Avenue Improvements from Heacock Street to Perris Boulevard for street improvements on Ironwood Avenue easterly of the area covered by the Indian Basin project. The respective scopes of work included storm drain alignment alternatives analysis for Lines H, H-1A, and H-5 consistent with the Sunnymead Area Drainage Plan (ADP).

On March 24, 2009, the City Council adopted a Mitigated Negative Declaration for both projects, including the preferred alignment of Lines H, H-1A, and H-5 (necessary storm drain facilities along Ironwood Avenue).

On September 8, 2009, the City Council approved the Fourth Amendment to Agreement for additional design, right-of-way, and environmental services with LAN. The additional services included adjustment of storm drain and lateral alignments to avoid utility conflicts as requested by utility companies, and evaluating the proposed improvements using additive alternate scenarios in order to maximize available funding and minimize potential traffic disruption during construction.

On January 12, 2010, the City Council approved the Property Conveyance Agreement with Moreno Valley Festival, Ltd. to convey a 15-foot wide portion of property along the south side of Ironwood Avenue (APN 481-020-024) needed for the construction of Line H and the widening of Ironwood Avenue, thereby securing all the right-of-way needed for the project.

On May 12, 2010, the project was advertised for construction bids.

On June 8, 2010, the City Council authorized the execution of the Agreement Regarding Proposed Stream or Lake Alteration and the issuance of a Purchase Order for the Santa Ana Watershed Association (SAWA) for \$163,350 (\$148,500 plus 10% contingency of \$14,850) for environmental mitigation.

On July 13, 2010, the City Council is requested to approve the Reimbursement Agreement for the Eastern Municipal Water District improvements. The proposed storm drains conflict with EMWD's facilities at four separate locations along Ironwood Avenue and Davis Street. The "Reimbursement Agreement" identifies the financial responsibilities and contractual relationship between the City and EMWD for relocation of two 8-inch water lines, one 12-inch water line, and one 16-inch water line. The City Council is also requested to appropriate sufficient monies into Fund 414 to set-aside EMWD revenue for the relocations.

DISCUSSION

The Indian Basin, Appurtenant Storm Drain and Miscellaneous Street Improvements Project will construct Storm Drain Line H along Ironwood Avenue from the Ironwood Avenue/Heacock Street intersection to the Davis Street/Ironwood Avenue intersection, then southerly in Davis Street to the Indian Detention Basin. The project will also construct, at a minimum, street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive, Storm Drain Line H-1A from the Davis Street/Ironwood Avenue intersection to the Indian Detention Basin, and minor clearing for SCE poles at selected locations on the north side of Ironwood Avenue between Heacock Street and Perris Boulevard.

To maximize available funding, four Base Bid schedules, and eleven Additive Bid Alternate schedules were included in the bid documents. The Base Bid schedules consisted of: Storm Drain Line H, Ironwood Avenue widening, Storm Drain Line H-1A Station 10+00 to 15+31, and pole clearing. The Additive Bid Alternate schedules consist of: Storm Drain Line H-1A Station 15+31 to 18+37 (Additive Bid Alternate "1"), street lights (Additive Bid Alternate "2"), Ironwood Avenue sidewalk from bus bay to Davis Street (Additive Bid Alternate "3"), Ironwood Avenue sidewalk from Davis Street to Station 19+70 (Additive Bid Alternate "4"), Storm Drain Line H-1A Station 27+53 to 32+00 (Additive Bid Alternate "5"), Storm Drain Line H-1A Station 32+00 to 37+00 (Additive Bid Alternate "6"), Storm Drain Line H-1A Station 37+00 to 41+63 (Additive Bid Alternate "7"), 8-inch PVC water line east of Heacock Street (Additive Bid Alternate "8"), 16-inch PVC water line (Additive Bid Alternate "9"), 12-inch PVC water line (Additive Bid Alternate "10"), and 8-inch PVC water line at Hubbard Street (Additive Bid Alternate "11").

In accordance with the EMWD Reimbursement Agreement, during the bidding process, EMWD has the option to choose its own contractor to perform the water line work

(additive bid alternates 8-11), in order to maximize available EMWD funds. Whether the City's or EMWD's contractor performs the water line work, the respective bid documents include a provision for cooperation between the two contractors, and the work will be done at the same time. Both the City and EMWD will benefit by the relocation of the water lines concurrently with the storm drain work, because the majority of work lies within the traveled way of Ironwood Avenue, and work at a specific location within the street would be done at one time instead of two separate times.

Formal bidding procedures have been followed in conformance with the Public Contract Code (PCC) and the City Clerk opened bids at 1:30 p.m. on June 15, 2010, for the subject project. *Five* (5) bids were received as follows:

1. Riverside Construction Company, Riverside	\$3,834,353.20
2. H & H General Contractors, Inc., Highland.....	\$4,137,032.00
3. Norstar Plumbing and Engineering, Inc., Alta Loma.....	\$4,496,817.00
4. Erreca's Inc., Lakeside.....	\$4,713,070.60
5. KEC Engineering, Corona.....	non-responsive
Engineer's Estimate	\$4,125,000.00

Staff has reviewed the lowest bid received by Riverside Construction Company, Inc. and finds it to be the lowest responsible bidder. Riverside Construction Company, Inc. possesses a valid California License in good standing and has provided a bid bond as its required bid security. No outstanding problems were identified through a review of the references submitted by Riverside Construction Company, Inc.

The lowest responsible bidder was determined by comparing the cumulative total for all Base Bid items and Additive Bid Alternate items, as stipulated in the bid documents.

Based on available budget, City staff is recommending contract award of all Base Bid items and Additive Bid Alternate Nos. 1, and 5-11. The identified base and additive items will complete Storm Drain Line H, Ironwood Avenue widening, Storm Drain Line H-1A Station 10+00 to 15+31, and pole clearing, as well as Storm Drain Line H-1A Station 15+31 to 18+37, Storm Drain Line H-1A Station 27+53 to 32+00, Storm Drain Line H-1A Station 32+00 to 37+00, Storm Drain Line H-1A Station 37+00 to 41+63, and all water line relocations. This will complete all storm drain work in Ironwood Avenue from Heacock Street to Hubbard Street, as well as the widening of Ironwood Avenue from Heacock Street to Nita Drive.

The Contractor will notify, and provide safe ingress and egress to all potentially affected property owners about the construction, as well as law enforcement, the Fire Department, Waste Management of the Inland Empire, the postal service, the school district, and other affected entities. The Contractor is required to keep one lane open in each direction on Ironwood Avenue and provide driveway access to residents at all times. The traffic control plan has been approved by the City Traffic Engineer. Due to

construction, local streets along Ironwood Avenue may be restricted temporarily to right-in/right-out traffic.

ALTERNATIVES

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder, authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc. in the form attached hereto, on behalf of the City and the Community Redevelopment Agency, authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of \$4,124,375.14 (\$3,749,431.95 plus 10% contingency) when the contract has been signed by all parties, authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of \$374,943.19, subject to the approval of the City Attorney, re-appropriate \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin), and re-appropriate \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin). *This alternative allows the City to complete the project on schedule.*
2. Do not award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder, do not authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc. in the form attached hereto, on behalf of the City and the Community Redevelopment Agency, do not authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of \$4,124,375.14 (\$3,749,431.95 plus 10% contingency) when the contract has been signed by all parties, do not authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of \$374,943.19, subject to the approval of the City Attorney, do not re-appropriate \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin), and do not re-appropriate \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin). *This alternative will result in delaying the construction of the Indian Basin and Ironwood Avenue Improvements.*

FISCAL IMPACT

The Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements are being funded with 2007 RDA Tax Allocation Bonds (Account No. 897.91726). The project is also partially funded with 2005 Lease Revenue Bonds (Account No. 501.82625) and Development Impact Fee monies (Account No. 416.78727). Staff is requesting that the City's budget for this project be amended by re-appropriating \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin), and \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin). On July 13, 2010 the City Council is requested to appropriate a maximum of \$295,000 into Fund 414 to set-aside EMWD revenue for Additive Bid Alternate Nos. 8-11.

Sufficient funds are available to award all Base Bid Items and Additive Bid Alternate Nos. 1, and 5-11. These funds have been allocated for these projects and cannot be utilized for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2009/2010 (Account No. 897.91726).....	\$2,795,000
Fiscal Year 2009/2010 (Account No. 501.82625).....	\$1,046,000
Fiscal Year 2009/2010 (Account No. 416.78727).....	\$1,116,000
Requested Re-Appropriation from Day Street (Account No. 987.91724)	\$180,000
Requested Re-Appropriation from Nason Bridge (Account No. 897.91728)	\$585,000
EMWD Water Line Facilities Costs (Account No. 414.XXXXX).....	\$295,000
Total Available Funds	\$6,017,000

ESTIMATED COSTS:

Design Costs – Fiscal Year 2009/2010 (Account No. 897.91726)	\$370,000
Design/ROW Costs – Fiscal Year 2009/2010 (Account No. 501.82625).....	\$780,000
Design Costs – Fiscal Year 2009/2010 (Account No. 416.78727)	\$156,000
Contractor Construction Costs (includes 10% contingency).....	\$4,124,000
Construction Design Support Services.....	\$100,000
Construction Geotechnical Services.....	\$90,000
Construction Survey Services	\$55,000
Project Administration and City Inspection*	\$190,000
Mitigation Cost	\$149,000
Total Estimated Project Related Costs.....	\$6,014,000

*Public Works staff will provide Project Administration and primary inspection services. Additional consultant inspection support will be provided for supplemental inspection.

ANTICIPATED SCHEDULE:

Begin Construction.....	August 2010
Complete Construction.....	April 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

The Indian Basin, Appurtenant Storm Drain and Miscellaneous Street Improvements Project will construct Storm Drain Line H along Ironwood Avenue from the Ironwood Avenue/Heacock Street intersection to the Davis Street/Ironwood Avenue intersection, then southerly in Davis Street to the Indian Detention Basin. The project will also construct related street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive, portions of missing Storm Drain Line H-1A in Ironwood Avenue, pole clearing at selected locations on the north side of Ironwood Avenue, and water line relocations in Ironwood Avenue from Heacock Street to Hubbard Street. This will complete all storm drain work in Ironwood Avenue from Heacock Street to Hubbard Street, as well as the widening of Ironwood Avenue from Heacock Street to Nita Drive. The City Council and the Community Redevelopment Agency are requested to approve the award of the construction contract to Riverside Construction Company, Inc. and the re-appropriation of \$180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin), and \$585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

ATTACHMENTS

Attachment "A" – Location Map

Attachment "B" – Agreement with Riverside Construction Company, Inc.

Prepared By:
 Margery A. Lazarus
 Senior Engineer, P.E.

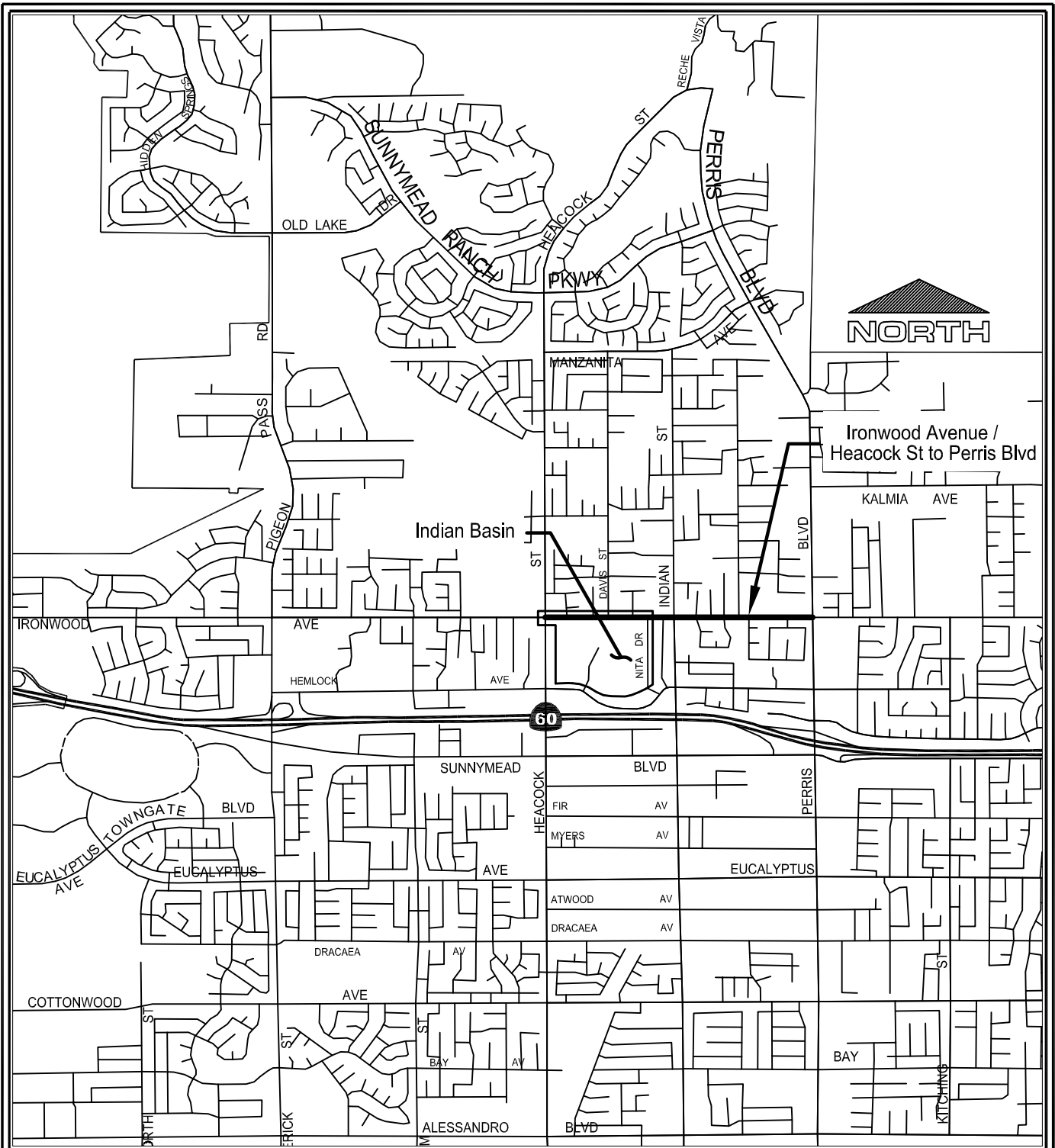
Department Head Approval:
 Barry Foster
 Economic Development Director

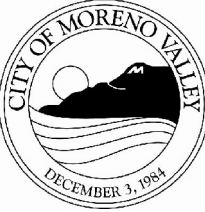
Concurred By:
 Prem Kumar, P.E.
 Deputy Public Works Director/Assistant City Engineer

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

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

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 <p>CITY OF MORENO VALLEY DECEMBER 3, 1984</p>	<h1>LOCATION MAP</h1>	
	Public Works Department Capital Projects Division	IRONWOOD AVE IMPROVEMENTS FROM HEACOCK ST TO PERRIS BLVD PROJECT NUMBER 06-50182625-2
	Scale: None	INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS AND IRONWOOD AVE FROM HEACOCK ST TO NITA DR (SOUTH SIDE) PROJECT NUMBER 09-89791726
ATTACHMENT "A"		

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AGREEMENT

PROJECT NOS. 06-50182625 & 09-89791726

IRONWOOD AVENUE STREET AND STORM DRAIN IMPROVEMENTS

Street Improvements from Heacock Street to Nita Drive, and Sunnymead Master Drainage Plan Line H Stage 4, Line H-1A Stage 2, and Line H-5 Stage 3, from Heacock Street to Hubbard Street

THIS Agreement, made and entered into as of the date signed by the City Manager and Executive Director, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, and the Community Redevelopment Agency of the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **Riverside Construction Company, Inc.** hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. The written Agreement includes all of the following:
 - a. Any and all Contract Change Orders issued after execution of this Agreement
 - b. Addenda Nos. 1 & 2 inclusive, issued prior to the opening of the Bids
 - c. The bound Bid Documents
 - d. The Special Provisions which include the General Provisions and Technical Provisions, all of which are parts of this Agreement
 - e. The project Plans
 - f. The Standard Plans
 - g. The Standard Specifications
 - h. Reference Specifications, all of which are essential parts of this Agreement
 - i. The Bidder's Proposal which includes the Bidder's Bond and Noncollusion Affidavit

In the event of any conflict in the provisions thereof, the terms of said Contract Documents as set forth above shall control, each over the other, in the order provided. The above items are incorporated in this Agreement as though set forth in full.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Bid Documents for this project, the Bid Documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the **Base Bid Schedules A-D** and **Additive Bid Alternate Nos. 1, and 5-11** in the sum total amount of **\$3,749,431.95**, subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Bid Documents therefore and the requirements of the Engineer under them.

Attachment "B"

**AGREEMENT
PROJECT NOS. 06-50182625 & 09-89791726**

4. The Contractor hereby agrees to order materials pursuant to this Agreement within 7 calendar days after the date of authorization specified in the "Notice to Proceed with Order of Materials." The Contractor hereby agrees to commence work pursuant to this Agreement within 15 calendar days after the date of authorization specified in the "Notice to Proceed with Construction." The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to completion within **one hundred seventy (170) working days** after said date in the "Notice to Proceed with Construction," except as adjusted by Additive Bid Alternatives and/or subsequent Contract Change Order(s).

5. The City and Contractor hereby agree that in case all ordering of materials and construction called for under the Agreement is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of \$750.00 per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement, and extension thereof, and for a one (1) year warranty period, General Liability, Automobile Liability, and Worker's Compensation Insurance with such coverage limits as described in this Agreement. The Contractor shall name as additional insured, City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, the Eastern Municipal Water District, the Riverside County Flood Control and Water Conservation District, the County of Riverside, and Western Riverside Council of Governments, and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), the Eastern Municipal Water District (EMWD), the Riverside County Flood Control and Water Conservation District (RCFC&WCD), the County of Riverside, and Western Riverside Council of Governments (WRCOG), its officers, employees and agents, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, EMWD, RCFC&WCD, the County of Riverside, and WRCOG, its officers, employees and agents; under any third party liability policy.

It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

**AGREEMENT
PROJECT NOS. 06-50182625 & 09-89791726**

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	\$500,000.00	\$1,000,000.00	\$2,000,000.00
Property Damage	---	\$1,000,000.00	\$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of \$2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than \$1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

AGREEMENT
PROJECT NOS. 06-50182625 & 09-89791726

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the agreement price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Agreement pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Agreement fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government, and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Agreement is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Agreement in a form which is substantially similar to the Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), the Eastern Municipal Water District (EMWD), the Riverside County Flood Control and Water Conservation District (RCFC&WCD), the County of Riverside, and Western Riverside Council of Governments (WRCOG), its officers, agents, and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers,

**AGREEMENT
PROJECT NOS. 06-50182625 & 09-89791726**

agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, EMWD, RCFC&WCD, the County of Riverside, and WRCOG, its officers, agents, or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Agreement.

16. The effective date of this Agreement shall be the date of the Award of Agreement by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

**AGREEMENT
PROJECT NOS. 06-50182625 & 09-89791726**

CITY OF MORENO VALLEY,
Municipal Corporation

RIVERSIDE CONSTRUCTION COMPANY, INC.

BY: _____
City Manager

License No./
Classification: _____

Date: _____

Expiration Date: _____

COMMUNITY REDEVELOPMENT AGENCY
Municipal Corporation

Federal I.D. No.: _____

BY: _____
Executive Director

PRINT NAME: _____

Date: _____

SIGNATURE: _____

<u>INTERNAL USE ONLY</u>
APPROVED AS TO LEGAL FORM:

City Attorney

Date
RECOMMENDED FOR APPROVAL: <i>(if contract exceeds \$15,000)</i>

Public Works Director/City Engineer

Date

Economic Development Director

Date

TITLE: _____

DATE: _____
Date

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Agreement on behalf of the Contractor must be acknowledged before a notary public. Attach Notary Certificates following this page.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

BOND NO. _____

PREMIUM \$ _____

**FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)**

PROJECT NOS. 06-50182625 & 09-89791726

IRONWOOD AVENUE STREET AND STORM DRAIN IMPROVEMENTS

Street Improvements from Heacock Street to Nita Drive, and Sunnymead Master Drainage Plan Line H Stage 4, Line H-1A Stage 2, and Line H-5 Stage 3, from Heacock Street to Hubbard Street

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **Riverside Construction Company, Inc.**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager and Executive Director, and identified as **Project Nos. 06-50182625 & 09-89791726**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and _____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, (\$ _____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

**FAITHFUL PERFORMANCE BOND
PROJECT NOS. 06-50182625 & 09-89791726**

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day
of _____ 20____.

CONTRACTOR (Principal)

SURETY

Contractor Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

Print Name: _____

Print Name: _____

Attorney-in-Fact

Signature: _____

Signature: _____

Approved as to Form this

_____ day of _____ 20____

City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal maybe affixed hereto.

BOND NO. _____

PREMIUM \$ _____

**LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)**

PROJECT NOS. 06-50182625 & 09-89791726

IRONWOOD AVENUE STREET AND STORM DRAIN IMPROVEMENTS

**Street Improvements from Heacock Street to Nita Drive, and Sunnymead Master Drainage Plan
Line H Stage 4, Line H-1A Stage 2, and Line H-5 Stage 3, from Heacock Street to Hubbard Street**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to **Riverside Construction Company, Inc.**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager and Executive Director, and identified as **Project Nos. 06-50182625 & 09-89791726**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____ dollars, (\$ _____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

**LABOR AND MATERIALS PAYMENT BOND
PROJECT NOS. 06-50182625 & 09-89791726**

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day
of _____ 20____.

CONTRACTOR (Principal)

SURETY

Contractor Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

Print Name: _____

Print Name: _____
Attorney-in-Fact

Signature: _____

Signature: _____

Approved as to Form this

_____ day of _____ 20____

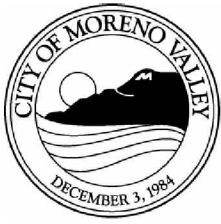
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal maybe affixed hereto

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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 Members of the City Council; and Mayor and City Council, acting in their respective capacities as the Chairperson and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

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

AGENDA DATE: July 13, 2010

TITLE: PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE

DEVELOPER – COMMUNITY HOMES INC.
1720 S. MOUNTAIN VIEW AVENUE
LOMA LINDA, CA 92354

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue
2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On July 23, 2009 the Moreno Valley Planning Commission approved project PA09-0006. This project will be a 15 unit affordable housing project on 1.57 acres located on the northwest corner of Atwood Avenue and Liberty Street to house special needs individuals and senior citizens. The property owner is the Community Redevelopment Agency of the City of Moreno Valley. The developer is California Housing Foundation and the General Contractor is New Heights Construction.

The Conditions of Approval require that the developer record offers of dedication for highway purposes and an easement deed for pedestrian access on Liberty Street north of Atwood Avenue.

DISCUSSION

The developer is required to dedicate 4 feet of right-of-way around the driveway at the proposed project entrance and to dedicate the entire street right-of-way along the project frontage of Liberty Street north of Atwood Avenue including the corner cut back area at the northwest corner of Atwood Avenue and Liberty Street. In addition, a 3-foot easement is required for pedestrian access purposes along the west side of Liberty Street in order to accommodate a public sidewalk. The offers of dedication and easement deed are necessary in order to construct public improvements along the project frontage, thereby, matching the existing street improvements immediately to the north of the project. The required street improvements will benefit the public by increasing vehicular and pedestrian circulation. Once the offers of dedication and easement deed are executed by the City Manager, the documents will be forwarded to the City Engineer to execute the Acceptance Certificates as authorized by Resolution 94-5.

ALTERNATIVES

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement on Liberty Street north of Atwood Avenue and to direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.
2. Do not authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of

Atwood Avenue and do not direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment 1 – Vicinity Map

Attachment 2 – Offer of Dedication for right-of-way on Liberty Street

Attachment 3 – Offer of Dedication for 4 feet of right-of-way for pedestrian access purposes around the driveway approach on Liberty Street

Attachment 4 – Easement Deed for a 3-foot easement for pedestrian access purposes on Liberty Street

Prepared By
Mark Westover
Associate Engineer

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

Concurred By
Clement Jimenez, P.E.
Senior Engineer

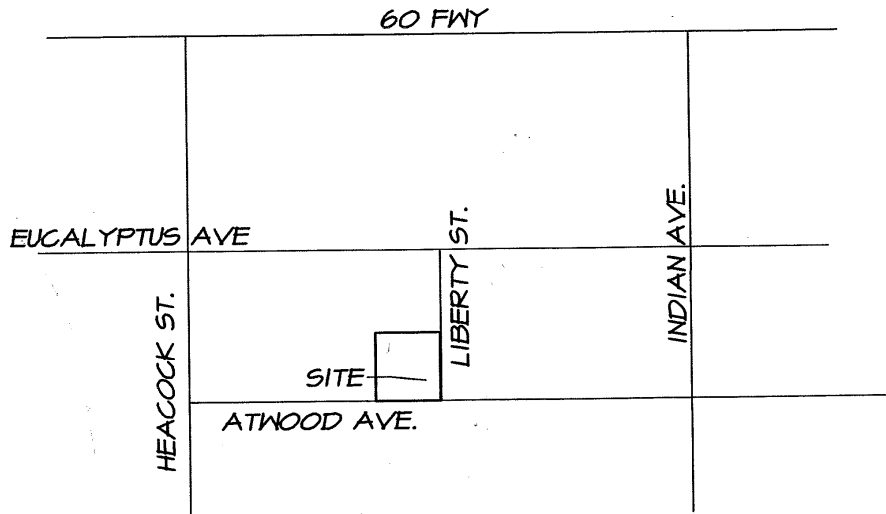
Concurred By
Barry Foster, Economic Development Director
Public Works Director/City Engineer

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

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

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\7-13-10 - PA09-0006_Dedications_Easement.doc

VICINITY MAP
N.T.S.



CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
Attachment 1

PA09-0006
LOCATION MAP

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\Vicinity Map format surround - Portrait.doc

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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
By:
A.P.N. 482-020-056

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

OFFER OF DEDICATION

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

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

GRANTOR(S) hereby irrevocably offer(s) to DEDICATE to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement and right of way, subject to the completion of improvements, 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 as follows:

All as described in the attached legal description and illustrated on the plats attached hereto and marked Exhibits "A" and "B", respectively.

Community Redevelopment Agency
of the City of Moreno Valley

By: _____
BONNIE FLICKINGER, Chairperson

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk

Date _____

(SEAL)

ATTACHMENT "2"

EXHIBIT "A"
RIGHT OF WAY DEDICATION
LIBERTY STREET AND
CORNER CUT BACK

BEING A PORTION OF LOT 167 OF EDGEMONT GARDENS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15, PAGE 90 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 167;

THENCE NORTH 89°59'00" WEST A DISTANCE OF 69.64 FEET ALONG THE NORTH RIGHT OF WAY LINE OF ATWOOD AVE. (60.00 WIDE);

THENCE NORTH 45°04'44" EAST A DISTANCE OF 39.05 FEET TO A POINT ON A LINE PARALLEL WITH AND 23.00 FEET WEST OF CENTERLINE OF LIBERTY STREET;

THENCE NORTH 00°01'00" EAST A DISTANCE OF 237.42 FEET;

THENCE SOUTH 89°59'00" EAST A DISTANCE OF 42.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 167;

THENCE SOUTH 00°01'00" WEST A DISTANCE OF 265.00 FEET ALONG THE EAST LINE OF SAID LOT 167 TO THE TRUE POINT OF BEGINNING.

PREPARED UNDER MY SUPERVISION

Paul T. Welsh 4/28/10

PAUL T. WELSH
L.S. NO. 5205
EXPIRES 6/30/11

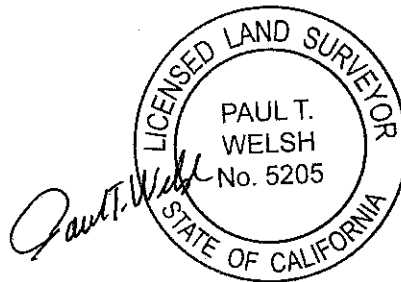
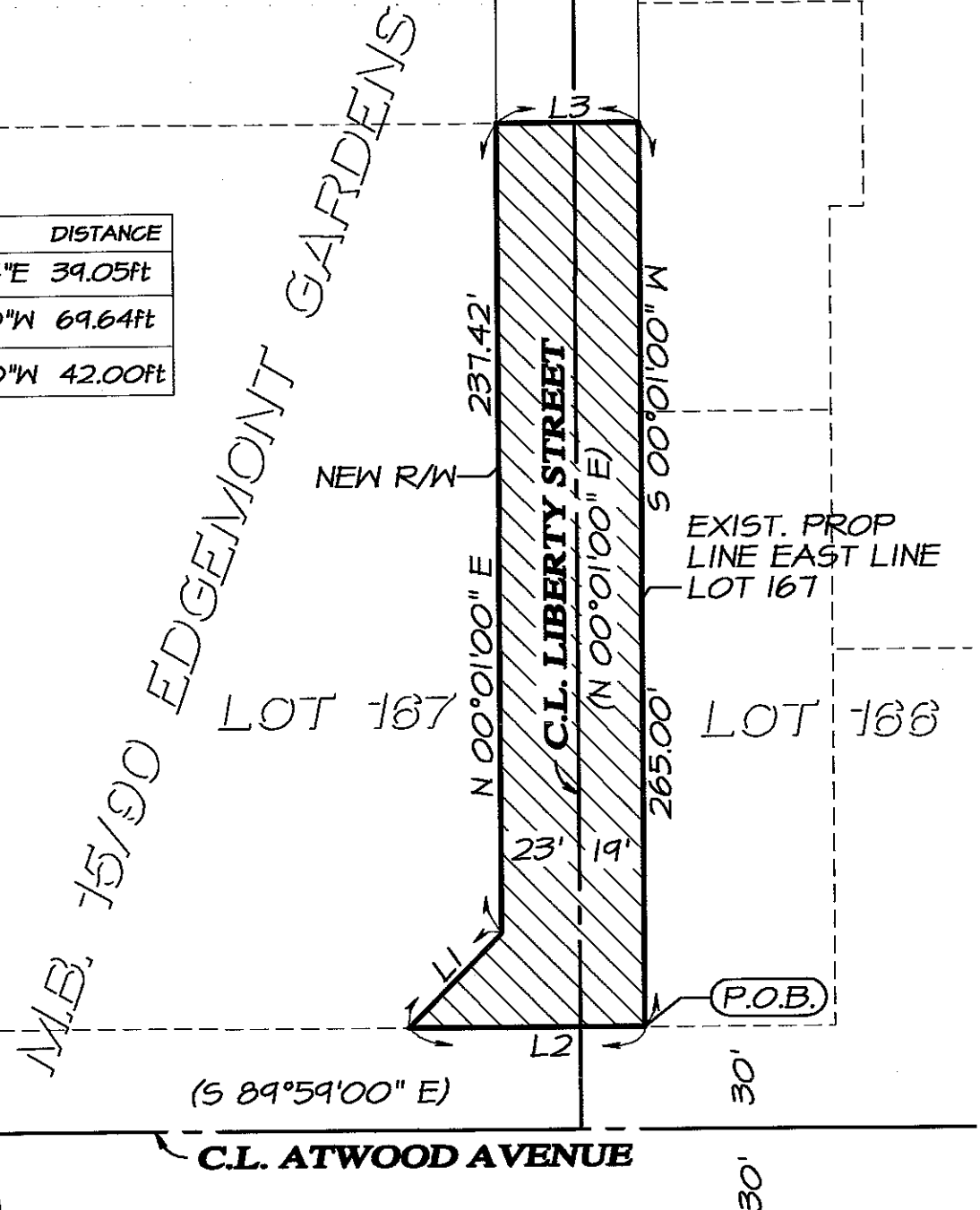


EXHIBIT "B"

RIGHT OF WAY DEDICATION

LINE DATA

#	DIRECTION	DISTANCE
L1	N45°04'44"E	39.05ft
L2	N89°59'00"W	69.64ft
L3	N89°59'00"W	42.00ft



Paul T. Welsh 5/20/10
 PAUL T. WELSH DATE: SCALE: 1"=50'

LEGEND

- PROP. DEDICATION
- EXIST. CENTER LINE
- EXIST. RIGHT OF WAY
- RECORD MAP DATA ()

MASSARO & WELSH CIVIL ENGINEERS LAND SURVEYORS 1572 N. WATERMAN AVENUE, SUITE 5 SAN BERNARDINO, CA 92404 (909) 883-9355 TELEPHONE (909) 889-9490 FAX	OWNER: REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY MORENO VALLEY SENIOR HOUSING INC. 14177 FREDERICK STREET MORENO VALLEY, CA 92552	DRAWN BY: R.W. CHECKED BY: P.W. DATE: 2/23/10	SHT. NO. 2 OF 2 SHEET
	Item No. C.7		
	-587-		

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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
By:
A.P.N. 482-020-056

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DOCUMENTARY TRANSFER TAX IS NONE.
Public Agency exempt.
Revenue and Taxation Code Section 11922

OFFER OF DEDICATION

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

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

GRANTOR(S) hereby irrevocably offer(s) to DEDICATE to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement and right of way, subject to the completion of improvements, 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 as follows:

All as described in the attached legal description and illustrated on the plats attached hereto and marked Exhibits "A" and "B", respectively.

Community Redevelopment Agency
of the City of Moreno Valley

By: _____
BONNIE FLICKINGER, Chairperson

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk

Date _____

(SEAL)

ATTACHMENT "3"

EXHIBIT A

**FOUR-FOOT RIGHT-OF-WAY DEDICATION FOR PEDESTRIAN
ACCESS BEHIND DRIVEWAY APPROACH**

BEING A PORTION OF LOT 167 OF EDGEMONT GARDENS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15, PAGE 90 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 167;

THENCE NORTH 89°59'00" WEST A DISTANCE OF 69.64 FEET ALONG THE NORTH RIGHT OF WAY LINE OF ATWOOD AVE. (60.00 WIDE)

THENCE NORTH 45°04'42" EAST A DISTANCE OF 34.81 FEET

THENCE NORTH 00°01'00" EAST A DISTANCE OF 172.24 FEET TO THE **TRUE POINT OF BEGINNING**

THENCE NORTH 44°59'00" WEST A DISTANCE OF 5.66 FEET.

THENCE NORTH 00°01'00" EAST A DISTANCE OF 55.27 FEET

THENCE NORTH 45°01'00" EAST A DISTANCE OF 5.66 FEET

THENCE SOUTH 00°01'00" WEST A DISTANCE OF 63.27 FEET TO THE **TRUE POINT OF BEGINNING**

PREPARED UNDER MY SUPERVISION

Paul T. Welsh

PAUL T. WELSH

L.S. No. 5205

EXPIRES 6/30/11

DATE SIGNED: 4/28/10

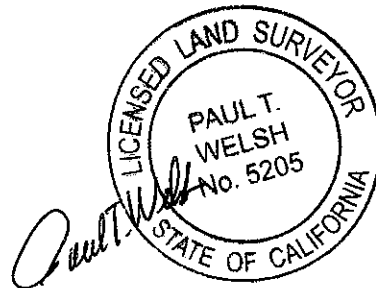
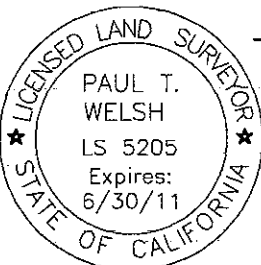
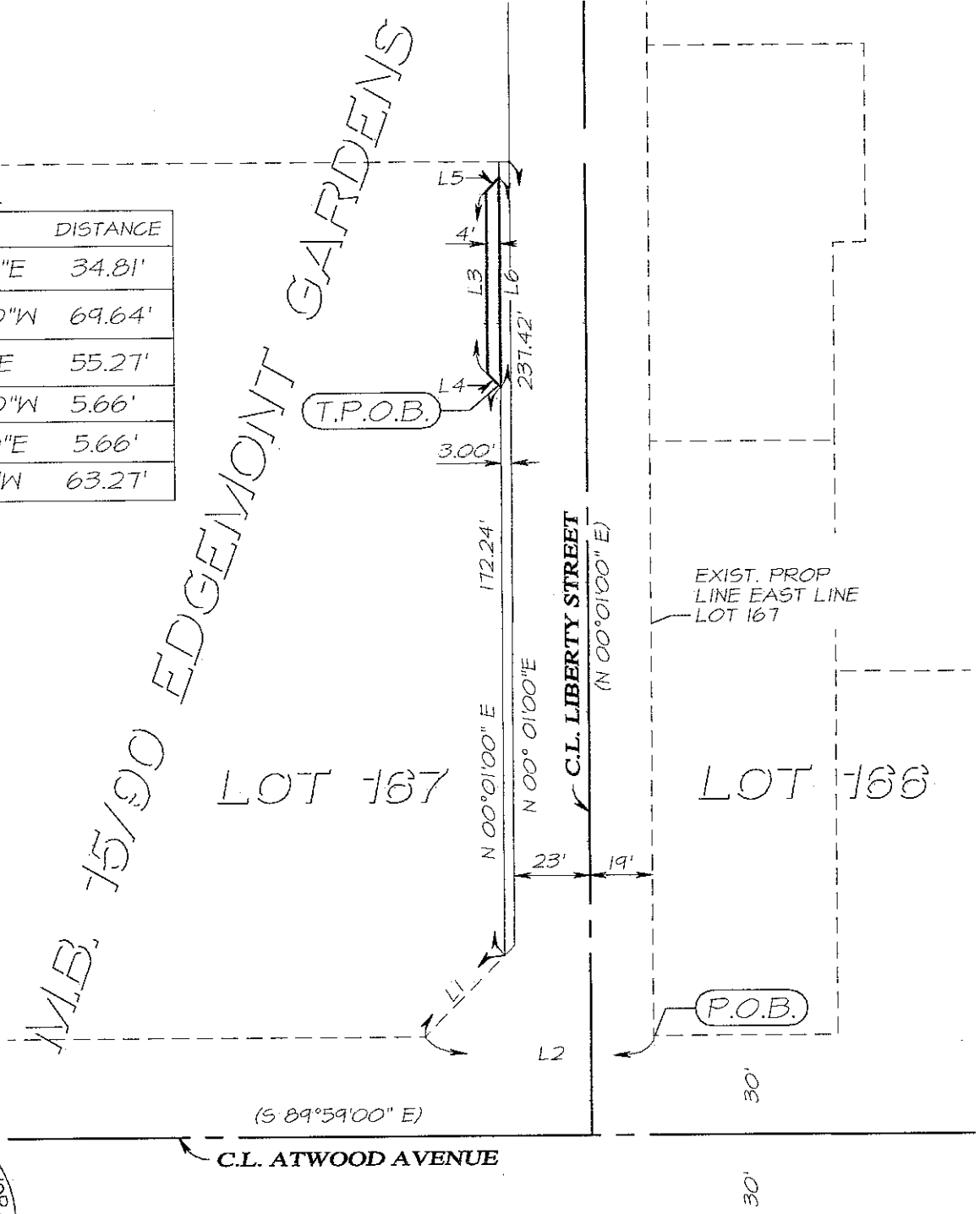


EXHIBIT "B"

LINE DATA

#	DIRECTION	DISTANCE
L1	N45 04'42"E	34.81'
L2	N89 59'00"W	69.64'
L3	N0 01'00"E	55.27'
L4	N44 59'00"W	5.66'
L5	N45 01'00"E	5.66'
L6	S0 01'00"W	63.27'



Paul T. Welsh 6/3/10
 PAUL T. WELSH DATE:



SCALE: 1"=50'

LEGEND

- PROP. DEDICATION
- EXIST. CENTER LINE
- EXIST. RIGHT OF WAY
- RECORD MAP DATA ()

MASSARO & WELSH
 CIVIL ENGINEERS LAND SURVEYORS
 1572 N. WATERMAN AVENUE, SUITE 5
 SAN BERNARDINO, CA 92404
 (909) 883-9355 TELEPHONE
 (909) 889-9490 FAX

OWNER:
 REDEVELOPMENT AGENCY OF THE
 CITY OF MORENO VALLEY
 MORENO VALLEY SENIOR HOUSING INC.
 14177 FREDERICK STREET
 MORENO VALLEY, CA 92552

DRAWN BY: R.W.
 CHECKED BY: P.W.
 DATE: 4/28/10

SHT. NO. 2
 OF 2 SHEET

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Recording requested by and when
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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
By:
A.P.N. 482-020-056

(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,

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

GRANTOR(S) hereby irrevocably convey(s) to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement, subject to the completion of improvements, for public pedestrian access purposes, over, under, upon, 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 plats attached hereto and marked Exhibits "A" and "B", respectively.

Community Redevelopment Agency
of the City of Moreno Valley

By: _____
BONNIE FLICKINGER, Chairperson

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk

Date _____

(SEAL)

ATTACHMENT "4"

EXHIBIT A

**THREE-FOOT RIGHT-OF-WAY DEDICATION FOR PEDESTRIAN
ACCESS FOR SIDEWALK**

BEING A PORTION OF LOT 167 OF EDGEMONT GARDENS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15, PAGE 90 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 167;

THENCE NORTH 89°59'00" WEST A DISTANCE OF 69.64 FEET ALONG THE NORTH RIGHT OF WAY LINE OF ATWOOD AVE. (60.00 WIDE)

THENCE NORTH 45°04'44" EAST A DISTANCE OF 34.81 FEET TO **TRUE POINT OF BEGINNING**

THENCE NORTH 00°01'00" EAST A DISTANCE OF 240.41 FEET;

THENCE SOUTH 89°59'00" EAST A DISTANCE OF 3.00 FEET

THENCE SOUTH 00°01'00" WEST A DISTANCE OF 237.42 FEET

THENCE SOUTH 45°04'44" WEST A DISTANCE OF 4.24 FEET TO THE **TRUE POINT OF BEGINNING**

PREPARED UNDER MY SUPERVISION



PAUL T. WELSH

L.S. No. 5205

EXPIRES 6/30/11

DATE SIGNED: 4/28/10

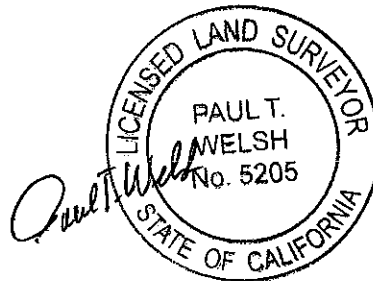
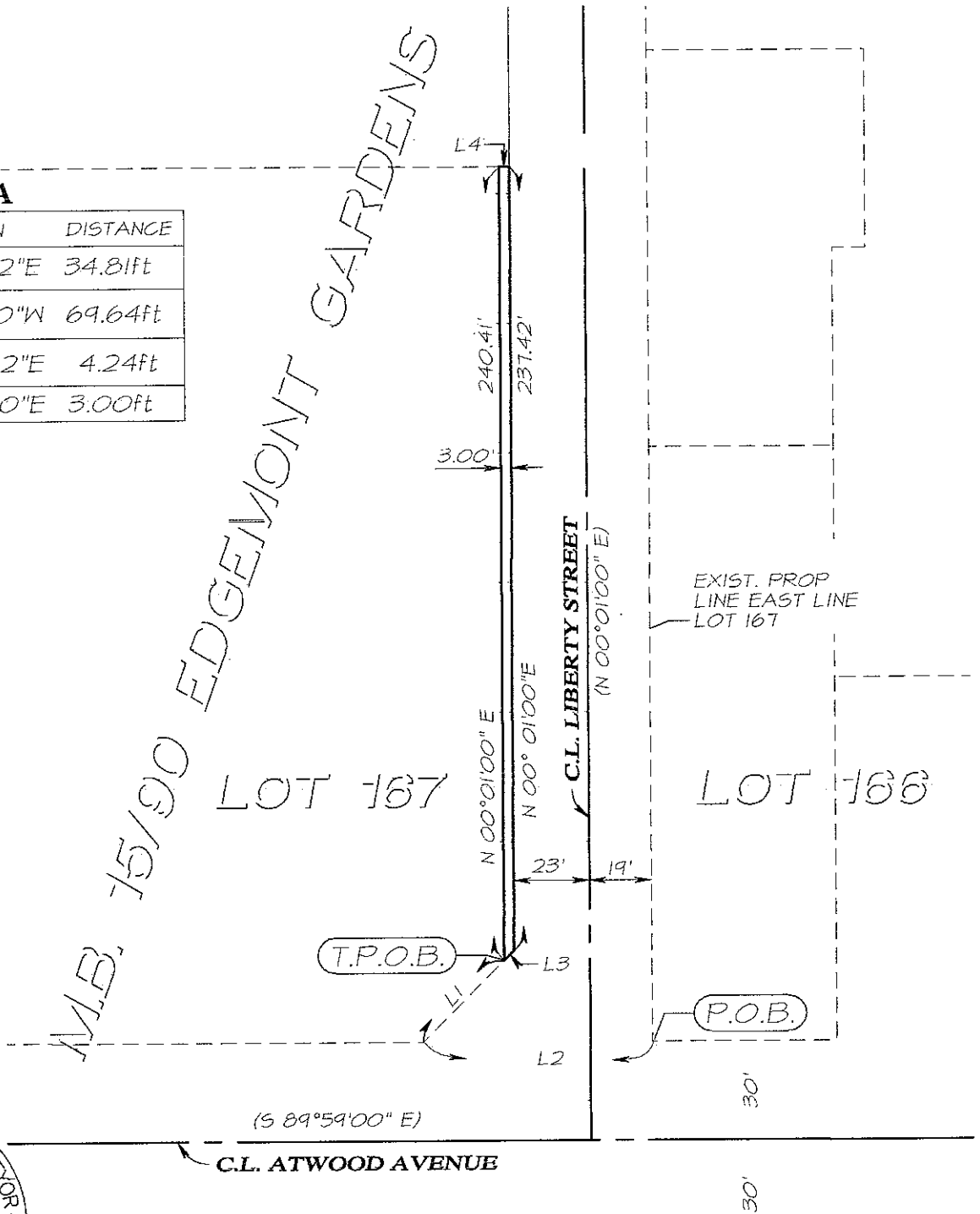


EXHIBIT "B"

LINE DATA

#	DIRECTION	DISTANCE
L1	N45 04'42"E	34.81ft
L2	N89 59'00"W	69.64ft
L3	N45 04'42"E	4.24ft
L4	S89 59'00"E	3.00ft



Paul T. Welsh
PAUL T. WELSH

6/3/10
DATE:

SCALE: 1"=50'



LEGEND

- PROP. DEDICATION
- EXIST. CENTER LINE
- EXIST. RIGHT OF WAY
- RECORD MAP DATA ()

MASSARO & WELSH

CIVIL ENGINEERS LAND SURVEYORS
1572 N. WATERMAN AVENUE, SUITE 5
SAN BERNARDINO, CA 92404
(909) 883-9355 TELEPHONE
(909) 889-9490 FAX

OWNER:

REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY SENIOR HOUSING INC.
14177 FREDERICK STREET
MORENO VALLEY, CA 92552

DRAWN BY: R.W.

CHECKED BY: P.W.

DATE: 4/28/10

SHT. NO. 2

OF 2 SHEET

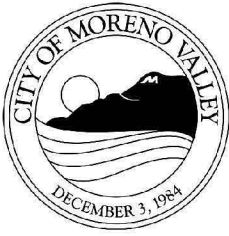
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**MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report
of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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

Report to City Council

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

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

AGENDA DATE: July 13, 2010

TITLE: PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing:

1. Direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;
2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;
3. Receive and file with the City Clerk's office the accepted CSD Official Tally Sheet; and
4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018.

BACKGROUND

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels

receiving the service. The Zone D program provides parkway landscape maintenance at the entry of a tract, around its perimeter, or in the median adjacent to the tract.

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the maintenance of the identified landscape areas.

DISCUSSION

Every year, the CSD compares the cost to provide the service to the revenue received from each tract. Higher costs for electricity, water, and labor rates have impacted the overall program costs. The CSD has determined that the annual expenditures for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018 exceed the annual parcel charge paid by the property owners. The CSD Board was informed at the April 20 Study Session of the necessity to ballot these tracts for an increase in the CSD Zone D annual charge in order to maintain services at the current standard service level.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, mail ballot proceedings are being conducted to allow property owners within Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018 the opportunity to approve or oppose the proposed increase in the CSD Zone D annual parcel charge. The proposed CSD Zone D parcel charge for each tract is listed below.

Tract	FY 2009/10 CSD Zone D Annual Charge*	Proposed 2010/11 CSD Zone D Annual Charge*
12773	\$80.00	\$121.00
19210	\$68.00	\$112.00
19937	\$107.10	\$157.00
20404	\$97.00	\$178.00
20579	\$57/\$106.10/\$158.10	\$144.00
20718	\$139.10	\$234.00
21113	\$57.00	\$89.00
21333	\$208.20	\$345.00
21597	\$295.20	\$473.00
22889	\$186.00	\$313.00
28882	\$103.10	\$179.00
31257	\$1,050.00	\$1,414.00
31269-1	\$295.20	\$355.00
32018	\$68.00	\$160.00

*The CSD Zone D annual charge may be subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 22, 2010 and the Public Hearing on July 13, 2010.

If a tract approves the proposed increase by a simple majority (50%+1) of the returned valid ballots, the approved CSD Zone D parcel charge will be levied on the 2010/11 Riverside County property tax bill. If a tract opposes the proposed increase by a simple majority of the returned valid ballots, or if there is a tie, the existing CSD Zone D parcel charge shall continue to be levied on the property tax bill, which may include an annual inflation adjustment. The CSD will evaluate the level of landscape service to be provided based on the City Council/CSD Board approved Zone D (Parkway Landscape Maintenance) Service Plan, General Management Policy #2.30.

If revenues from a tract do not support the lowest level of reduced landscape maintenance service, the property owners will be notified that the CSD is unable to provide the landscape maintenance service. Property owners may consider the option of forming a homeowners association, or other method, to continue the landscape maintenance.

ALTERNATIVES

1. **Conduct the Public Hearing**, tabulate the ballots, verify and accept the results of the mail ballot proceedings for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018 for the proposed increase in the CSD Zone D annual charge. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*
2. **Do not conduct the Public Hearing**, tabulate the ballots, verify or accept the results of the mail ballot proceedings for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018 for the proposed increase in the CSD Zone D annual charge. *This alternative would be contrary to state statutes.*

FISCAL IMPACT

The CSD provides services through various zones, such as Zone D (Parkway Landscape Maintenance), which are full-cost recovery programs. **The collection of the CSD Zone D annual charge is restricted for landscape maintenance services and administration of the CSD Zone D program. There is no impact on the General Fund for the operation of the CSD Zone D program.**

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness

Continuation of the Zone D services in the landscaped areas of the selected tracts shall allow the CSD to maintain the current appearance of the area.

Revenue Diversification and Preservation

The proposed CSD Zone D parcel charge for the selected tracts is based upon actual costs, which include maintenance and administration.

SUMMARY

Fourteen Zone D tracts are being balloted to seek approval for an increase in the CSD Zone D annual charge. The action before the CSD Board is to accept public comments and tabulate the returned ballots for the balloted tracts.

NOTIFICATION

On May 28, 2010, a ballot packet was mailed to each property owner within the affected tracts. The packet included a cover letter, notice to property owner, 2010/11 budget, history of charges, map, CSD Zone D service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each tract is included as Attachments 1 through 14.

Newspaper advertising for the June 22, 2010, Public Meeting and July 13, 2010, Public Hearing was published in The Press-Enterprise on June 3, 2010. Additionally, the Public Hearing notification will be published on June 24 and again on July 1, 2010.

ATTACHMENTS

- Attachment 1: Sample mail ballot packet for Tract 12773
- Attachment 2: Sample mail ballot packet for Tract 19210
- Attachment 3: Sample mail ballot packet for Tract 19937
- Attachment 4: Sample mail ballot packet for Tract 20404
- Attachment 5: Sample mail ballot packet for Tract 20579
- Attachment 6: Sample mail ballot packet for Tract 20718
- Attachment 7: Sample mail ballot packet for Tract 21113
- Attachment 8: Sample mail ballot packet for Tract 21333
- Attachment 9: Sample mail ballot packet for Tract 21597
- Attachment 10: Sample mail ballot packet for Tract 22889
- Attachment 11: Sample mail ballot packet for Tract 28882
- Attachment 12: Sample mail ballot packet for Tract 31257
- Attachment 13: Sample mail ballot packet for Tract 31269-1
- Attachment 14: Sample mail ballot packet for Tract 32018

Prepared by:
Jennifer A. Terry,
Management Analyst

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

Concurred by:
Candace Cassel,
Special Districts Division Manager

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

W:\SpecialDist\jennifert\Ballots for FY 09.10\ZONE D\Stfrpt Zone D PH 07.13.10.doc

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TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 486021001
Martin W Cruz
Claudia Cruz
25906 Harriet Ave
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Tract 12773 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 12773 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$41.00 annual increase per parcel, which is equivalent to a \$3.42 increase per month. The increase will adjust the annual charge from \$80.00 to \$121.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 12773 at the current standard service level. The total approved charge of \$121.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 1

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 12773**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 12773, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION

**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 12773:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 12773 is \$121.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**
2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy For Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$80.00 to \$121.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



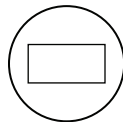
A dot or oval mark substantially inside a box;



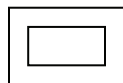
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 12773 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$80.00*160 parcels)	\$ 12,800.00	
Total Revenue Generated Annually		\$ 12,800.00

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 3,876.72	
Vandalism	-	
Electricity (Southern California Edison)	540.95	
Water (Eastern Municipal Water District)	1,755.14	
Repair and Replacement/Miscellaneous Direct Expenses	2,827.20	
Landscaping Equipment and Personnel	7,696.62	
Total Direct Costs	\$ 16,696.63	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 105.95	
Special Districts Administration	972.05	
City Administration	1,522.21	
Total Indirect Costs	\$ 2,600.21	

Total Expenditures		\$ 19,296.84
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Operating Shortfall

(Total Revenue less Total Expenditures)		\$ (6,496.84)
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Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 12773**

TAX YEAR	PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$50.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$57.00
2002-2003	\$57.00
2003-2004	\$57.00
2004-2005	\$57.00
2005-2006	\$57.00
2006-2007	\$57.00
2007-2008	\$57.00
2008-2009	\$80.00
2009-2010	\$80.00

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 12773

- Median
- - - Landscaped Areas
- ~ Roads
- ▭ Parcels
- ▭ City Boundary
- ▨ Tract 12773

Map reflects all changes indicated on Riverside County Assessor Maps as of February 24, 2010.

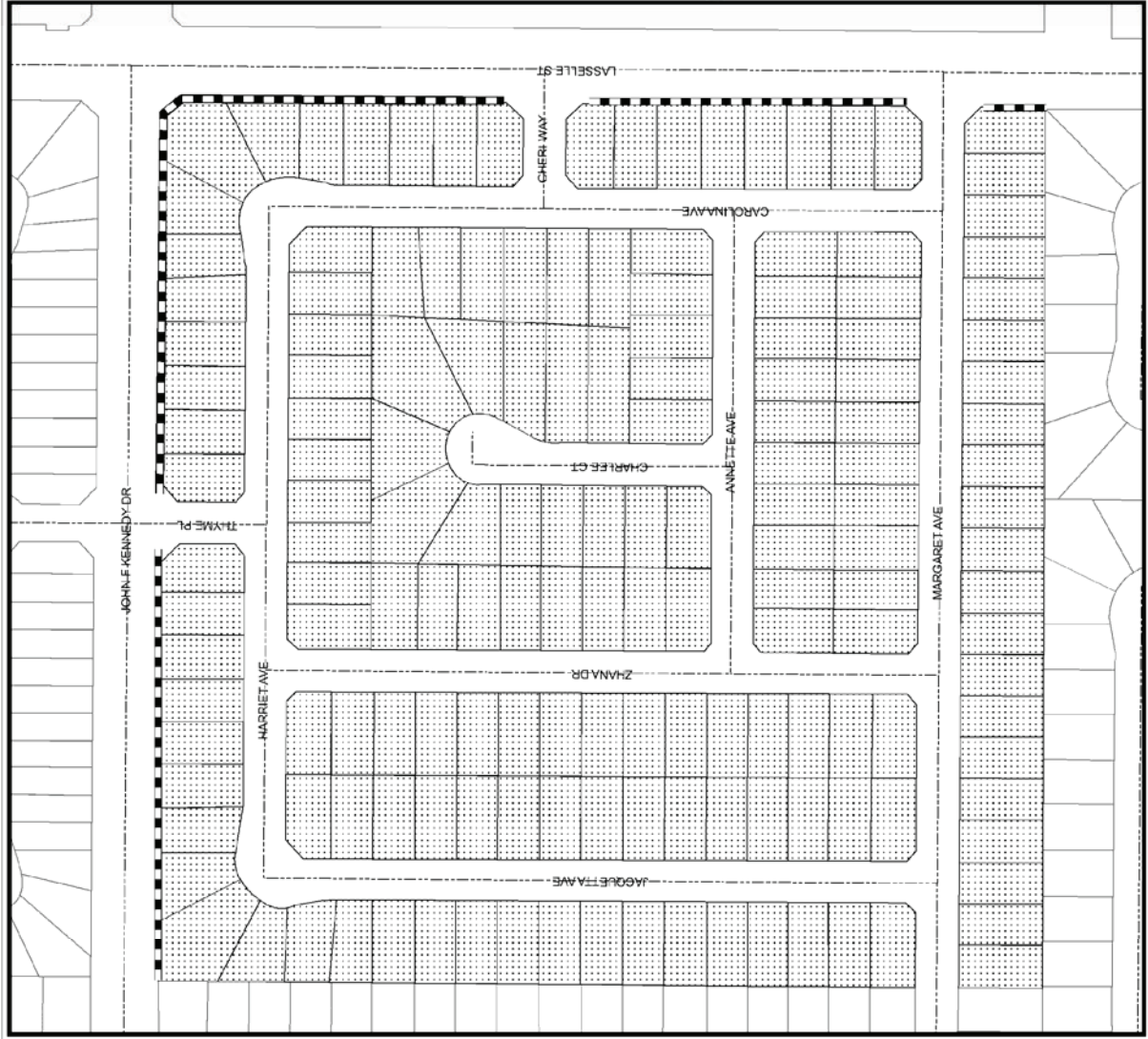


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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification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



MORENO VALLEY
WHERE DREAMS SOAR



May 28, 2010

APN 485081001
Edward A Moore
Rhonda A Moore
15140 Laverda Ln
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Tract 19210 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 19210 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$44.00 annual increase per parcel, which is equivalent to a \$3.67 increase per month. The increase will adjust the annual charge from \$68.00 to \$112.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 19210 at the current standard service level. The total approved charge of \$112.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 19210**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 19210, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 19210:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 19210 is \$112.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy For Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$68.00 to \$112.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



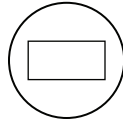
A dot or oval mark substantially inside a box;



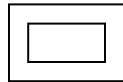
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 19210 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$68.00*122 parcels)	\$ 8,296.00	
Total Revenue Generated Annually		\$ 8,296.00

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 2,603.04	
Vandalism	6.65	
Electricity (Southern California Edison)	535.78	
Water (Eastern Municipal Water District)	1,257.08	
Repair and Replacement/Miscellaneous Direct Expenses	1,950.05	
Landscaping Equipment and Personnel	5,432.60	
Total Direct Costs	\$ 11,785.20	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 64.82	
Special Districts Administration	686.11	
City Administration	1,074.44	
Total Indirect Costs	\$ 1,825.37	

Total Expenditures		\$ 13,610.57
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Operating Shortfall

(Total Revenue less Total Expenditures)		\$ (5,314.57)
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Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 19210**

TAX YEAR	PARCEL CHARGE
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$57.00
2002-2003	\$57.00
2003-2004	\$57.00
2004-2005	\$57.00
2005-2006	\$57.00
2006-2007	\$57.00
2007-2008	\$68.00
2008-2009	\$68.00
2009-2010	\$68.00

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 19210

- Median
- - - Landscaped Areas
- ▤ Tract 19210
- ~ Roads
- Parcels
- City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of March 2, 2010.

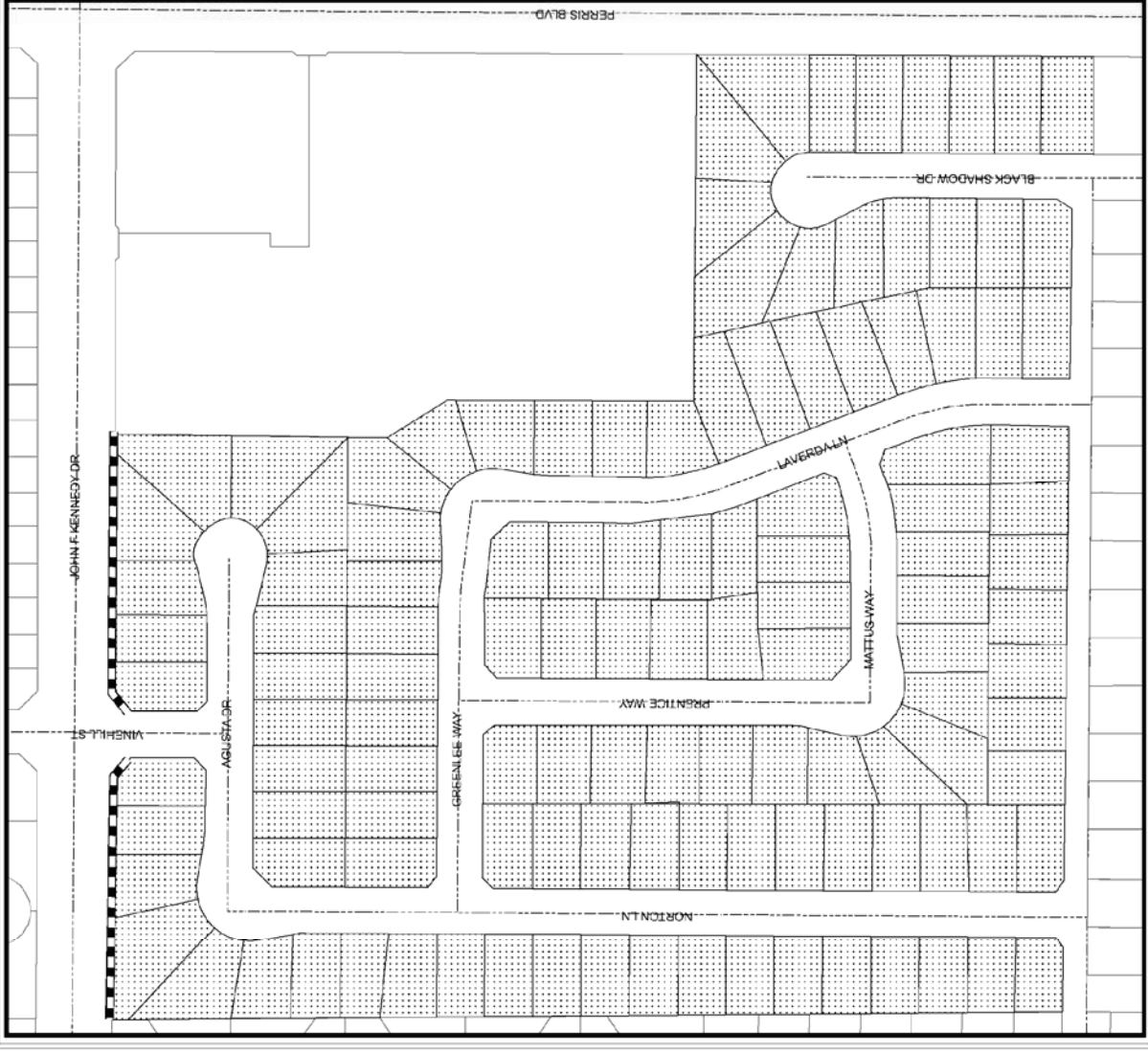


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MORENO VALLEY
WHERE DREAMS SOAR



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 312031001
Juan Padilla
25379 Ivory Ave
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Tract 19937 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 19937 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$49.90 annual increase per parcel, which is equivalent to a \$4.16 increase per month. The increase will adjust the annual charge from \$107.10 to \$157.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 19937 at the current standard service level. The total approved charge of \$157.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 3

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 19937**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 19937, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 19937:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 19937 is \$157.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. Duration of the Proposed Charges:

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. Reason for the Charge Increase:

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. Calculation of the Charge:

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy for Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$107.10 to \$157.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



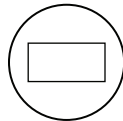
A dot or oval mark substantially inside a box;



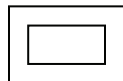
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box **and/or** associated clause; or



A square or rectangle around the box **and/or** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 19937 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$107.10*163 parcels)	\$ 17,457.30	
Total Revenue Generated Annually		\$ 17,457.30

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 5,865.96
Vandalism	31.07
Electricity (Southern California Edison)	268.89
Water (Eastern Municipal Water District)	3,016.28
Repair and Replacement/Miscellaneous Direct Expenses	2,731.68
Landscaping Equipment and Personnel	10,188.49
Total Direct Costs	\$ 22,102.37

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 140.17
Special Districts Administration	1,286.76
City Administration	2,015.04
Total Indirect Costs	\$ 3,441.97

Total Expenditures	\$ 25,544.34
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Operating Shortfall

(Total Revenue less Total Expenditures)	\$ (8,087.04)
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Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 19937**

TAX YEAR	PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$70.00
2002-2003	\$71.00
2003-2004	\$71.00
2004-2005	\$72.00
2005-2006	\$75.00
2006-2007	\$100.00
2007-2008	\$103.00
2008-2009	\$107.00
2009-2010	\$107.10

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 19937

- Median
- - - Landscaped Areas
- ~ Roads
- Parcels
- City Boundary
- ▨ Tract 19937

Map reflects all changes indicated on Riverside County Assessor Maps as of February 22, 2010.

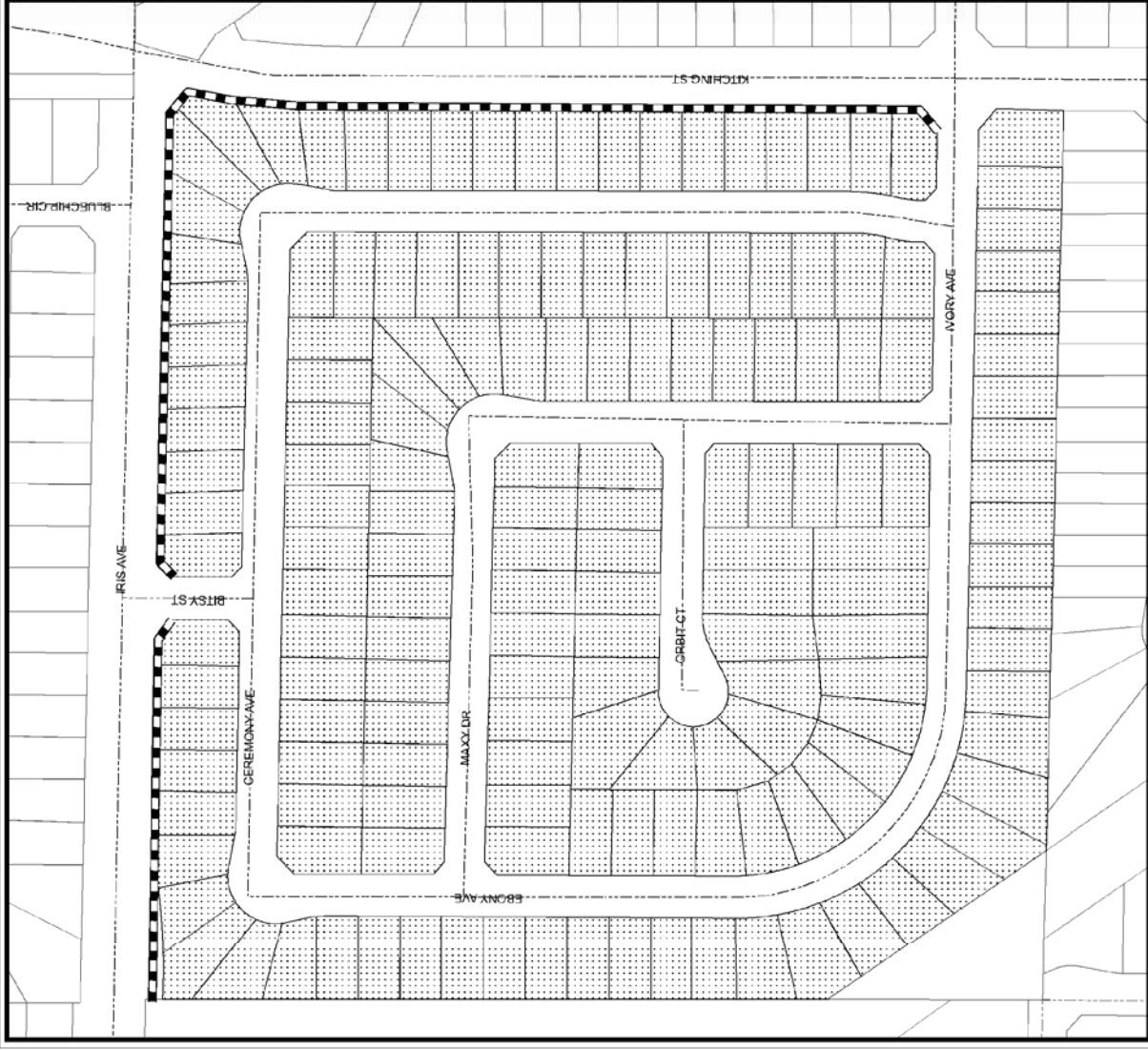


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WHERE DREAMS SOAR.



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WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 316040001
Cenia H Miranda
16099 Geranium Ct
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Tract 20404 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 20404 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, and maintenance costs have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 20404 exceed the annual parcel charge paid by the property owners.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing an \$81.00 increase per parcel, which is equivalent to a \$6.75 increase per month. The increase will adjust the annual charge from \$97.00 to \$178.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 20404 at the current standard service level. The total approved charge of \$178.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 4

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 20404**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 20404, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 20404:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 20404 is \$178.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy For Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$97.00 to \$178.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



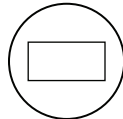
A dot or oval mark substantially inside a box;



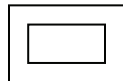
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 20404 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$97*238 parcels)	\$ 23,086.00	
Total Revenue Generated Annually		\$ 23,086.00

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 10,147.56	
Vandalism	8.73	
Electricity (Southern California Edison)	1,116.84	
Water (Eastern Municipal Water District)	4,912.86	
Repair and Replacement/Miscellaneous Direct Expenses	3,525.73	
Landscaping Equipment and Personnel	16,857.03	
Total Direct Costs	\$ 36,568.75	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 111.69	
Special Districts Administration	2,128.97	
City Administration	3,333.92	
Total Indirect Costs	\$ 5,574.58	

Total Expenditures **\$ 42,143.33**

Operating Shortfall

(Total Revenue less Total Expenditures) **\$ (19,057.33)**

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 20404**

TAX YEAR	PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$83.00
2002-2003	\$85.00
2003-2004	\$88.00
2004-2005	\$90.00
2005-2006	\$94.00*
2006-2007	\$94.00
2007-2008	\$94.00
2008-2009	\$97.00
2009-2010	\$97.00

***Property owners were balloted and approved a CSD Zone D parcel charge of \$105 for fiscal year 2006/07. The base maintenance contract for this tract was lower than originally expected so the parcel charge was levied based on what was necessary to cover costs.**

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 20404

- Median
- Landscaped Areas
- Tract 20404
- Roads
- Parcels
- City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of February 11, 2010.

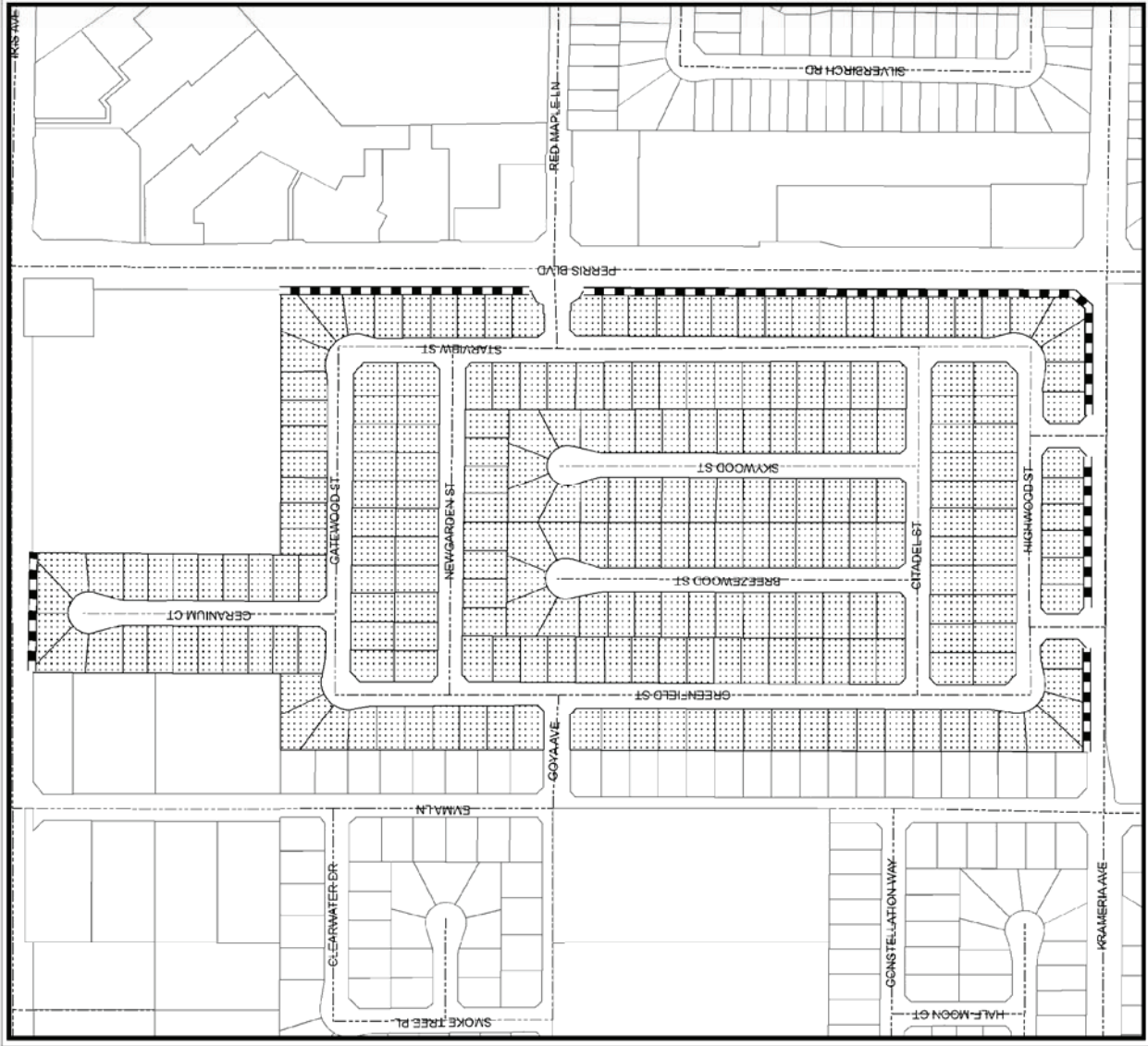


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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification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



MORENO VALLEY
WHERE DREAMS SOAR



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 264331001
Omer Shalika
12625 Frederick St 15349
Moreno Valley, CA 92553

Subject: Mail Ballot Proceeding for Tract 20579 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 20579 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing an \$87.00 increase per parcel, which is equivalent to a \$7.25 increase per month. The increase will adjust the annual charge from \$57.00 to \$144.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 20579 at the current standard service level. The total approved charge of \$144.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 5

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 20579**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 20579, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 20579:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 20579 is \$144.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of the Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy For Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$57.00 to \$144.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



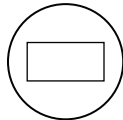
A dot or oval mark substantially inside a box;



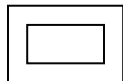
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 20579 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$57*100 parcels)	\$ 5,700.00	
2009/10 Parcel Charge (\$106.10*5 parcels)	530.50	
2009/10 Parcel Charge (\$158.10*6 parcels)	948.60	
Total Revenue Generated Annually		\$ 7,179.10

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 5,835.60
Vandalism	1.90
Electricity (Southern California Edison)	275.70
Water (Eastern Municipal Water District)	2,874.20
Repair and Replacement/Miscellaneous Direct Expenses	1,794.51
Landscaping Equipment and Personnel	9,219.46
Total Direct Costs	\$ 20,001.37

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 98.56
Special Districts Administration	1,164.51
City Administration	1,823.59
Total Indirect Costs	\$ 3,086.66

Total Expenditures **\$ 23,088.03**

Operating Shortfall

(Total Revenue less Total Expenditures) **\$ (15,908.93)**

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 20579**

TAX YEAR	PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$57.00/\$90.00/\$135.00
2002-2003	\$57.00/\$90.00/\$135.00
2003-2004	\$57.00/\$90.00/\$135.00
2004-2005	\$57.00/\$90.00/\$135.00
2005-2006	\$57.00/\$94.00/\$141.00
2006-2007	\$57.00/\$98.00/\$147.00
2007-2008	\$57.00/\$101.00/\$151.00
2008-2009	\$57.00/\$106.00/\$158.00
2009-2010	\$57.00/\$106.10/\$158.10

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 20579

- Median
- Landscaped Areas
- ▨ Tract 20579
- ~ Roads
- MV Parcels
- City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of February 11, 2010.



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



MORENO VALLEY
WHERE DREAMS SOAR



May 28, 2010

APN 264352007
John Fitzgerald
Sylvia Roldan Fitzgerald
22569 Climbing Rose Dr
Moreno Valley, CA 92557

Subject: Mail Ballot Proceeding for Tract 20579 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 20579 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$37.90 increase per parcel, which is equivalent to a \$3.16 increase per month. The increase will adjust the annual charge from \$106.10 to \$144.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 20579 at the current standard service level. The total approved charge of \$144.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 20579**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 20579, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 20579:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 20579 is \$144.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of the Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy For Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$106.10 to \$144.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



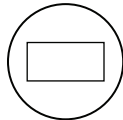
A dot or oval mark substantially inside a box;



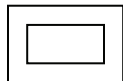
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 20579 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$57*100 parcels)	\$ 5,700.00	
2009/10 Parcel Charge (\$106.10*5 parcels)	530.50	
2009/10 Parcel Charge (\$158.10*6 parcels)	948.60	
Total Revenue Generated Annually		\$ 7,179.10

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 5,835.60
Vandalism	1.90
Electricity (Southern California Edison)	275.70
Water (Eastern Municipal Water District)	2,874.20
Repair and Replacement/Miscellaneous Direct Expenses	1,794.51
Landscaping Equipment and Personnel	9,219.46
Total Direct Costs	\$ 20,001.37

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 98.56
Special Districts Administration	1,164.51
City Administration	1,823.59
Total Indirect Costs	\$ 3,086.66

Total Expenditures **\$ 23,088.03**

Operating Shortfall

(Total Revenue less Total Expenditures) **\$ (15,908.93)**

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 20579**

TAX YEAR	PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$57.00/\$90.00/\$135.00
2002-2003	\$57.00/\$90.00/\$135.00
2003-2004	\$57.00/\$90.00/\$135.00
2004-2005	\$57.00/\$90.00/\$135.00
2005-2006	\$57.00/\$94.00/\$141.00
2006-2007	\$57.00/\$98.00/\$147.00
2007-2008	\$57.00/\$101.00/\$151.00
2008-2009	\$57.00/\$106.00/\$158.00
2009-2010	\$57.00/\$106.10/\$158.10

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 20579

- Median
- Landscaped Areas
- ▨ Tract 20579
- ~ Roads
- MV Parcels
- City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of February 11, 2010.



G:\V\PSDA\TR 20579.mxd

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



MORENO VALLEY
WHERE DREAMS SOAR



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 264352001
Hugo David Padilla
Rosa Elvira Padilla
22509 Climbing Rose Dr
Moreno Valley, CA 92557

Subject: Mail Ballot Proceeding for Tract 20579 Regarding a Proposed Adjustment to the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 20579 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed adjustment to the annual charge for parkway landscape maintenance.

The CSD has been supplementing the tract's overall expenses for several years from the fund balance to preserve landscape maintenance, but the fund can no longer support such shortages. In order to maintain services at the current standard service level, the entire tract will be balloted in fiscal year (FY) 2010/11 for an annual charge of \$144.00. If the new charge is approved, all parcels in the tract will pay the same amount. Spreading the cost equally to every parcel within the tract will result in a decrease in your annual Zone D charge.

The CSD is proposing a \$14.10 decrease in your annual charge, which is equivalent to a \$1.18 decrease per month. The change will adjust your annual charge from \$158.10 to \$144.00 for FY 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the adjustment to the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 20579 at the current standard service level. The approved charge of \$144.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the adjustment to the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the

lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed adjustment, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

W:\SpecialDist\jennifert\Ballots for FY 09.10\ZONE D\20579\Tract 20579c packet.doc

**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED CHANGE IN THE MORENO VALLEY COMMUNITY SERVICES
DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL
CHARGE FOR TRACT 20579**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 20579, of the proposed decrease in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed decrease. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 20579:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. The proposed CSD Zone D Annual Parcel Charge for Tract 20579 is \$144.00 per parcel. The proposed charge will result in a \$14.10 decrease in your annual charge. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Decrease:**

The CSD has been supplementing the tract's overall expenses for several years from the fund balance to preserve landscape maintenance, but the fund can no longer aid such shortages. In order to maintain services at the current standard service level the entire tract will be balloted for an annual charge of \$144.00.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed adjustment to the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed adjustment to the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of the Directors.

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If a simple majority (50%+1) of returned ballots are marked as approved, the proposed annual Zone D parcel charge will adjust from \$158.00 to \$144.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or a majority of the property owners returning their ballots oppose the adjustment to the annual charge, landscape services for Tract 20579 shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



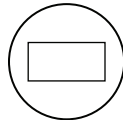
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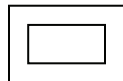
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A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

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COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 20579 ANALYSIS**

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2009/10 Parcel Charge (\$158.10*6 parcels)	<u>948.60</u>	
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Base Maintenance Contract	\$ 5,835.60
Vandalism	1.90
Electricity (Southern California Edison)	275.70
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Repair and Replacement/Miscellaneous Direct Expenses	1,794.51
Landscaping Equipment and Personnel	<u>9,219.46</u>
Total Direct Costs	\$ 20,001.37

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 98.56
Special Districts Administration	1,164.51
City Administration	<u>1,823.59</u>
Total Indirect Costs	\$ 3,086.66

Total Expenditures **\$ 23,088.03**

Operating Shortfall

(Total Revenue less Total Expenditures) **\$ (15,908.93)**

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 20579**

TAX YEAR	PARCEL CHARGE
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1990-1991	\$55.00
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1993-1994	\$57.00
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1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$57.00/\$90.00/\$135.00
2002-2003	\$57.00/\$90.00/\$135.00
2003-2004	\$57.00/\$90.00/\$135.00
2004-2005	\$57.00/\$90.00/\$135.00
2005-2006	\$57.00/\$94.00/\$141.00
2006-2007	\$57.00/\$98.00/\$147.00
2007-2008	\$57.00/\$101.00/\$151.00
2008-2009	\$57.00/\$106.00/\$158.00
2009-2010	\$57.00/\$106.10/\$158.10

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 20579

- Median
- Landscaped Areas
- ▨ Tract 20579
- ~ Roads
- MV Parcels
- City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of February 11, 2010.



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



MORENO VALLEY
WHERE DREAMS SOAR



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 485201043
Norman D Hollins
Elizabeth S A Hollins
24498 St Thomas Ave
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Tract 20718 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 20718 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$94.90 increase per parcel, which is equivalent to a \$7.91 increase per month. The increase will adjust the annual charge from \$139.10 to \$234.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 20718 at the current standard service level. The total approved charge of \$234.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 6

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 20718**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 20718, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 20718:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 20718 is \$234.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy For Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$139.10 to \$234.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



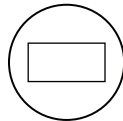
A dot or oval mark substantially inside a box;



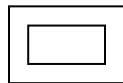
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 20718 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$139.10*104 parcels)	\$ 14,466.40	
Total Revenue Generated Annually		\$ 14,466.40

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 6,459.60	
Vandalism	11.12	
Electricity (Southern California Edison)	268.81	
Water (Eastern Municipal Water District)	1,964.78	
Repair and Replacement/Miscellaneous Direct Expenses	2,640.39	
Landscaping Equipment and Personnel	9,701.74	
Total Direct Costs	\$ 21,046.44	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 119.08	
Special Districts Administration	1,225.29	
City Administration	1,918.78	
Total Indirect Costs	\$ 3,263.15	

Total Expenditures **\$ 24,309.59**

Operating Shortfall

(Total Revenue less Total Expenditures) **\$ (9,843.19)**

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 20718**

TAX YEAR	PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$71.00
2002-2003	\$71.00
2003-2004	\$96.00
2004-2005	\$96.00
2005-2006	\$100.00
2006-2007	\$129.00
2007-2008	\$133.00
2008-2009	\$139.00
2009-2010	\$139.10

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 20718

- Median
- - - Landscaped Areas
- ~ Roads
- mv parcels
- City Boundary
- ▨ Tract 20718

Map reflects all changes indicated on Riverside County Assessor Maps as of February 18, 2010.

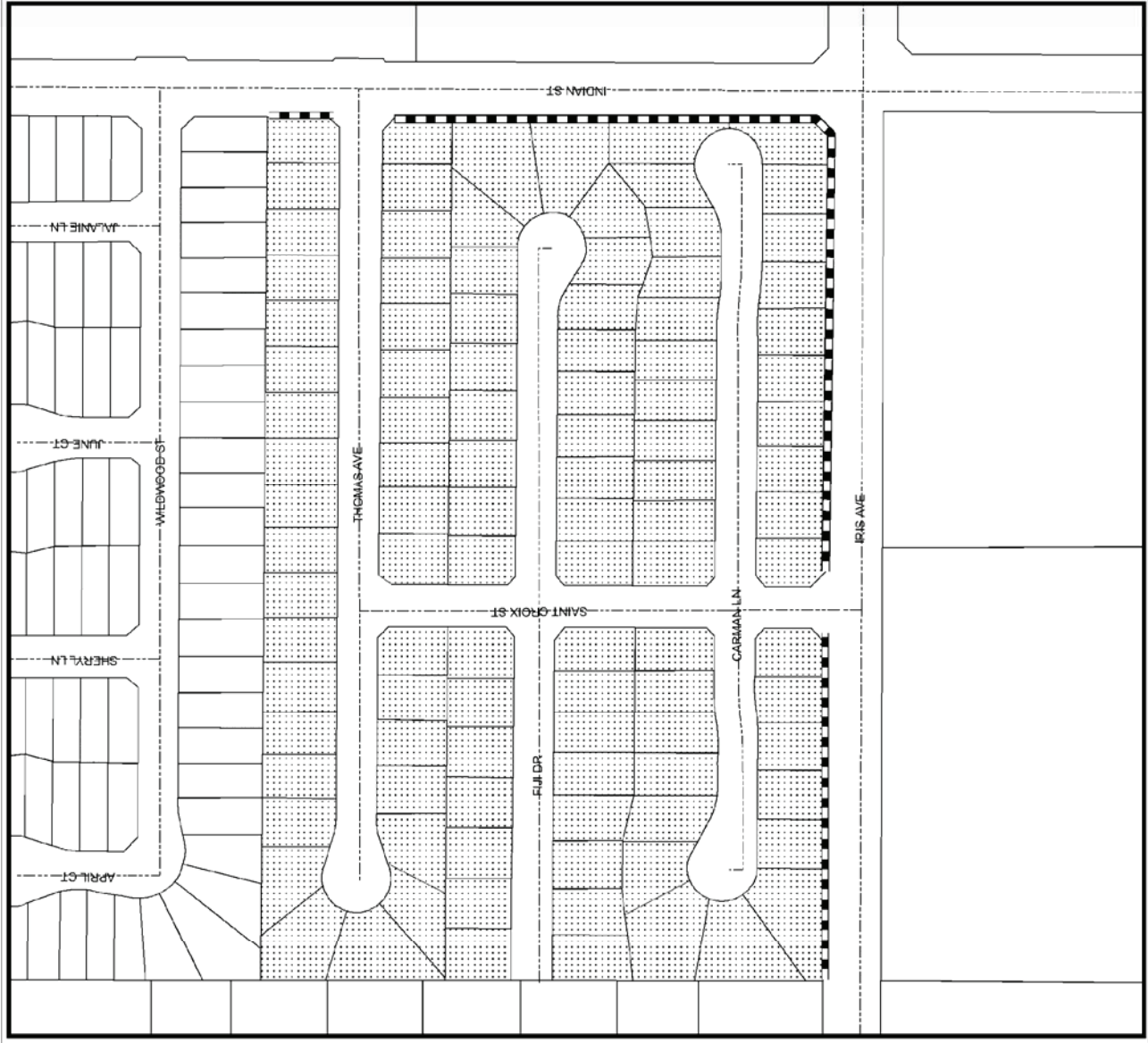


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14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 316141001
Francisco C Mundo
Patricia K Mundo
16855 Baltic Ct
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Tract 21113 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 21113 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$32.00 increase per parcel, which is equivalent to a \$2.67 increase per month. The increase will adjust the annual charge from \$57.00 to \$89.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 21113 at the current standard service level. The total approved charge of \$89.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 7

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 21113**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 21113, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 21113:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 21113 is \$89.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy For Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$57.00 to \$89.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



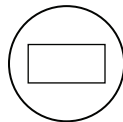
A dot or oval mark substantially inside a box;



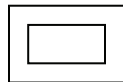
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 21113 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$57*166 parcels)	\$ 9,462.00	
Total Revenue Generated Annually		\$ 9,462.00

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 3,425.76	
Vandalism	156.29	
Electricity (Southern California Edison)	177.29	
Water (Eastern Municipal Water District)	1,201.43	
Repair and Replacement/Miscellaneous Direct Expenses	1,906.40	
Landscaping Equipment and Personnel	5,872.65	
Total Direct Costs	\$ 12,739.82	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 68.95	
Special Districts Administration	741.69	
City Administration	1,161.47	
Total Indirect Costs	\$ 1,972.11	

Total Expenditures **\$ 14,711.93**

Operating Shortfall

(Total Revenue less Total Expenditures) **\$ (5,249.93)**

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT NO. 21113**

TAX YEAR	PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$57.00
2002-2003	\$57.00
2003-2004	\$57.00
2004-2005	\$57.00
2005-2006	\$57.00
2006-2007	\$57.00
2007-2008	\$57.00
2008-2009	\$57.00
2009-2010	\$57.00

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 21113

- Median
- - - Landscaped Areas
- ~ Roads
- ▭ Parcels
- ▭ City Boundary
- ▨ Tract 21113

Map reflects all changes indicated on Riverside County Assessor Maps as of February 24, 2010.

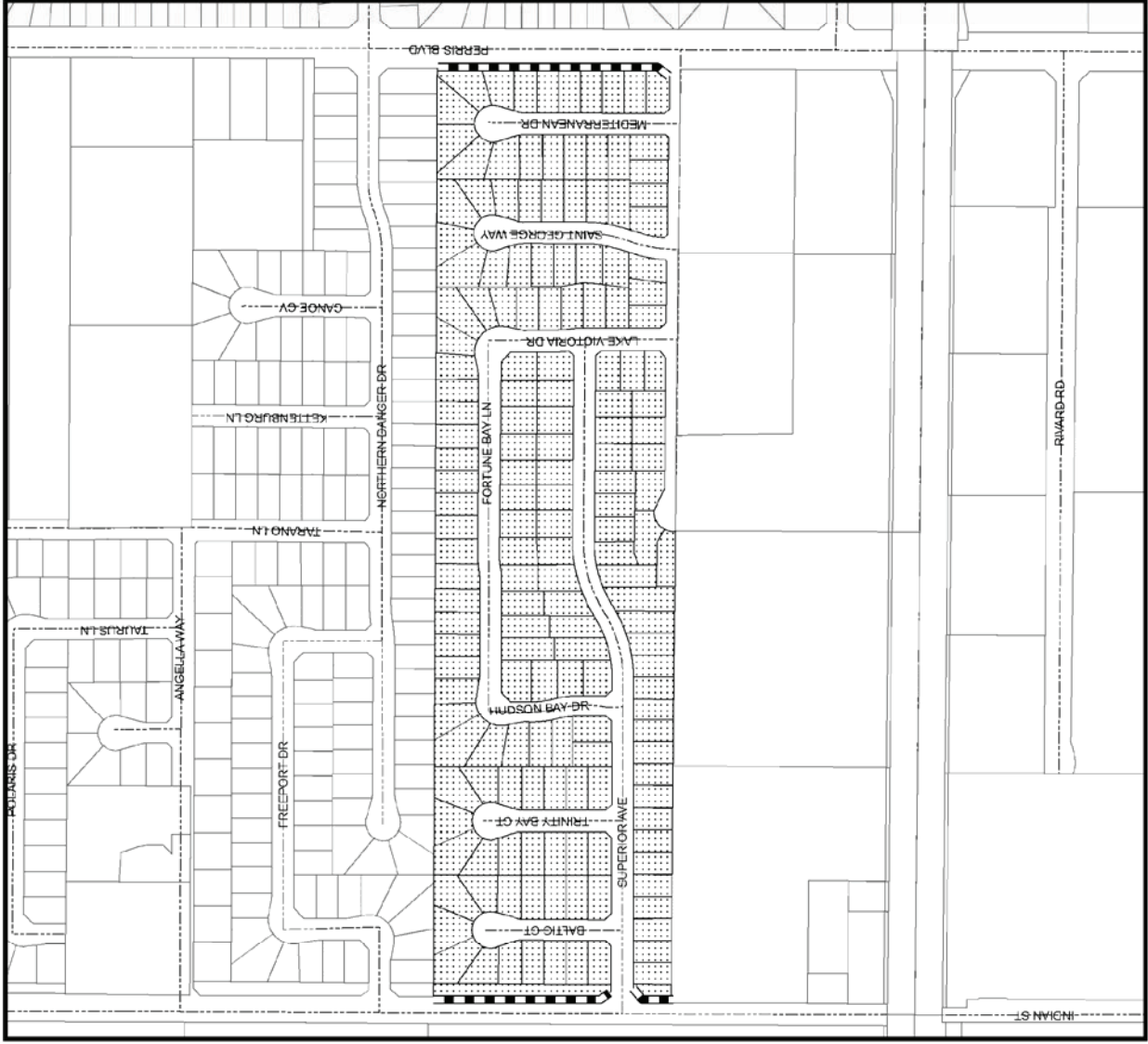


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MORENO VALLEY
WHERE DREAMS SOAR





May 28, 2010

APN 264381018
Yong Chil Kim
Eunsil Kim
22345 Scarlet Sage Way
Moreno Valley, CA 92557

Subject: Mail Ballot Proceeding for Tract 21333 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 21333 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$136.80 increase per parcel, which is equivalent to an \$11.40 increase per month. The increase will adjust the annual charge from \$208.20 to \$345.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 21333 at the current standard service level. The total approved charge of \$345.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 8

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 21333**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 21333, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 21333:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 21333 is \$345.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy For Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$208.20 to \$345.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



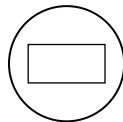
A dot or oval mark substantially inside a box;



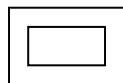
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 21333 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$208.20*127 parcels)	\$ 26,441.40	
Total Revenue Generated Annually		\$ 26,441.40

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 15,303.60	
Vandalism	53.86	
Electricity (Southern California Edison)	268.23	
Water (Eastern Municipal Water District)	3,645.01	
Repair and Replacement/Miscellaneous Direct Expenses	1,147.59	
Landscaping Equipment and Personnel	17,461.27	
Total Direct Costs	\$ 37,879.56	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 182.27	
Special Districts Administration	2,205.29	
City Administration	3,453.43	
Total Indirect Costs	\$ 5,840.99	

Total Expenditures **\$ 43,720.55**

Operating Shortfall

(Total Revenue less Total Expenditures) **\$ (17,279.15)**

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 21333**

TAX YEAR	PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$190.00
2002-2003	\$190.00
2003-2004	\$190.00
2004-2005	\$193.00
2005-2006	\$201.00
2006-2007	\$208.00
2007-2008	\$208.00
2008-2009	\$208.00
2009-2010	\$208.20

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 21333

- Median
- - - Landscaped Areas
- ▨ Tract 21333
- ~ Roads
- mv parcels
- ▭ City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of February 18, 2010.

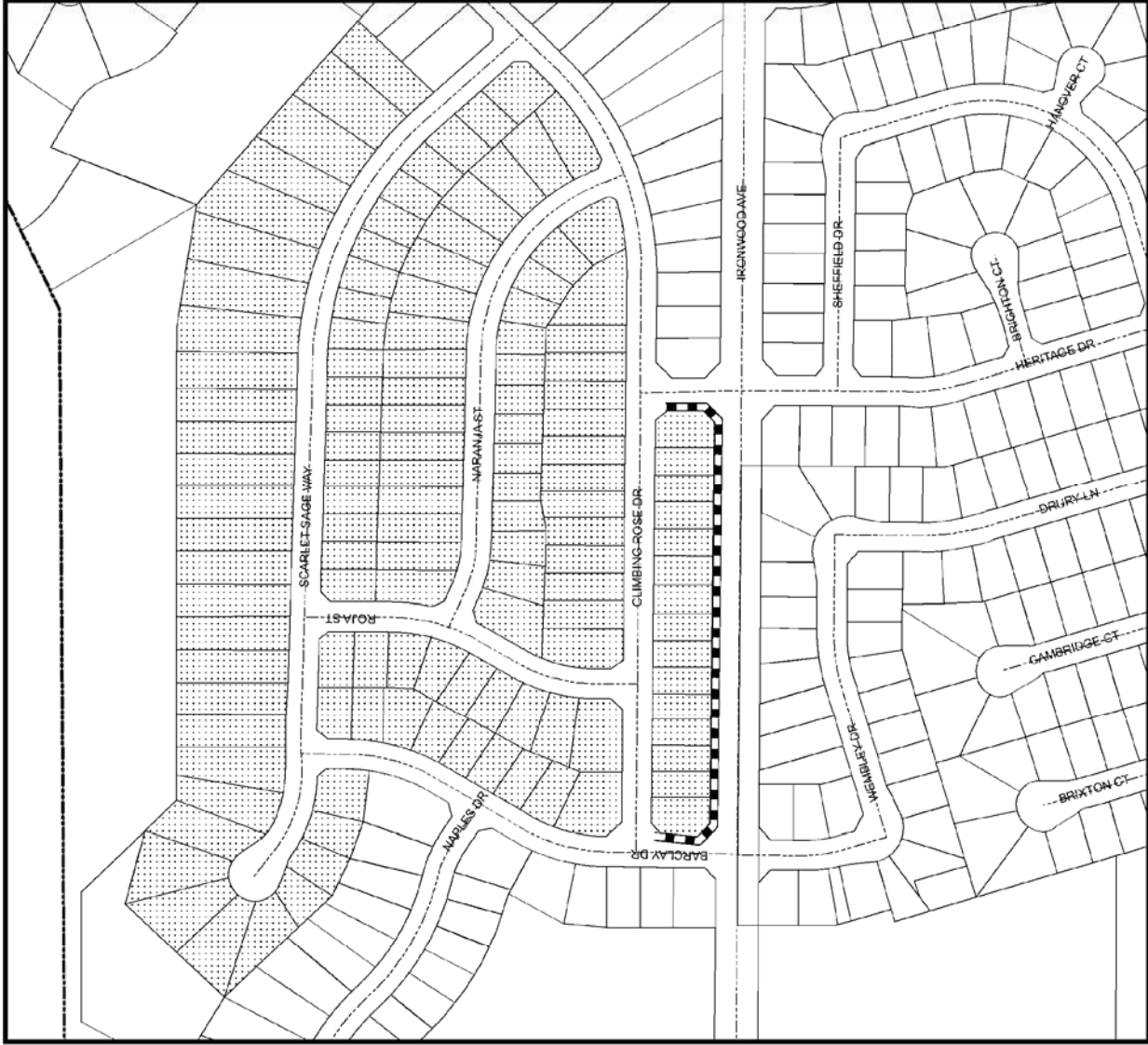


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MORENO VALLEY
WHERE DREAMS SOAR



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 484141001
U S Bank Natl Assn
25711 Clifton Ct
Moreno Valley, CA 92553

Subject: Mail Ballot Proceeding for Tract 21597 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 21597 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$177.80 increase per parcel, which is equivalent to a \$14.82 increase per month. The increase will adjust the annual charge from \$295.20 to \$473.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 21597 at the current standard service level. The total approved charge of \$473.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 9

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 21597**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 21597, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 21597:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 21597 is \$473.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy for Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$295.20 to \$473.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



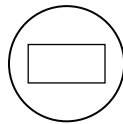
A dot or oval mark substantially inside a box;



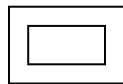
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 21597 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$295.20*75 parcels)	\$ 22,140.00	
Total Revenue Generated Annually		\$ 22,140.00

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 9,330.96	
Vandalism	6.49	
Electricity (Southern California Edison)	270.70	
Water (Eastern Municipal Water District)	5,070.67	
Repair and Replacement/Miscellaneous Direct Expenses	1,857.53	
Landscaping Equipment and Personnel	14,141.52	
Total Direct Costs	\$ 30,677.87	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 141.52	
Special Districts Administration	1,786.02	
City Administration	2,796.86	
Total Indirect Costs	\$ 4,724.40	

Total Expenditures		\$ 35,402.27
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Operating Shortfall

(Total Revenue less Total Expenditures)		\$ (13,262.27)
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Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.







**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 21597**

TAX YEAR	PARCEL CHARGE
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$237.00
2002-2003	\$242.00
2003-2004	\$242.00
2004-2005	\$246.00
2005-2006	\$257.00
2006-2007	\$257.00
2007-2008	\$295.00
2008-2009	\$295.00
2009-2010	\$295.20

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 21597

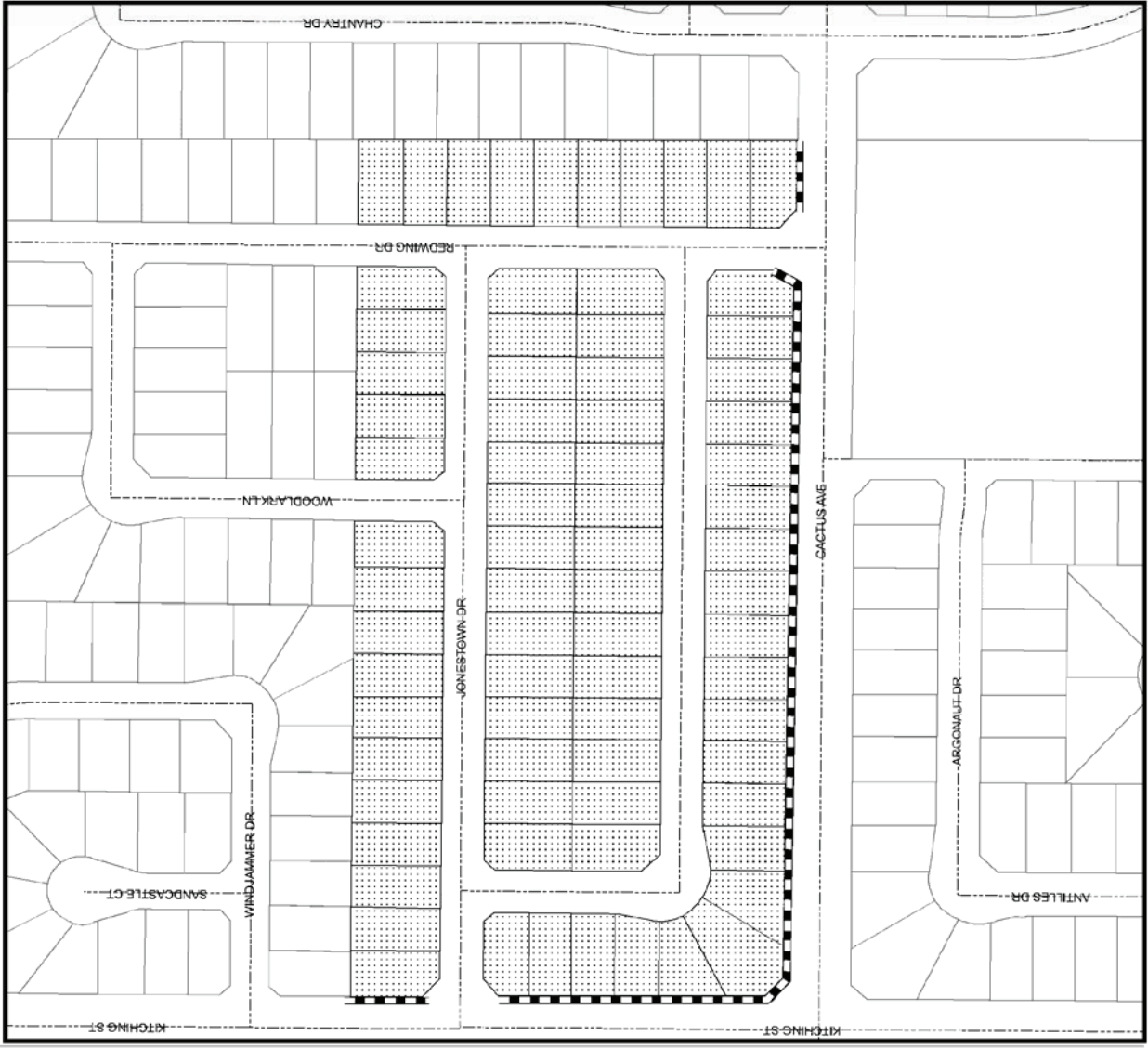
-  Median
-  Landscaped Areas
-  Roads
-  Parcels
-  City Boundary
-  Tract 21597

Map reflects all changes indicated on Riverside County Assessor Maps as of February 18, 2010.



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



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 316071001
Rick Farag
24585 Moonlight Dr
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Tract 22889 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 22889 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$127.00 increase per parcel, which is equivalent to a \$10.58 increase per month. The increase will adjust the annual charge from \$186.00 to \$313.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 22889 at the current standard service level. The total approved charge of \$313.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 10

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

W:\SpecialDist\jennifert\Ballots for FY 09.10\ZONE D\22889\Tract 22889 packet.doc

**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 22889**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 22889, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 22889:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 22889 is \$313.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy for Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$186.00 to \$313.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



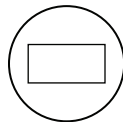
A dot or oval mark substantially inside a box;



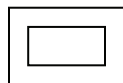
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 22889 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$186*56 parcels)	\$ 10,416.00	
Total Revenue Generated Annually		\$ 10,416.00

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 4,615.80	
Vandalism	33.51	
Electricity (Southern California Edison)	403.17	
Water (Eastern Municipal Water District)	1,917.76	
Repair and Replacement/Miscellaneous Direct Expenses	1,206.86	
Landscaping Equipment and Personnel	6,992.88	
Total Direct Costs	\$ 15,169.98	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 58.61	
Special Districts Administration	883.17	
City Administration	1,383.03	
Total Indirect Costs	\$ 2,324.81	

Total Expenditures		\$ 17,494.79
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Operating Shortfall

(Total Revenue less Total Expenditures)		\$ (7,078.79)
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Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 22889**

TAX YEAR	PARCEL CHARGE
1988-1989	\$50.00
1989-1990	\$55.00
1990-1991	\$55.00
1991-1992	\$56.00
1992-1993	\$56.00
1993-1994	\$57.00
1994-1995	\$57.00
1995-1996	\$57.00
1996-1997	\$57.00
1997-1998	\$57.00
1998-1999	\$57.00
1999-2000	\$57.00
2000-2001	\$57.00
2001-2002	\$57.00
2002-2003	\$57.00
2003-2004	\$186.00
2004-2005	\$186.00
2005-2006	\$186.00
2006-2007	\$186.00
2007-2008	\$186.00
2008-2009	\$186.00
2009-2010	\$186.00

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 22889

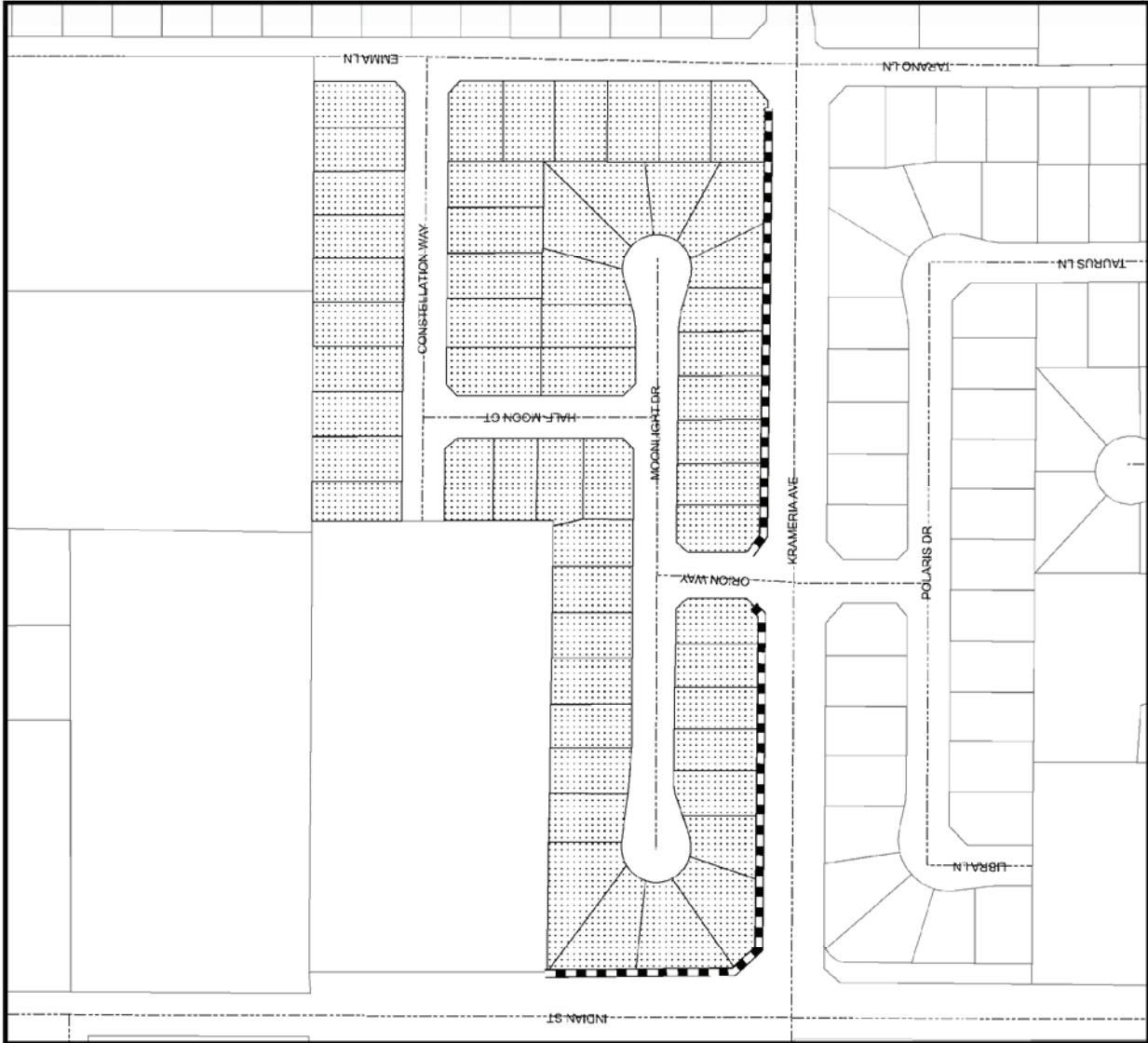
- Median
- Landscaped Areas
- Roads
- Parcels
- City Boundary
- Tract 22889

Map reflects all changes indicated on Riverside County Assessor Maps as of February 18, 2010.



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



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WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 479501046
Gerald J Broussard
12082 Franklin St
Moreno Valley, CA 92557

Subject: Mail Ballot Proceeding for Tract 28882 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 28882 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$75.90 increase per parcel, which is equivalent to a \$6.33 increase per month. The increase will adjust the annual charge from \$103.10 to \$179.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 28882 at the current standard service level. The total approved charge of \$179.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 11

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 28882**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 28882, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 28882:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 28882 is \$179.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of the Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy for Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$103.10 to \$179.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



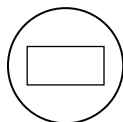
A dot or oval mark substantially inside a box;



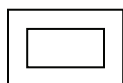
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 28882 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$103.10*111 parcels)	\$ 11,444.10	
Total Revenue Generated Annually		\$ 11,444.10

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 5,892.00	
Vandalism	-	
Electricity (Southern California Edison)	269.94	
Water (Eastern Municipal Water District)	1,997.50	
Repair and Replacement/Miscellaneous Direct Expenses	1,061.09	
Landscaping Equipment and Personnel	7,885.19	
Total Direct Costs	\$ 17,105.72	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 112.99	
Special Districts Administration	995.87	
City Administration	1,559.51	
Total Indirect Costs	\$ 2,668.37	

Total Expenditures **\$ 19,774.09**

Operating Shortfall

(Total Revenue less Total Expenditures) **\$ (8,329.99)**

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 28882**

TAX YEAR	PARCEL CHARGE
1999-2000	\$70.00
2000-2001	\$70.00
2001-2002	\$70.00
2002-2003	\$74.00
2003-2004	\$77.00
2004-2005	\$78.00
2005-2006	\$80.00
2006-2007	\$96.00
2007-2008	\$99.00
2008-2009	\$103.00
2009-2010	\$103.10

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 28882

- Median
- Landscaped Areas
- Roads
- Parcels
- City Boundary
- Tract 28882

Map reflects all changes indicated on Riverside County Assessor Maps as of February 18, 2010.

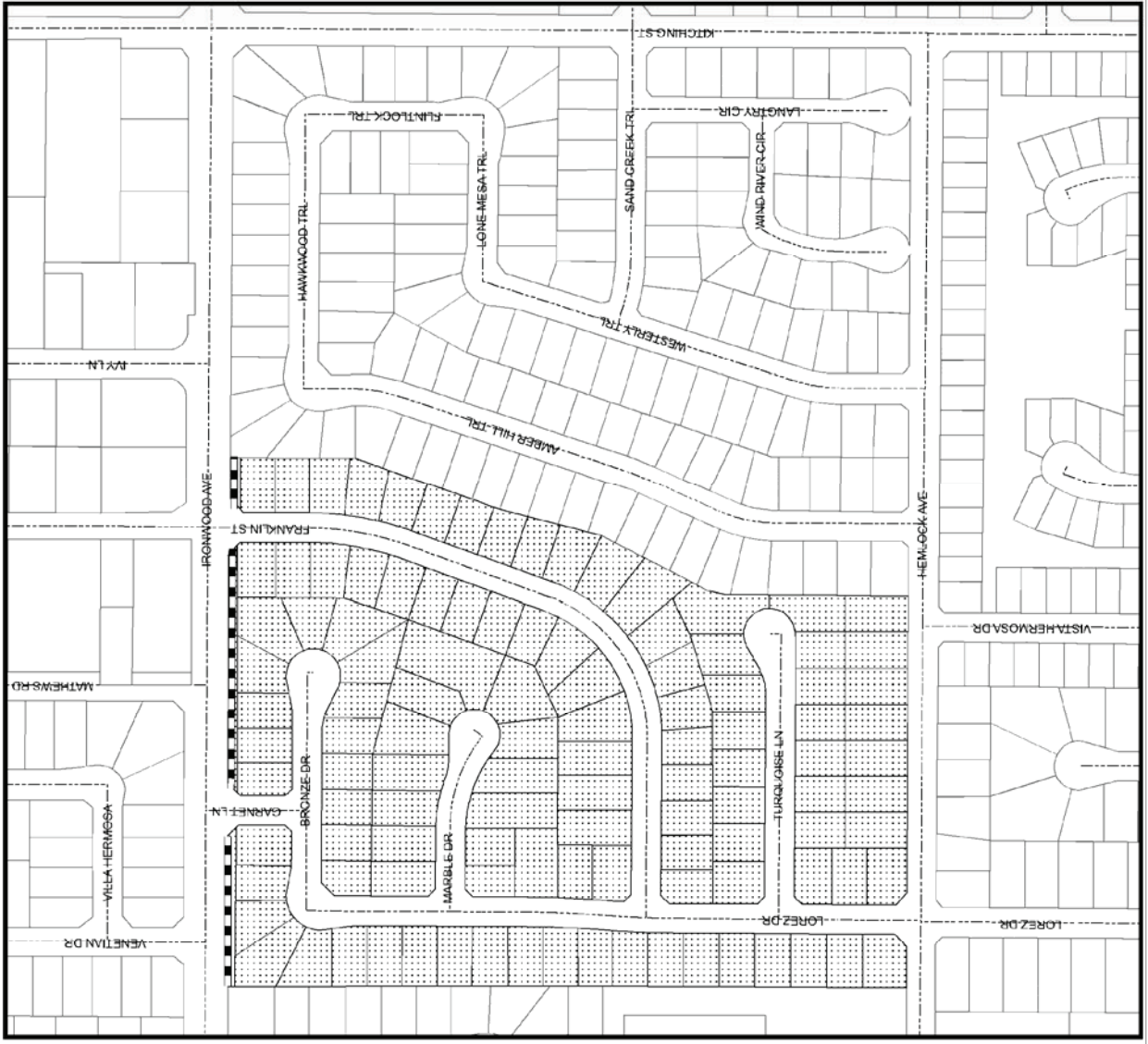


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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification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



MORENO VALLEY
WHERE DREAMS SOAR



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 264440001
Gwendolyn M Criswell
P O Box 4185
Riverside, CA 92514

Subject: Mail Ballot Proceeding for Tract 31257 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 31257 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$364 increase per parcel, which is equivalent to a \$30.33 increase per month. The increase will adjust the annual charge from \$1,050 to \$1,414 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 31257 at the current standard service level. The total approved charge of \$1,414 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 12

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 31257**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 31257, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 31257:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 31257 is \$1,414 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy for Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$1,050 to \$1,414 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



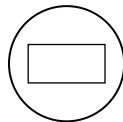
A dot or oval mark substantially inside a box;



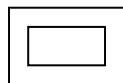
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 31257 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$1050*17 parcels)	\$ 17,850.00	
Total Revenue Generated Annually		\$ 17,850.00

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 7,493.40	
Vandalism	1.05	
Electricity (Southern California Edison)	283.93	
Water (Eastern Municipal Water District)	2,607.36	
Repair and Replacement/Miscellaneous Direct Expenses	846.60	
Landscaping Equipment and Personnel	9,605.65	
Total Direct Costs	\$ 20,837.99	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 70.36	
Special Districts Administration	1,213.15	
City Administration	1,899.77	
Total Indirect Costs	\$ 3,183.28	

Total Expenditures		\$ 24,021.27
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Operating Shortfall

(Total Revenue less Total Expenditures)		\$ (6,171.27)
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Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 31257**

TAX YEAR	PARCEL CHARGE
2006-2007	\$1,050
2007-2008	\$1,050
2008-2009	\$1,050
2009-2010	\$1,050

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 31257

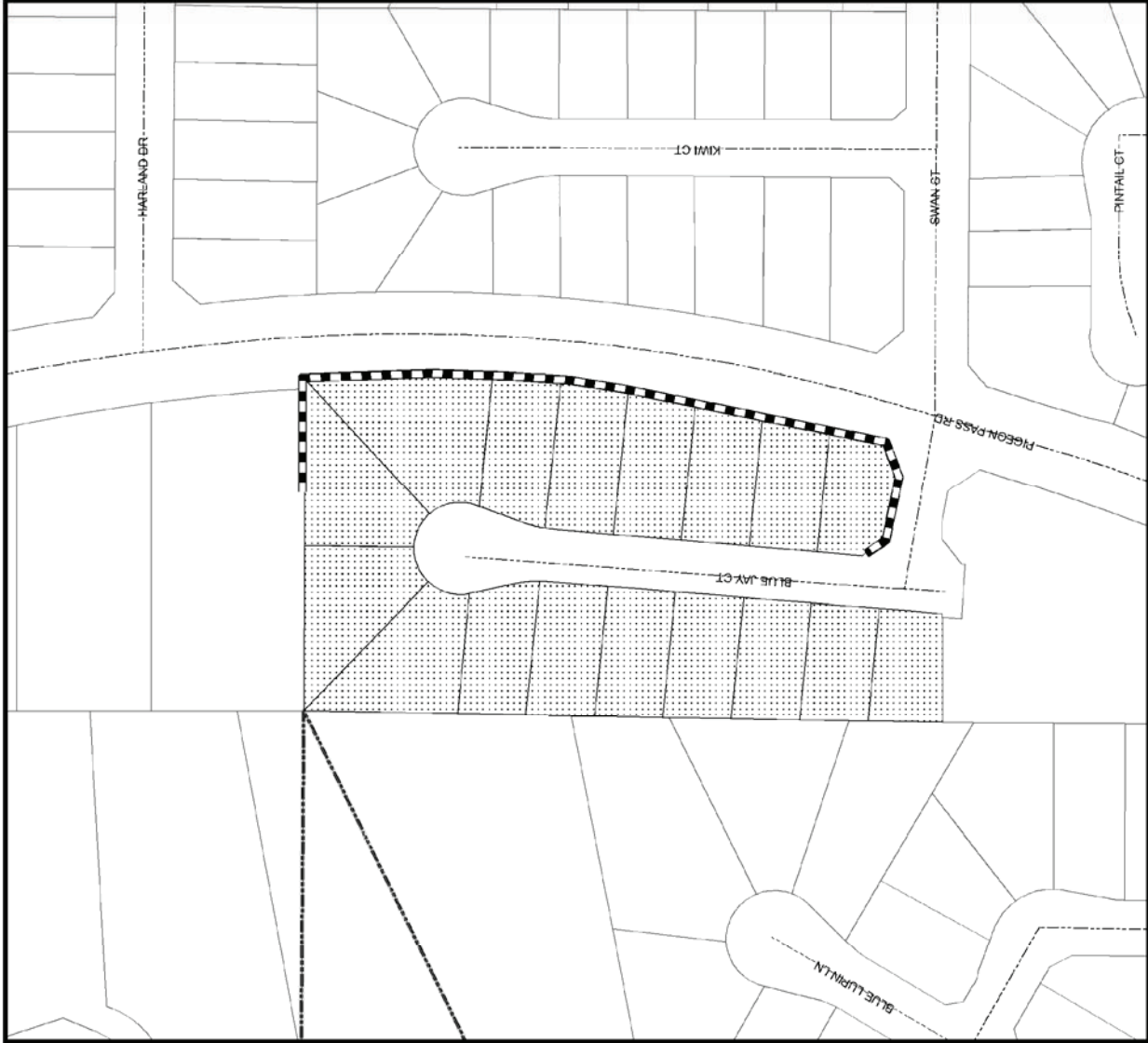
- Median
- - - Landscaped Areas
- ~ Roads
- Parcels
- City Boundary
- ▨ Tract 31257

Map reflects all changes indicated on Riverside County Assessor Maps as of February 26, 2010.



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



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 478370001
Bernadette C Allison
Donald B Allison
28881 Lexington Way
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Tract 31269-1 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 31269-1 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$59.80 increase per parcel, which is equivalent to a \$4.98 increase per month. The increase will adjust the annual charge from \$295.20 to \$355.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 31269-1 at the current standard service level. The total approved charge of \$355.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 13

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 31269-1**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 31269-1, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 31269-1:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 31269-1 is \$355.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which shall include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the CSD Board of Directors.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary of the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary of the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy For Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$295.20 to \$355.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



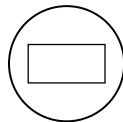
A dot or oval mark substantially inside a box;



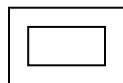
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 31269-1 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$295.20*107 parcels)	\$ 31,586.40	
Total Revenue Generated Annually		\$ 31,586.40

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 12,277.44	
Vandalism	366.44	
Electricity (Southern California Edison)	531.81	
Water (Eastern Municipal Water District)	2,279.93	
Repair and Replacement/Miscellaneous Direct Expenses	2,221.36	
Landscaping Equipment and Personnel	15,116.97	
Total Direct Costs	\$ 32,793.95	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 202.65	
Special Districts Administration	1,909.21	
City Administration	2,989.78	
Total Indirect Costs	\$ 5,101.64	

Total Expenditures **\$ 37,895.59**

Operating Shortfall

(Total Revenue less Total Expenditures) **\$ (6,309.19)**

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.







**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 31269-1**

TAX YEAR	PARCEL CHARGE
2005-2006	\$295.00
2006-2007	\$295.00
2007-2008	\$295.00
2008-2009	\$295.00
2009-2010	\$295.20

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 31269-1

-  Median
-  Landscaped Areas
-  Tract 31269-1
-  Roads
-  Parcels
-  City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of March 2, 2010.

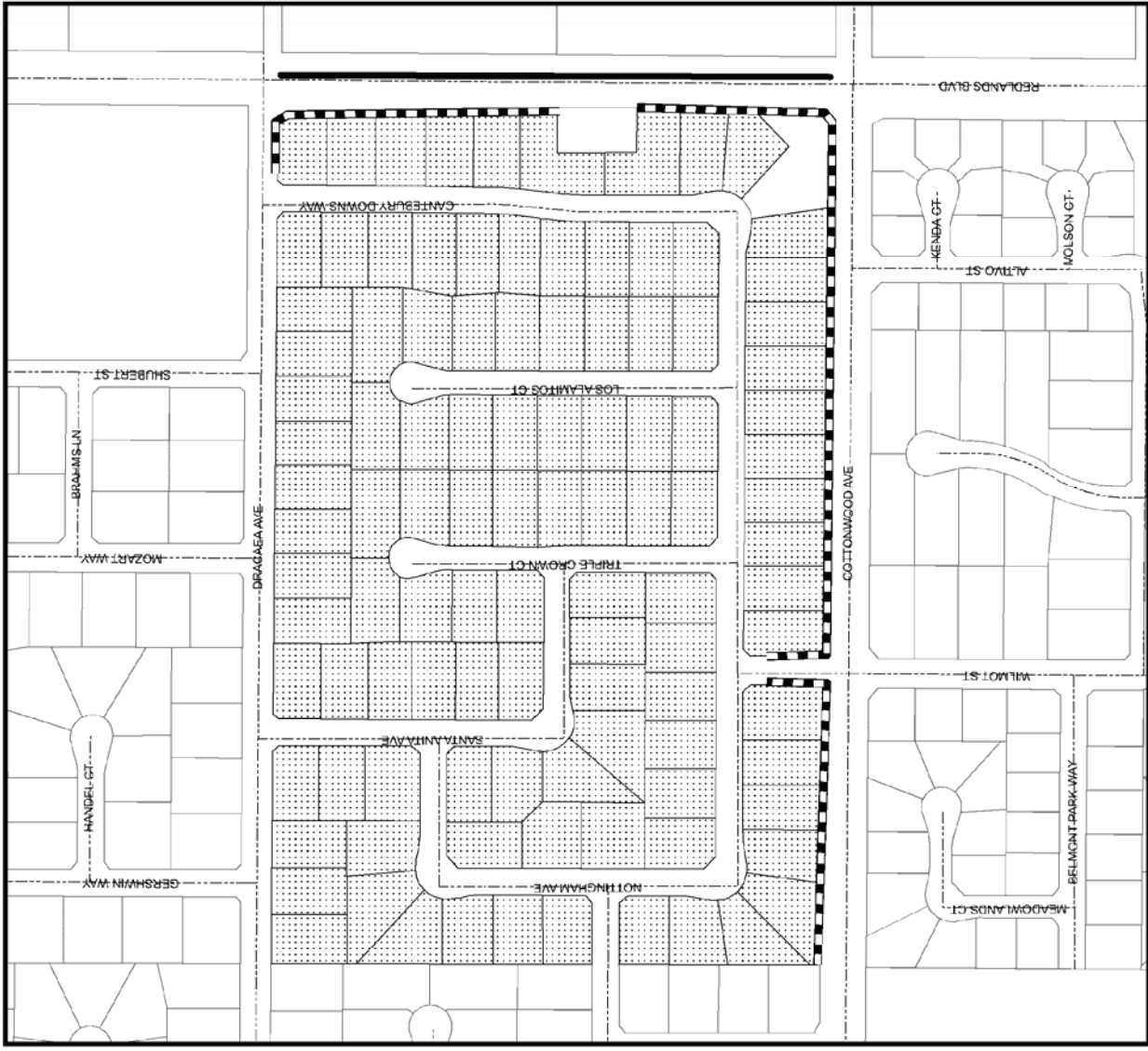


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MORENO VALLEY
WHERE DREAMS SOAR



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US



14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

May 28, 2010

APN 479670001
Raul Martinez
Ana Martinez
25325 Dracaea Ave
Moreno Valley, CA 92553

Subject: Mail Ballot Proceeding for Tract 32018 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 32018 for Zone D parkway landscape maintenance services. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

In order to maintain services at the current standard service level, it is necessary to increase the Zone D annual charge. The CSD is proposing a \$92.00 annual increase per parcel, which is equivalent to a \$7.67 increase per month. The increase will adjust the annual charge from \$68.00 to \$160.00 for fiscal year 2010/11. Future inflation adjustments will be based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for July 13, 2010 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 32018 at the current standard service level. The total approved charge of \$160.00 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 14

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding, map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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



Jennifer Terry
Management Analyst

Attachments

c: Marshall Eyerman, Special Districts Program Manager
Daniel Monto, Senior Landscape Services Inspector

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**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING
A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY
SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
ANNUAL CHARGE FOR TRACT 32018**

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 32018, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING

TUESDAY, June 22, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

PUBLIC HEARING

TUESDAY, July 13, 2010
**6:30 P.M. (or as soon thereafter
as the matter may be called)**

LOCATION
**(FOR BOTH THE PUBLIC MEETING
& PUBLIC HEARING)**

**MORENO VALLEY CITY HALL
COUNCIL CHAMBER
14177 FREDERICK STREET
MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. Name of the Charge for Tract 32018:

CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. CSD Zone D Annual Parcel Charge for Tract 32018 is \$160.00 per parcel. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2009/10 is \$1,091,444.70.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2010/11 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, and maintenance contracts have impacted the overall program costs. The CSD has subsidized these higher costs for several years with Zone D fund balance. A diminishing fund balance requires the CSD to ballot tracts that are not funding the full cost of maintenance.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Procedures for the completion, return, and tabulation of the ballots are listed below and also on file in the Office of the Secretary of the Board of the CSD.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without signature(s) will be considered invalid and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the Secretary to the CSD Board of Directors' office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the Secretary to the CSD Board of Directors prior to the close of the Public Hearing to be held on **Tuesday, July 13, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.
5. **Upon the close of the Public Hearing:**

Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors' office in compliance with the Policy For Conducting Mail Ballot Proceeding. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary of the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from \$68.00 to \$160.00 for FY 2010/11. The parcel charge is subject to an annual inflation adjustment.

If a majority of the ballots returned result in a tie or oppose the increase in the annual charge, the CSD shall reduce services to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



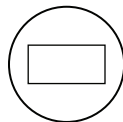
A dot or oval mark substantially inside a box;



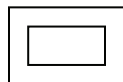
A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any **one of the following marks**: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 20010/11 TRACT 32018 ANALYSIS**

Revenues:

2009/10 Parcel Charge (\$68*77 parcels)	\$ 5,236.00	
Total Revenue Generated Annually		\$ 5,236.00

Estimated Expenditures:

Direct Costs:

Base Maintenance Contract	\$ 3,174.60	
Vandalism	-	
Electricity (Southern California Edison)	286.67	
Water (Eastern Municipal Water District)	1,859.30	
Repair and Replacement/Miscellaneous Direct Expenses	417.70	
Landscaping Equipment and Personnel	4,907.24	
Total Direct Costs	\$ 10,645.51	

Indirect Costs:

Miscellaneous Indirect Expenses	\$ 35.88	
Special Districts Administration	619.76	
City Administration	970.54	
Total Indirect Costs	\$ 1,626.18	

Total Expenditures **\$ 12,271.69**

Operating Shortfall

(Total Revenue less Total Expenditures) **\$ (7,035.69)**

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual cost for fiscal year 2010/11.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Equipment and Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Special Districts Administration: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.







**HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 32018**

TAX YEAR	PARCEL CHARGE
2005-2006	\$34.00
2006-2007	\$34.00
2007-2008	\$68.00
2008-2009	\$68.00
2009-2010	\$68.00

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS**

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

Tract 32018

-  Median
-  Landscaped Areas
-  Roads
-  Parcels
-  City Boundary
-  Tract 32018

Map reflects all changes indicated on Riverside County Assessor Maps as of February 23, 2010.

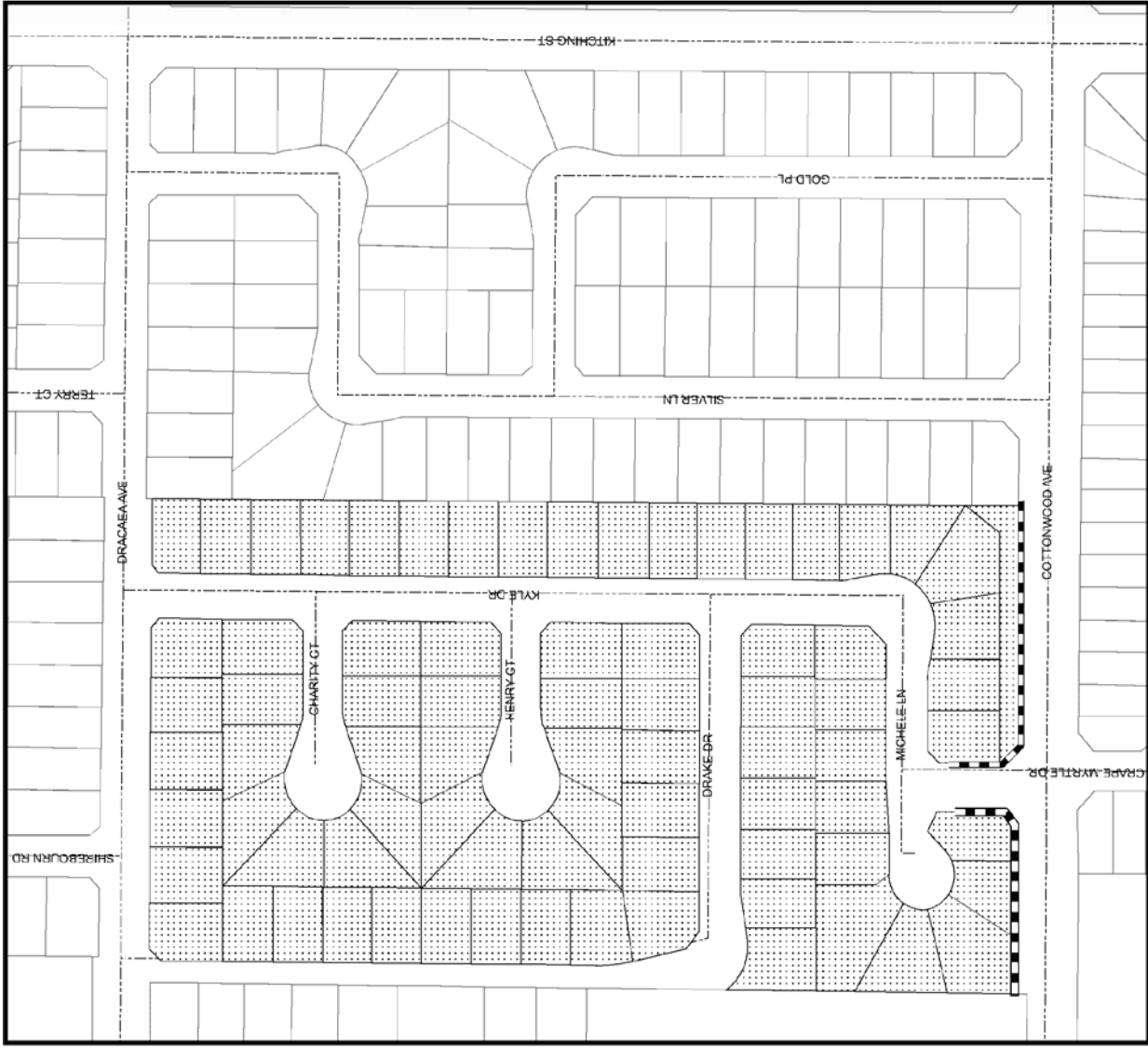


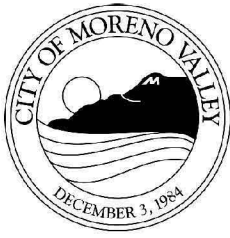
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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification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



MORENO VALLEY
WHERE DREAMS SOAR





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

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: July 13, 2010

TITLE: A PUBLIC HEARING REGARDING A GENERAL PLAN AMENDMENT (PA06-0185) AND CHANGE OF ZONE (PA06-0184) TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL 5 (R5), TENTATIVE TRACT MAP 34748 (PA06-0183); A PROPOSAL FOR A 135 SINGLE-FAMILY RESIDENTIAL LOT SUBDIVISION ON 40 ACRES, AND A VARIANCE (P09-102) COVERING RETAINING WALLS ON FOUR LOTS (LOT NUMBERS 37, 38, 39 AND 40) THAT ARE OVER THREE FEET IN HEIGHT. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE. APPLICANT IS RADOS TENANTS IN COMMON

RECOMMENDED ACTION

Staff recommends that the City Council:

1. **ADOPT** a Negative Declaration for applications for PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance). The projects, individually and cumulatively, will not result in a significant effect on the environment;
2. **APPROVE** Resolution No. 2010-73 approving PA06-0185, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;
3. **INTRODUCE** Ordinance No. 813 approving a Zone Change (PA06-0184) from Business Park (BP) to Residential 5 (R5), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

4. **APPROVE** Resolution No. 2010-74 approving Tentative Tract Map No. 34748 (PA06-0183) and Variance (P09-102), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, at its May 13, 2010 meeting approved Planning Commission Resolution No. 2010-9, recommending by a 5-0-2 vote that the City Council adopt a Negative Declaration for PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance); and approve PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance).

The Planning Commission referred back to the original review, thanked the applicant for addressing the concerns of the neighbors and noted the lack of a large public attendance. There were two speakers from the public at the meeting. One stated support for the project and second had some concerns with the past flooding on the project site. Land Development was able to address the questions related to drainage and flooding.

BACKGROUND

The project is comprised of four applications, a General Plan Amendment, Change of Zone, Tentative Tract Map and a Variance, which are being processed concurrently. The site of the proposed project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026).

A larger scale project was presented to the Planning Commission by the same applicant in July 2004. The first proposal was for an industrial park to be developed on approximately 73 acres of vacant land located on the east side of Heacock Street between Gentian and Iris Avenues in the Business Park and Industrial zoning districts. The industrial park, which was a permitted use, was to include three warehouse distribution buildings totaling 1,493,562 square feet.

The July 29, 2004, public hearing was well attended with a total of twenty seven (27) people speaking, most raising concerns over the potential air quality, noise and traffic impacts of the proposed development. Most of the speakers felt that these potential impacts could not be mitigated and therefore believed that the proposed project would be incompatible with their adjacent neighborhoods. Following the public comments, the Planning Commission approved the proposed development by a vote of 4-0 with three absent.

The project was subsequently assumed for jurisdiction by Councilmember Bonnie Flickinger and the project was then scheduled for a City Council public hearing on

September 28, 2004. The City Council public hearing was again well attended by neighboring property owners who spoke in opposition of the project. Concerns raised at the public hearing were similar to those presented to the Planning Commission in July 2004. Following the public comments, the City Council denied the project by a vote of 5-0.

Subsequent to Council's action, the applicant sued the City for denying the project. A settlement agreement was entered into by the applicant and the City as result of that litigation. The terms of the agreement allowed the applicant to submit a revised version of the project for review at no cost. The applicant submitted two separate projects: a single-family residential tract on the northern half of the prior proposed site and a smaller industrial complex project (PA07-0035) on the southern half.

Land Use Change

Applications for a General Plan Amendment and Zone Change have been submitted in order to change the land use designation from Business Park (BP) to Residential 5 (R5).

The project is currently zoned Business Park and is located in an area that includes a mix of industrial land uses within the Moreno Valley Industrial Area Plan (SP #208) and existing tract homes in the Residential Single-Family 10 (RS-10) and Residential 5 (R5) zones. Land uses include the March Air Reserve Base to the west, existing tract homes in the Residential Single-Family 10 (RS-10) zone to the east and north. There is an existing Residential 5 (R5) tract to the southeast corner of the site. Land uses to the south include vacant Industrial zoned land located within the Moreno Valley Industrial Area Plan SP #208.

The Transportation Engineering Division (TED) staff has reviewed and approved the revised traffic impact analysis dated September 26, 2007 for the proposed residential project. The traffic analysis notes that the Business Park (BP) land use/zoning district includes such uses as general light industrial, warehousing, and manufacturing, which would generate more trips than the proposed residential use. Therefore approving the General Plan Amendment and Change of Zone from Business Park (BP) to Residential 5 (R5) would reduce the number of trips.

Since the proposed General Plan Amendment is less intensive than the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

Tentative Tract Map

Tentative Tract Map 34748 (PA06-0183) is a proposal for a 135 single-family residential lot subdivision on 40 acres. Approval of the General Plan Amendment (PA06-0185) and Zone Change (PA06-0184) are required to change the land use from Business Park (BP) to Residential 5 (R5) in order to subdivide and develop the site for single-family

residential use. The design of the proposed single-family residential lot tract is in conformance with the Residential 5 District (R5) zone design standards of the City. Lot sizes for this tract map will range from 7200 square feet to 12,576 square feet. The average lot size for the tract is around 8,200 square feet. The density for this tract is 3.4 dwelling units per acre.

Variance

The proposed variance (P09-102) covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height and on a property line. The City of Moreno Valley’s Municipal Code states in Chapter 9.08.070 that “Retaining walls within any side yard or rear yard shall not exceed six feet in height, except where they are located on the boundary between two residential parcels, in which case they shall not exceed three feet in height.” The four lots have proposed 3.2 ft and 3.4 ft high retaining walls along the rear property boundaries, which is below the maximum allowable increase of 10%. The variance is required to meet drainage provisions for the development due to an elevation constraint at the connection point to an existing storm drain line in Heacock Street.

ALTERNATIVES

1. The City Council could deny one the projects. If denial of a project is chosen, it is recommended that the item be continued in order to complete the necessary resolution and findings for a denial.
2. The City Council could approve the project.
3. The City Council could modify the project as presented.
4. The City Council could refer the project back to the Planning Commission with direction.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

As stated previously, the General Plan Amendment applications associated with the three projects included in this report have been linked and combined into a single City Council resolution because state law (Government Code Section 65358) does not allow any mandatory element of a general plan to be amended more frequently than four

times during any calendar year. Each amendment, however, may include more than one change to the General Plan. The General Plan Amendment action proposed by this project is the second amendment to the General Plan Land Use Element for calendar year 2010.

NOTIFICATION

Notice of the City Council public hearing of the public notice, appeared in the *Press Enterprise* newspaper on June 22, 2010, posted on the affected property, and mailed to all surrounding property owners of record within 300 feet of the affected property.

STAFF RECOMMENDATION

Staff recommends that the City Council:

1. **ADOPT** a Negative Declaration for applications for PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance). The projects, individually and cumulatively, will not result in a significant effect on the environment;
2. **APPROVE** Resolution No. 2010-73 approving PA06-0185, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;
3. **INTRODUCE** Ordinance No. 813 approving a Zone Change (PA06-0184) from Business Park (BP) to Residential 5 (R5), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;
4. **APPROVE** Resolution No. 2010-74 approving Tentative Tract Map No. 34748 (PA06-0183) and Variance (P09-102), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

ATTACHMENTS

1. Public Hearing Notice
2. Proposed Resolution for General Plan Amendment (PA06-0185)
3. Proposed Ordinance for Zone Change (PA06-0184)
4. Proposed Resolution for Tentative Tract Map No. 34748 (PA06-0183) and Variance (P09-102) with Conditions of Approval attached as Exhibit A
5. Planning Commission Staff Report dated May 13, 2010 (excluding exhibits)
6. Planning Commission Minutes for May 13, 2010

- 7. Negative Declaration/Initial Study
- 8. Aerial Photograph
- 9. Reduced Copy of Tentative Tract Map 34748

Prepared By:
 Claudia Manrique
 Associate Planner

Department Head Approval:
 Kyle Kollar
 Interim Community Development Director

Concurred By:
 John C. Terell, AICP
 Planning Official

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



Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: PA06-0185 (General Plan Amendment)
PA06-0184 (Change of Zone)
PA06-0183 (Tentative Tract Map No. 34748)
P09-102 (Variance)

APPLICANT: Rados Tenants in Common

OWNER: Rados Tenants in Common

REPRESENTATIVE: Albert A. Webb Associates

LOCATION: SEC of Heacock Street and Gentian Avenue

PROPOSAL: Tentative Tract Map 34748 is a proposal for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan and Zone Change to change the land use from Business Park (BP) to Residential 5 (R5). Lot sizes will range from 7,200 square feet to 12,576 square feet. The proposed variance covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height.

ENVIRONMENTAL DETERMINATION: Negative Declaration

COUNCIL DISTRICT: 4

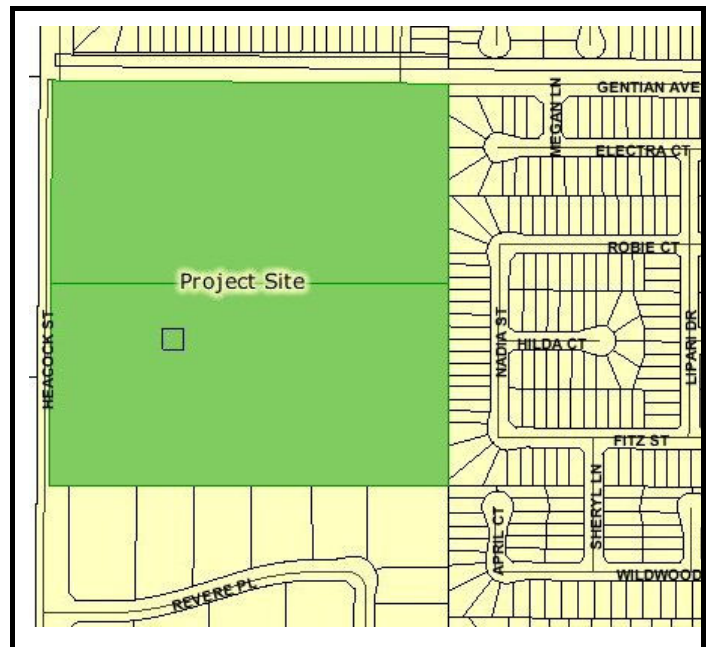
STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.



LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: July 13, 2010 at 6:30 PM

CONTACT PLANNER: Claudia Manrique

PHONE: (951) 413-3225

ATTACHMENT 1

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RESOLUTION NO. 2010-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT (PA06-0185) TO CHANGE THE LAND USE DESIGNATION FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE.

WHEREAS, the applicant, Rados Tenants in Common, has filed an application for approval of PA06-0185, requesting amendments to the General Plan Land Use. The requested amendment to the Land Use Element changes about 40 acres of Business Park (BP) land use to Residential 5 (R5) land use as described in the title of this resolution and the attached Exhibit A. This General Plan Amendment is being processed concurrently with a Zone Change (PA06-0184).

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with application PA06-0185 as described above and a Negative Declaration has been adopted pursuant to the California Environmental Quality Act (CEQA), as there is no evidence that the proposed General Plan Amendment, and related development applications, as designed and conditioned, will have a significant effect on public health or be materially injurious to surrounding properties or the environment as a whole.

WHEREAS, on May 13, 2010, the Planning Commission of the City of Moreno Valley held a meeting to consider a General Plan Amendment (PA06-0185). At said meeting, the Planning Commission recommended approval of General Plan Amendment PA06-0185 to the City Council, and;

WHEREAS, on July 13, 2010, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

ATTACHMENT 2

WHEREAS, all of the facts set forth in this Resolution are true and correct.

Section 3

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY FINDS AS FOLLOWS WITH RESPECT TO PA06-0185:

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. Conformance with General Plan Policies – The proposed general plan amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: This project is comprised of four applications, a General Plan Amendment (PA06-0185), Change of Zone (PA06-0184), Tentative Tract Map (PA06-0183) and a Variance (P09-102), which are being processed concurrently. The site of the proposed project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026).

The project is located within an area that currently has the Business Park (BP) General Plan land use designation and zoning designation. With approval of the General Plan Amendment and Change of Zone applications, the project will be consistent with the Residential 5 (R5) zoning designation. The Residential 5 (R5) zoning district allows up to 5 dwelling units per acre and the project's density is 3.4 (135 single-family lots on 40 acres).

The Transportation Engineering Division (TED) staff has reviewed and approved the revised traffic impact analysis dated September 26, 2007 for the proposed residential project. The traffic analysis notes that the Business Park (BP) land use/zoning district includes such uses as general light industrial, warehousing, and manufacturing, which would generate more trips than the proposed residential use. Therefore approving the General Plan Amendment and Change of Zone from Business Park (BP) to Residential 5 (R5) would reduce the number of trips.

Since the proposed General Plan Amendment is less intensive than the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed general plan amendment will not be detrimental to the public health, safety or welfare.

FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Negative Declaration has been considered and prepared, as there is no evidence that the proposed land use change will have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Redevelopment Plan – The proposed general plan amendment conforms to applicable provisions of the City’s redevelopment plan.

FACT: This subject property is not within the boundaries of the City of Moreno Valley Redevelopment Project Area.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2010-_____ approving PA06-0185, thereby establishing General Plan Land Use as described in the Resolution, and the revised General Plan map attached to the Resolution as Exhibit A .

APPROVED AND ADOPTED this 13th day of July 2010.

Bonnie Flickinger, Mayor

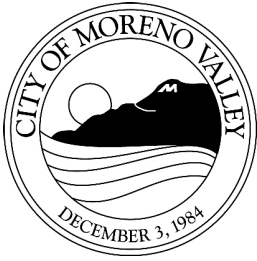
ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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GENERAL PLAN AMENDMENT
Application No. PA06-0185
RESOLUTION NO. 2010- xx



ADOPTED _____
EFFECTIVE _____



LEGEND
R5



Exhibit A

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ORDINANCE NO. 813

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0184 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FOR APPROXIMATELY 40 ACRES FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE

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

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 Pages 126 and 140 of the City of Moreno Valley Official Zoning Atlas shall be modified to reflect the Zone Change (PA06-0184).

1.4. An Initial Study has been completed for PA06-0184 (Zone Change). Based upon the Initial Study, a determination has been made that, as designed and conditioned, this project will not result in the potential for significant impacts to the environment. Therefore, adoption of a Negative Declaration is appropriate.

SECTION 2: FINDINGS

2.1 With respect to the proposed change to pages 125 and 140 of the City of Moreno Valley Official Zoning Atlas, and based upon substantial evidence presented to the City Council during the public hearing on July 13, 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 Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: This project is comprised of four applications, a General Plan Amendment (PA06-0185), Change of Zone (PA06-0184), Tentative Tract Map (PA06-0183) and a Variance (P09-102), which are being processed concurrently. The site of the proposed project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026).

ATTACHMENT 3

The project is located within an area that currently has the Business Park (BP) General Plan land use designation and zoning designation. With approval of the General Plan Amendment and Change of Zone applications, the project will be consistent with the Residential 5 (R5) zoning designation. The Residential 5 (R5) zoning district allows up to 5 dwelling units per acre and the project's density is 3.4 (135 single-family lots on 40 acres).

The Transportation Engineering Division (TED) staff has reviewed and approved the revised traffic impact analysis dated September 26, 2007 for the proposed residential project. The traffic analysis notes that the Business Park (BP) land use/zoning district includes such uses as general light industrial, warehousing, and manufacturing, which would generate more trips than the proposed residential use. Therefore approving the General Plan Amendment and Change of Zone from Business Park (BP) to Residential 5 (R5) would reduce the number of trips.

Since the proposed General Plan Amendment is less intensive than the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Conformance with Specific Plan Policies – The proposed use is consistent with any applicable Specific Plan.

FACT: The project site is not within a specific plan area.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Negative Declaration has been considered and prepared, as there is no evidence that the proposed land use change will have a significant effect on public health or be materially injurious to surrounding properties or the environment as a whole.

4. Conformance with Title 9 – The proposed amendment to change the zoning atlas is consistent with the purposes and intent of Title 9.

FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from Business Park (BP) to Residential 5 (R5) is consistent with the purposes and intent of Title 9.

SECTION 3: ZONE CHANGE

3.1 Based on the findings contained in Section 2 of this Ordinance, the City Council hereby adopts a Zone Change to change to the zoning districts from Business Park (BP) to Residential 5 (R5) for the approximately 40 acres located at the southeast corner of Heacock Street and Gentian Avenue, subject to the revised zoning designations depicted in the attached Exhibit A.

SECTION 4: EFFECT OF ENACTMENT

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

SECTION 5: NOTICE OF ADOPTION

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

SECTION 6: EFFECTIVE DATE

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

APPROVED AND ADOPTED this 13th day of July 2010.

Bonnie Flickinger, Mayor

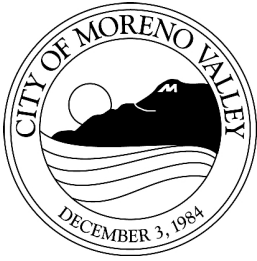
ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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CHANGE OF ZONE
Application No. PA06-0184
ADOPTED BY ORDINANCE NO. xx



ADOPTED _____
EFFECTIVE _____



LEGEND
R5



EXHIBIT A

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RESOLUTION NO. 2010-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 34748 (PA06-0183) AND VARIANCE (P09-102). THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE (ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026).

Section 1:

WHEREAS, the applicant, Rados Tenants in Common, has filed applications for approval of PA06-0183 (Tentative Tract Map) and P09-102 (Variance) for the proposed development of a 40 acre/135 lots single family subdivision. The project site is located southeast of Gentian Avenue and Heacock Street. A General Plan Amendment (PA06-0185) is being processed concurrently along with a Change of Zone (PA06-0184).

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with applications PA06-0183 and P09-102 as described above and a Negative Declaration has been adopted pursuant to the California Environmental Quality Act (CEQA), as there is no evidence that the proposed General Plan Amendment, and related development applications, as designed and conditioned, will have a significant effect on public health or be materially injurious to surrounding properties or the environment as a whole.

WHEREAS, on May 13, 2010, the Planning Commission of the City of Moreno Valley held a meeting to consider a 135 lot single-family subdivision project including applications PA06-0183 (Tentative Parcel Map 34748) and P09-102 (Variance). At said meeting, the Planning Commission recommended approval of PA06-0183 and P09-102 to the City Council, and;

WHEREAS, on July 13, 2010, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

ATTACHMENT 4

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, all of the facts set forth in this Resolution are true and correct.

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY FINDS AS FOLLOWS WITH RESPECT TO PA06-0183:

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. That the proposed land division is consistent with applicable general and specific plans;

FACT: This project is comprised of four applications, a General Plan Amendment, Change of Zone, Tentative Tract Map and a Variance, which are being processed concurrently. The site of the proposed project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026).

The project is located within an area that currently has the Business Park (BP) General Plan land use designation and zoning designation. With approval of the General Plan Amendment and Change of Zone applications, the project will be consistent with the Residential 5 (R5) zoning designation. The Residential 5 (R5) zoning district allows up to 5 dwelling units per acre and the project's density is 3.4 (135 single-family lots on 40 acres).

With approval of the General Plan Amendment, the proposed project is consistent with the General Plan designation of Residential 5 (R5). With approval of the Change of Zone, the project is consistent with the Residential 5 (R5) zoning district.

2. That the site of the proposed land division is physically suitable for the type of development;

FACT: The project site current land use designation is Business Park (BP). This project proposes to change the General Plan and zoning designation from Business Park (BP) to Residential 5 (R5). The project is located in an area that includes a mix of industrial land uses within the Moreno Valley Industrial Area Plan (SP #208) and existing tract homes in the RS-10 and R5 zones. Land uses include the March Air Reserve Base to the west and existing tract homes in the RS-10 zone to the east and north. Land

uses to the south include vacant Industrial zoned land located within the Moreno Valley Industrial Area Plan SP #208.

With approval of the General Plan Amendment and Change of Zone applications, the project will be consistent with the Residential 5 (R5) zoning designation. The Residential 5 (R5) zoning district allows up to 5 dwelling units per acre and the project's density is 3.4 (135 single-family lots on 40 acres).

3. That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;

FACT: The proposed Tentative Tract Map 34748 will not adversely affect the public health, safety or general welfare. An Initial Study has been completed for the proposed project. Based upon the Initial Study, a determination has been made that the proposed project will not result in the potential for significant impacts to the environment. Therefore, the adoption of a Negative Declaration is recommended.

4. That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems;

FACT: The proposed project would not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the surrounding. As conditioned, the proposed land division would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the parcels. There are no known hazardous conditions associated with the property, the design of the land division or type of improvements.

5. That the design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision;

FACT: There are no existing easements on the subject site acquired by the public for access through or use of the property.

6. That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision; and

FACT: The size, configuration and orientation of the lots in this land division allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

7. That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The project does not exceed the planned density, the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, future residents will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

Section 2:

WHEREAS, the applicant, Rados Tenants in Common, has filed applications for approval of PA06-0183 (Tentative Tract Map) and P09-102 (Variance) for the proposed development of a 40 acre/135 lots single family subdivision. The project site is located southeast of Gentian Avenue and Heacock Street. A General Plan Amendment (PA06-0185) is being processed concurrently along with a Change of Zone (PA06-0184).

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with applications PA06-0183 and P09-102 as described above and a Negative Declaration has been adopted pursuant to the California Environmental Quality Act (CEQA), as there is no evidence that the proposed General Plan Amendment, and related development applications, as designed and conditioned, will have a significant effect on public health or be materially injurious to surrounding properties or the environment as a whole.

WHEREAS, on May 13, 2010, the Planning Commission of the City of Moreno Valley held a meeting to consider a 135 lot single-family subdivision project including applications PA06-0183 (Tentative Parcel Map 34748) and P09-102 (Variance). At said meeting, the Planning Commission recommended approval of PA06-0183 and P09-102 to the City Council, and;

WHEREAS, on July 13, 2010, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, all of the facts set forth in this Resolution are true and correct.

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY FINDS AS FOLLOWS WITH RESPECT TO P09-102:

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship not otherwise shared by others within the surrounding area or vicinity.

FACT: The parcels does meets the minimum square footage requirement of the Residential 5 (R5) and are consistent with the General Plan, its goals, objectives, policies and programs.

Approval of the variance is required in order to approve the proposed Tentative Tract Map. The variance request covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height and located on a property line. The City of Moreno Valley's Municipal Code states in Chapter 9.08.070 that "Retaining walls within any side yard or rear yard shall not exceed six feet in height, except where they are located on the boundary between two residential parcels, in which case they shall not exceed three feet in height." The four lots have proposed 3.2 ft and 3.4 ft high retaining walls along the rear property boundaries, which is below the maximum allowable increase of 10%. The variance is required to meet drainage provisions for the development due to an elevation constraint at the connection point to an existing storm drain line in Heacock Street.

This project is an infill site that when development will be similar to surrounding residential and business park uses. The approval of the variance application (P09-102) would not grant the applicant any special privileges.

2. There exist exceptional circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply generally to other properties in the vicinity and under the same zoning classification.

FACT: The four lots have proposed 3.2 ft and 3.4 ft high retaining walls along the rear property boundaries, which is below the maximum allowable increase of 10% and would not grant the applicant any special privileges.

3. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by other owners in the vicinity and under the same zoning classification.

FACT: This project is an infill site that when development will be similar to surrounding residential and business park uses. The approval of the variance application (P09-102) would not grant the applicant any special privileges. The four lots have proposed 3.2 ft and 3.4 ft high retaining walls along the rear property boundaries, which is below the maximum allowable increase of 10%.

4. Approval of this Variance does not constitute the granting of a special privilege inconsistent with the limitations on other properties within the vicinity and under the same zoning classification.

FACT: This project is an infill site that when development will be similar to surrounding residential and business park uses. The approval of the variance application (P09-102) would not grant the applicant any special privileges. The four lots have proposed 3.2 ft and 3.4 ft high retaining walls along the rear property boundaries, which is below the maximum allowable increase of 10%.

5. Approval of the variance is not detrimental to the public health, safety or welfare and is not materially injurious to properties or improvements in the vicinity.

FACT: The proposed project (four applications) will not adversely affect the public health, safety or general welfare. An Initial Study has been completed for the proposed project. Based upon the Initial Study, a determination has been made that the proposed project will not result in the potential for significant impacts to the environment. Therefore, the adoption of a Negative Declaration is recommended.

6. The granting of a variance is consistent with the objectives and policies of the general plan and the intent of the title.

FACT: The granting of the variance is consistent with the objectives and policies of the General Plan and Uniform Building Code. The variance complies with all other provisions of the General Plan and applicable development standards outlined in the Municipal Code.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2010-_____ approving PA06-0183 and P09-102; subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this 13th day of July 2010.

Bonnie Flickinger, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
FOR
PA06-0185 -TENTATIVE TRACT MAP 34748
AND P09-102 - VARIANCE
A.P.N.: 485-230-025 and 485-230-026**

Approval Date: **July 13, 2010**
Expiration Date: **July 13, 2013**

The following conditions are attached for the following departments:

- Planning (P), including School District (S), Post Office (PO), Building (B)**
- Police (PD)**
- Fire Prevention Bureau (F)**
- Public Works, Land Development (LD)**
- Public Works, Special Districts (SD)**
- Public Works – Transportation (TE)**
- Moreno Valley Utilities**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply)

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

- P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

- P2. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)

EXHIBIT A

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

CONDITIONS OF APPROVAL

PA06-0185 and P09-102

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- P3. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
- P4. A drought tolerant, low water using landscape palette shall be utilized throughout the tract to the extent feasible.
- P5. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P7. (BP) Enhanced architectural treatments shall be included on the approved plans for all homes having side and/or reverse frontages to public streets or open space areas.
- P8. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.

PRIOR TO GRADING

- P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P10. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)
- P11. (GP) Prior to approval of precise grading plan, final front and street side yard landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees.

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- P12. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.
(GP Objective 23.3, DG, CEQA).

- P13. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.
- P14. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for a six (6) foot high solid decorative block perimeter wall with pilasters and a cap along the western side of Lot 49 and the southern property line of the water quality basin and extended detention basin. A six (6) foot high solid decorative tubular steel fencing with pilasters and a cap along all street frontages of the water quality basin and extended detention basin.**
- P15. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:**
- A. A solid decorative block wall with pilasters and a cap is required along the perimeter of the tract adjacent to any right of way or reverse frontage location and along any right of way within the interior of the tract (all corner lots).**

CONDITIONS OF APPROVAL

PA06-0185 and P09-102

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- P17. **(GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.**

PRIOR TO RECORDATION OF FINAL MAP

- P18. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)

PRIOR TO BUILDING PERMIT

- P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P20. (BP) Prior to issuance of building permits, final front and street side yard landscape and irrigation plans, and slope landscape plans and basin landscape plans, shall be approved.
- P21. **(BP) Prior to issuance of building permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.**

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PRIOR TO CERTIFICATE OF OCCUPANCY

- P22. (CO) Prior to the issuance of Certificates of Occupancy or building final, slope landscape and irrigation shall be installed. Landscaping on lots not yet having dwelling units shall be maintained by the developer weed and disease free. (MC 9.03.040)
- P23. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed per the approved plans on file in the Planning Division. (MC 9.080.070)
- P24. (CO) For a basin maintained by an HOA or other private entity, landscape (trees, shrubs and groundcover) and irrigation shall be installed, and maintained by the HOA or other private entity.

VARIANCE

- P25. (P09-102) Lot Numbers 37, 38, 39 and 40 have been approved to have retaining walls higher than the maximum three feet height allowed when on a property line. The four lots have proposed 3.2 ft and 3.4 ft high retaining walls along the rear property boundaries, which is below the maximum allowable increase of 10%.

Building and Safety Division

- B-1 The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.
- B-2 Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time (*applies only to commercial, industrial, and multi-family projects*).
- B-3 All projects that will be serviced by a private sewage disposal system shall obtain approval from the Riverside County Environmental Health Department prior to submitting plans to the Building Department.

CONDITIONS OF APPROVAL

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- B-4 (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

- S-1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

- PO-1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

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POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community Development Department - Building Division for routing to the Police Department. (DC 9.08.080)

CONDITIONS OF APPROVAL

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FIRE PREVENTION BUREAU

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.
- F2. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6" x 4" x 2 1/2") located at each intersection of all residential streets and spaced no more than 500 feet apart in any direction, more than 250 feet from any portion of the building as measured along approved emergency vehicular travel ways. Minimum fire flow shall be 1500 GPM for 2 hours duration of 20 PSI. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, serving one and two-family residential developments, standard fire hydrants shall be provided at spacing not to exceed 1000 feet along the tract boundary for transportation hazards. (CFC 508.3 MVMC 8.36.050 and 8.36.100 Section E).
- F3. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.1)
- F4. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
- F5. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)
- F6. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)
- F7. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

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- F8. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)
- F9. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)
- F10. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)
- F11. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)
- F12. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F13. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
- a) Be signed by a registered civil engineer or a certified fire protection engineer;
 - b) Contain a Fire Prevention Bureau approval signature block; and
 - c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

- F14. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

CONDITIONS OF APPROVAL

PA06-0185 and P09-102

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- F15. Prior to issuance of Certificate of Occupancy or Building Final, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1)
- F16. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
- F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- F18. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)
- F19. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)
- F20. Prior to construction, “private” driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.050)
- F21. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

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- F22. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)
- F23. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)
- F24. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)
- F25. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)
- F26. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)
- F27. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)
- F28. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F29. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

**CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA06-0183 / TTM 34748 –135 Single Family Residential Homes
APNs 485-230-025 and 485-230-026**

Note: **All Special Conditions are in Bold lettering and follow the standard conditions.**

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

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- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)
- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

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- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD8. (G) For single family residential subdivisions, all lots shall drain toward the street unless otherwise approved by the City Engineer. Residential lot drainage to the street shall be by side yard swales and include yard drain pipes and inlet grates (or stubbed and capped if area is not yet landscaped) that convey flows to the street in accordance to City Standard No. 303 independent of adjacent lots. No over the sidewalk drainage shall be allowed, all drainage shall be directed to a driveway or drainage devices located outside the right-of-way. (MC 9.14.110)
- LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD10. (G) Water quality basins designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential development may not be used as a construction best management practice. The water quality basin shall be maintained for the entire duration of project construction and be used to treat runoff from those developed portions of the project. The water quality basin shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. The water quality basin shall be graded per the approved design drawings and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Homeowner's Association. The Homeowner's Association shall enter into an agreement with the City for basin maintenance.
- LD11. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

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- LD12. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Transportation Uniform Mitigation Fee (TUMF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable improvements. If the developer fails to complete this agreement by the timing as specified above, no credits or reimbursements will be given for any work. Prior to approval of the TUMF Improvement Credit Agreement, an approved engineer's cost estimate and street improvement plan are required.
- LD13. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.
- LD14. (G) Upon approval of the tentative tract map by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

- LD15. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD16. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

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- d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
- e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil’s stability and geological conditions of the site.

LD17. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD18. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger’s Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City’s street and storm drain systems, and conserves natural areas;
- b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
- c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
- d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
- e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City’s Website or by contacting the Land Development Division of the Public Works Department.

LD20. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a “Stormwater Treatment Device and Control Measure Access and Maintenance Covenant,” to provide public

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notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

- LD21. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal.
- LD22. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD23. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD24. (GPA) Prior to the approval of a grading plan, the developer shall comply with the rules and regulations of FEMA and City Ordinance 8.12.190 for development within a flood hazard area (defined as Zones A, AE, AH, A0 and A99).
- a. For developments required to submit a CLOMR/LOMR, the City requires the following prepared by a licensed civil engineer or land surveyor:
- i. Prior to issuance of a grading permit, a Floodplain Development Permit (available from the City).
 - ii. Prior to issuance of a grading permit, a Conditional Letter of Map Revision (CLOMR) including Base Flood Elevation (BFE) shall be approved by the City.
 - iii. Prior to issuance of individual building permits, an elevation certificate.
 - iv. Prior to issuance of first building permit, submittal of Letter of Map Revision (LOMR) package with appropriate fees to FEMA unless otherwise approved by the City Engineer.
 - v. Prior to issuance of individual certificate of occupancy, a final elevation certificate. Developer acknowledges and agrees to disclose that owners of lots in the flood plain may need to pay flood insurance until such time LOMR is approved.

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- vi. Prior to ninety percent reduction of public improvement securities, a LOMR approved by FEMA shall be submitted to the City.
- b. For developments less required to submit a CLOMR-F/LOMR-F, the City requires the following prepared by a licensed civil engineer or land surveyor:
 - i. Prior to issuance of a grading permit, a Floodplain Development Permit (available from the City).
 - ii. A CLOMR-F (residential structures) unless otherwise approved by the City Engineer.
 - iii. Determination of BFE. Machinery and equipment servicing the structures shall be designed to be located above the BFE. For habitable structures, the lowest floor must be certified to be a minimum of one foot above the BFE; non-residential structures must be additionally dry floodproofed; for qualified non-habitable structures, the lowest floor must be wet floodproofed to one foot minimum above BFE.
 - iv. Prior to issuance of individual building permits, an elevation certificate shall be approved by the City.
 - v. Prior to issuance of first building permit for residential structures, submittal of LOMR-F package with appropriate fees to FEMA, unless otherwise approved by the City Engineer.
 - vi. Prior to issuance of individual certificate of occupancy, a final elevation/floodproof certificate (dependent on type of structure(s)).
 - vii. Prior to ninety percent reduction of public improvement securities, a LOMR-F approved by FEMA shall be submitted to the City.

LD25. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD26. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD27. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD28. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

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- LD29. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)
- LD30. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.
- LD31. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

- LD32. (MA) Prior to approval of the map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, the developer shall submit bylaws and articles of incorporation for review and approval as part of the maintenance agreement for any water quality basin.
- LD33. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD34. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD35. (MR) Prior to recordation of the map, if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California State Department of Real Estate.
- LD36. (MR) Prior to recordation of the map, if applicable, the developer shall have all street names approved by the City Engineer. (MC 9.14.090)

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LD37. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (**NPDES**) as mandated by the Federal Clean Water Act. Following are the requirements:

- a. Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality Ponds/Bio-swales". Any lots which are identified as "Water Quality Ponds/Bio-Swales" shall be owned in fee by the HOA.
- b. Dedicate a maintenance easement to the City of Moreno Valley.
- c. Execute a maintenance agreement between the City of Moreno Valley and the HOA. The maintenance agreement must be approved by City Council.
- d. Establish a trust fund per the terms of the maintenance agreement.
- e. Provide a certificate of insurance per the terms of the maintenance agreement.
- f. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
 - ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.
- g. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD38. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD39. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

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Prior to Improvement Plan Approval or Construction Permit

- LD40. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD41. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)
- LD42. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.
- LD43. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.
- LD44. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
- a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
 - b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
 - c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
 - d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. 706A, or as approved by the City Engineer. (MC 9.14.020)
 - e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

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- LD45. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.
- LD46. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD47. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD48. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)
- LD49. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD50. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)
- LD51. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved

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means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD52. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD53. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD54. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD55. (BP) Prior to issuance of building permits, if the project involves a residential subdivision, the map shall be recorded (excluding model homes). (MC 9.14.090)

LD56. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD57. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD58. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

- a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
- b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
- c. The vendor(s) that the applicant proposes to use to haul the materials.

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- d. Facility(s) the materials will be hauled to, and their expected diversion rates.
- e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled.

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

Prior to Certificate of Occupancy

LD59. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD60. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD61. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD62. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.
- b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
- c. City-owned utilities.
- d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

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- e. Under grounding of existing and proposed utility lines less than 115,000 volts.
- f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD63. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD64. (CO) Prior to issuance of a certificate of occupancy or building final for residential projects, the last 20% or last 5 units (whichever is greater, unless as otherwise determined by the City Engineer) of any Map Phase, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.

LD65. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

- a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
- b. Provide the City with an Engineer's Line and Grade Certification.
- c. Perform and pass a flow test per City test procedures.

LD66. (CO) Prior to issuance of a certificate of occupancy or building final for the last 20% of the permitted structures or the last five (5) permitted units (whichever is greater) for any Phase of the development , the Developer shall:

- a. Notify City Staff (Land Development Division) prior to construction and installation of all structural BMPs so that an inspection(s) can be performed.
- b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
- c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
- d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
- e. Clean and repair the water quality basin, including regrading to approved civil drawing if necessary.
- f. Provide City with updated Engineer's Line and Grade Certification.

CONDITIONS OF APPROVAL

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- g. Obtain approval from City to install irrigation and landscaping.
- h. Complete installation of irrigation and landscaping.

Prior to Acceptance of Streets into the City Maintained Road System

LD67. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

SPECIAL CONDITIONS

LD68. Prior to final map approval, the map shall show the following:

- a. A 69.5-foot street right-of-way dedication on the east side of Heacock Street along this project's west frontage to ensure a (construction) centerline to east right-of-way distance of 50 feet for a Modified Arterial, City Standard 104A.**
- b. A 44-foot street right-of-way dedication on the south side of Gentian Avenue along this project's north frontage to ensure a centerline to south right-of-way distance of 44 feet for a Minor Arterial, City Standard 105A.**
- c. The appropriate street right-of-way dedications within the tract to ensure a right-of-way distance of 66 feet for a Collector, City Standard 107, for Streets "A", "M" and "N", as shown on the Tentative Map.**
- d. The appropriate street right-of-way dedications within the tract to ensure a right-of-way distance of 60 feet for a General Local Street, City Standard 108A, for Streets "B", "C", "D", "E", "F", "G", "H", "K" and "L", as shown on the Tentative Map.**
- e. The appropriate street right-of-way dedications within the tract to ensure a right-of-way distance of 56 feet for a Short Local Street, City Standard 108B, for Streets "I" and "J", as shown on the Tentative Map.**

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- f. The appropriate street right-of-way dedication for a cul-de-sac at the terminus of Street “I” and Street “J”, per City Standard Plan 123.**
- g. The appropriate street right-of-way dedication for a knuckle at each knuckle location as shown on the Tentative Map, per City Standard Plan 122.**
- h. Corner cutback right-of-way dedications per City Standard 208.**
- i. Landscape easements along the Heacock Street and Gentian Avenue frontage, 10 feet and 6 feet in width, respectively, or as directed by the City’s Planning and Special Districts Divisions.**

LD69. Prior to final map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

- a. Heacock Street, Modified Arterial, City Standard 104A Modified (89.5-foot RW / 76-foot CC) shall be constructed to full width, along the entire project’s west frontage. A 69.5-foot right-of-way dedication on the east side of the street, along the project’s west property line, shall be shown on the final map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk (east side only), drainage structures, any necessary offsite improvement transition/joins to existing conditions, streetlights, pedestrian ramps, curb returns, metal beam guard rail behind the west curb as directed by the City’s Transportation Division, relocation and/or adjustment of existing utility appurtenances, and dry and wet utilities. All Heacock Street improvements shall be consistent with the Heacock Street design per the City’s Capital Improvement Project (CIP) for the Heacock Street Widening Project.**
- b. Gentian Avenue, Minor Arterial, City Standard 105A (88-foot RW / 64-foot CC) shall be constructed to half-width plus an additional 12 feet north of the centerline, along the entire project’s north frontage. A 44-foot right-of-way dedication on the south side of the street, along the project’s north property line, shall be shown on the final map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, any necessary offsite improvement transition/joins to existing conditions, streetlights, pedestrian ramps,**

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curb returns, relocation and/or adjustment of existing utility appurtenances, and dry and wet utilities.

- c. **Streets “A”, “M” and “N”, Collector, City Standard 107 (66-foot RW / 44-foot CC) shall be constructed to full-width, within the tract’s boundary, as shown on the Tentative Map. The appropriate right-of-way dedications shall be shown on the final map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, any necessary drainage structures, streetlights, pedestrian ramps, and dry and wet utilities.**
- d. **Streets “B”, “C”, “D”, “E”, “F”, “G”, “H”, “K” and “L”, General Local Street, City Standard 108A (60-foot RW / 40-foot CC) shall be constructed to full-width, within the tract’s boundary, as shown on the Tentative Map. The appropriate right-of-way dedications shall be shown on the final map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, any necessary drainage structures, streetlights, pedestrian ramps, and dry and wet utilities.**
- e. **Streets “I” and “J”, Short Local Street, City Standard 108B (56-foot RW / 36-foot CC) shall be constructed to full-width, within the tract’s boundary, as shown on the Tentative Map. The appropriate right-of-way dedications shall be shown on the final map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, any necessary drainage structures, streetlights, pedestrian ramps, and dry and wet utilities.**
- f. **Pavement core samples of existing pavement may be taken and findings submitted to the City for review and consideration of pavement improvements during design plan check. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a one-tenth inch grind and overlay or slurry seal depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City’s pavement structural section standard.**
- g. **The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. The developer shall install storm drain improvements per the Tentative Map, these conditions of approval, and**

as approved by the City Engineer. Any required trenching shall be repaired per City Standard 602.

LD70. Prior to final map approval, Lots A and B shall be designated as a water quality basin and an extended detention basin, respectively, and retained by the developer. All basins shall be maintained by a homeowner's association.

LD71. Prior to rough grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer will be required to obtain the necessary permission for offsite construction, including easements. Drainage improvements may include, but not be limited to, an in-tract storm drain system including a detention basin and a downstream offsite storm drain connection conveying the tract's exiting runoff within Heacock Street south to existing Line B-18 at Revere Place. Final sizing and design details shall be approved during design plan check.

LD72. Prior to rough grading plan approval, the plans and the submitted drainage study shall clearly demonstrate this project's increased runoff mitigation. This project shall not discharge runoff at a rate greater in the post developed condition than that in the pre-developed condition, for any given storm event. The storms to be studied include the 1-hour, 3-hour, 6-hour and 24-hour duration events for the 2-year, 5-year, 10-year and 100-year return frequencies. The extended detention basin shown as Lot "B" of the Tentative Map, is an acceptable solution to mitigating the project's post-developed increased runoff, as long as the final drainage study demonstrates that the post development runoff does not exceed pre-developed runoff for any storm event. The adjacent existing Heacock Channel, Sunnymead ADP Line B, is already currently overcapacity which floods the surrounding streets and properties during large storm events. In no way shall this project's development contribute further to the existing problem.

LD73. Prior to rough grading plan approval, the grading plans shall clearly demonstrate, with detail, the proper function and design of the water quality basin (shown as Lot A on the tentative tract map). The design of the basin shall conform to City guidelines as found on the City's website. The water quality basin design, including inlet/outlet/overflow/maintenance access locations, shall be designed per the approval of the City engineer.
(http://www.moreno-valley.ca.us/city_hall/forms.shtml#wqmp)

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- LD74.** Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, an emergency spillway in the basins, both Lots “A” and “B”, and an emergency escape at any sump catch basin location. This might include, but not be limited to, over-sizing the catch basin inlets, providing an approved emergency overflow path, or other method as approved by the City Engineer during the design/plan check stage. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.
- LD75.** Prior to rough grading plan approval, this project shall meet all FEMA (Federal Emergency Management Agency) and City requirements for building in a 100-year floodzone (Zone A). This project shall submit for review and approval to FEMA a CLOMR-F (conditional letter of map revision based on fill). All requirements, as set forth by FEMA shall be adhered to, particularly the completion and submittal of FEMA application Form MT-1, as well as all City Ordinance 8.12.190 requirements. The CLOMR-F shall be approved by FEMA prior to precise grading plan approval. The LOMR-F shall be acquired by FEMA after construction. The developer shall contact FEMA for CLOMR-F / LOMR-F requirements. Website: <http://www.fema.gov/> Ph: 1-877-336-2627 A copy of all items requested by FEMA shall also be submitted to the City as reference and for review, as required. The grading plans shall plot the flood limits after the proposed fill.
- LD76.** Prior to rough grading plan approval, the developer shall submit for review and approval a final soils report including site grading recommendations, especially pertaining to any import/fill relating to the CLOMR-F / LOMR-F requirement. See LD75.
- LD77.** Prior to grading or improvement plan approval, as appropriate, the plans and final drainage study shall include detailed drainage improvement design, including sizing and location. Due to the possible shallow in-tract street grade(s) (See LD78), additional storm drain inlets shall be installed, as may be required by the City Engineer. Spacing, sizing and location shall be determined per the final drainage study as approved by the City Engineer.
- LD78.** Prior to improvement plan approval, the plans shall show the streets designed per City design standards and these conditions of approval. Per the Tentative Map, the streets are shown at a longitudinal slope of less than 1.0%. 1.0% is the minimum street slope, per City standards. If, during design plan check, the design engineer demonstrates that 1.0% minimum is not achievable, and as approved by the City Engineer, a street slope of less than

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1.0% may be approved. If slopes of less than 1.0% are approved, the design engineer shall attempt a slope as close to 1.0% as possible, but never less than 0.65%.

LD79. The site design proposed for this project is acceptable given the current proposed treatment devices. However, if the treatment BMP devices change in future F-WQMP submittals, a re-review of the site design acceptability will apply.

LD80. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD81. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

- a. Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).**
- b. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs.**

LD82. The Applicant has proposed to incorporate the use of a water quality basin system. Final design details of the systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD83. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

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LD84. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

- a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;**
- b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;**
- c. That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions; and**
- d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.**

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA06-0183 (TTM 34748-135 lots)
APNs: 485-230-025 and -026
02.18.10 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in **bold** lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA06-0183**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the **Special Districts Division of the Public Works Department at 951.413.3480**. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.
- SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone D**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.
- SD-3 In the event the Moreno Valley Community Services District determines that funds authorized by Proposition 218 mail ballot proceeding are insufficient to meet the costs for parkway, slope, and/or open space maintenance and utility charges (**Zone D**), the District shall have the right, at its option, to terminate the grant of any or all parkway, slope, and/or open space

CONDITIONS OF APPROVAL

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maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit claim and abandon the property so conveyed to the District, and to revert to the developer or the developer's successors in interest, all rights, title, and interest in said parkway, slope, and/or open space areas, including but not limited to responsibility for perpetual maintenance of said areas.

SD-4 The developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-5 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Recordation of Final Map

SD-6 (R) This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. In order for the Developer to meet the financial responsibilities to fund the defined maintenance, one of the following options shall be selected:

- a. Participate in a special election for annexation into **Community Facilities District No. 1**; or
- b. Establish an endowment to cover future maintenance costs for new neighborhood parks.

The Developer must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance. (California Government Code, GP Chapter 2.7)

SD-7 (R) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent

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to record final map 90 days prior to City Council action authorizing recordation of the map. (California Government Code)

SD-8 (R) This project is conditioned to provide a funding source for the capital improvements, energy charges and maintenance for residential street lighting. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

- a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone B** (Residential Street Lighting), and pay all associated costs with the ballot process; or
- b. Establish a Home Owners Association (HOA) to maintain the residential streetlights; or
- c. Establish an endowment to cover future maintenance costs for the residential streetlights.

The Developer must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

SD-9 (R) This project is conditioned to install and maintain parkway/median landscape. The Developer's responsibility is to provide a funding source for the capital improvements and the continued maintenance of the landscaped area. In order for the Developer to meet the financial responsibility to maintain the defined services, one of the following options shall be selected:

- a. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Moreno Valley Community Services District extensive parkway/median landscape program maintenance for **Zone D**, and pay all associated costs with the ballot process; or
- b. Establish a Home Owners Association (HOA) to maintain the landscaped area; or
- c. Establish an endowment to cover the future landscape program maintenance costs of the landscaped area.

The Developer must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

SD-10 *Residential* (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, system evaluations and

CONDITIONS OF APPROVAL

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enhancements, remediation and/or replacement, the developer must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance. (California Government Code)

- SD-11 (R) Prior to recordation of the final map, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

- SD-12 (R) Easements for reverse frontage parkway and slope landscape areas abutting **Heacock St.** shall be **10ft** or to top of parkway facing slope, whichever is greater and **Gentian Ave.** shall be **6ft** or to top of parkway facing slope, whichever is greater, as depicted on TTM dated **January 2010**. Easements shall be dedicated to the City Moreno Valley for landscape maintenance purposes, and shall be depicted on the final map, and an offer of their dedication made thereon.

- SD-13 (R) All necessary documents to convey to the District any required easements for parkway and/or slope maintenance as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer prior to the recordation of the final map.

Prior to Building Permit Issuance

- SD-14 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department-Planning Division, and the Public Works Department-Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

CONDITIONS OF APPROVAL

PA06-0185 and P09-102

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- SD-15 (BP) All parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Building Permit for the **101st dwelling** unit for this tract.

Prior to Certificate of Occupancy

- SD-16 (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

- SD-17 (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit, in a form acceptable to Special Districts, the current list of all Assessor's Parcel Numbers assigned to the recorded map. Please forward to:

City of Moreno Valley
Special Districts
14325 Frederick Street, Suite 9
P.O. Box 88005
Moreno Valley, CA 92552-0805

- SD-18 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PA06-0183/0184/0185**

TTM 34748, Change of Zone, and GPA for 135 residential lots located on the southeast corner of Heacock Street and Gentian Avenue.

Note: All Special conditions are in **bold** lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

- TE1. Conditions of approval may be modified if project is phased or altered from any approved plans.
- TE2. Cul-de-sacs shall be designed and constructed per City Standard Plan No. 123 and/or 124.
- TE3. Knuckles shall be designed and constructed per City Standard Plan No. 122.
- TE4. During construction activity, developer is responsible for regularly scheduled street sweeping per approved street sweeping schedule. Failure to provide regularly scheduled street sweeping during construction activity at the approved times shall result in re-inspection fees (amounts to be determined by City Engineer) and/or project suspension until street sweeping is provided.
- TE5. Heacock Street is classified as a modified Arterial (100' RW/76' CC) per City Standard Plan No. 104A (modified as necessary). Traffic Signal Interconnect shall be installed along Heacock Street per City Standard Plan No. 421. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.**
- TE6. Gentian Avenue is designated as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. 105A. Traffic Signal Interconnect shall be installed along Gentian Avenue per City Standard Plan No. 421. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.**

PRIOR TO GRADING PERMIT

TE7. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for improvements identified in condition TE12 for the City Traffic Engineer's approval.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE8. The driveways shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 117.

TE9. Sight distance at driveways and on streets shall conform to City of Moreno Valley Standard No. 125 and 126 at the time of preparation of final grading, landscape, and street improvements.

TE10. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets.

TE11. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer may be required.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection at Heacock Street and Gentic Avenue to provide the following (including any Metal Beam Guard Railing per City Standard deemed necessary by the City Engineer):

Northbound: One through lane, one shared through/right turn lane

Southbound: One left turn lane, two through lanes

Eastbound: N/A

Westbound: One left turn lane, one right turn lane

PRIOR TO BUILDING PERMIT

TE13. (BP) Prior to issuance of a building permit, traffic signal plans shall be prepared by a registered civil or electrical engineer and shall be submitted to the City Traffic Engineer for the following intersection:

- **Heacock Street at Gentic Avenue**

CONDITIONS OF APPROVAL

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PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE14. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE15. (CO) Prior to the issuance of a certificate of occupancy, the project applicant shall construct the traffic signal identified in TE13. Construction shall be completed per the approved plans and coordinated with the street improvements.

TE16. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE12 per the approved plans.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE17. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA06-0183 (TTM 34748), PA06-0184 (CZ) and PA06-0185 (GPA)
APN: 485-230-025 and 485-230-026

PUBLIC WORKS DEPARTMENT

Moreno Valley Utilities

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in **bold** lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utilities' Conditions of Approval for project(s) **PA06-0183, PA06-0184, PA06-0185, P09-102**; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utilities' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from **Moreno Valley Utilities (the Electric Utility Division) of the Public Works Department at 951.413.3487**. The applicant is fully responsible for communicating with Moreno Valley Utilities staff regarding their conditions. Listed after each individual condition is a contact name of who can be reached for specific questions.

PRIOR TO RECORDATION OF FINAL MAP

MVU-1 (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utilities to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

PRIOR TO ISSUANCE OF BUILDING PERMIT

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution:**
Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the

CONDITIONS OF APPROVAL

PA06-0185 and P09-102

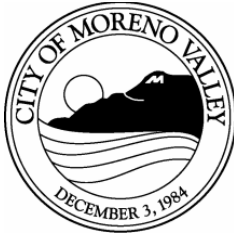
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approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utilities) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utilities owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).



PLANNING COMMISSION STAFF REPORT

Case(s): PA06-0185 (General Plan Amendment)
PA06-0184 (Change of Zone)
PA06-0183 (Tentative Tract Map No. 34748)
P09-102 (Variance)

Date: May 13, 2010

Applicant: Rados Tenants in Common

Representative: Albert A. Webb Associates

Location: Southeast corner of Heacock Street and
Gentian Avenue

Council District: 4

Recommendation: Approval

SUMMARY

This item includes four applications, which are being processed concurrently. Tentative Tract Map 34748 is a proposal for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan and Zone Change to change the land use from Business Park (BP) to Residential 5 (R5). Lot sizes will range from 7,200 square feet to 12,576 square feet. The proposed variance covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height.

ATTACHMENT 5

Project Overview

This project is comprised of four applications, a General Plan Amendment, Change of Zone, Tentative Tract Map and a Variance, which are being processed concurrently. The site of the proposed project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026).

The project is located within an area that currently has the Business Park (BP) General Plan land use designation and zoning designation. With approval of the General Plan Amendment and Change of Zone applications, the project will be consistent with the Residential 5 (R5) zoning designation. The Residential 5 (R5) zoning district allows up to 5 dwelling units per acre and the project's density is 3.4.

Background

A larger scale project was presented to the Planning Commission by the same applicant in July 2004. The first proposal was for an industrial park to be developed on approximately 73 acres of vacant land located on the east side of Heacock Street between Gentian and Iris Avenues in the Business Park and Industrial zoning districts. The industrial park, which was a permitted use, was to include three warehouse distribution buildings totaling 1,493,562 square feet.

The July 29, 2004, public hearing was well attended with a total of twenty seven (27) people speaking, most raising concerns over the potential air quality, noise and traffic impacts of the proposed development. Most of the speakers felt that these potential impacts could not be mitigated and therefore believed that the proposed project would be incompatible with their adjacent neighborhoods. Following the public comments, the Planning Commission approved the proposed development by a vote of 4-0 with three absent.

The project was subsequently assumed for jurisdiction by Councilmember Bonnie Flickinger and the project was then scheduled for a City Council public hearing on September 28, 2004. The City Council public hearing was again well attended by neighboring property owners who spoke in opposition of the project. Concerns raised at the public hearing were similar to those presented to the Planning Commission in July 2004. Following the public comments, the City Council denied the project by a vote of 5-0.

Subsequent to Council's action, the applicant sued the City for denying the project. A settlement agreement was entered into by the applicant and the City as result of that litigation. The terms of the agreement allowed the applicant to submit a revised version of the project for review at no cost. The applicant submitted two separate projects: a single-family residential tract on the northern half of the prior proposed site and a smaller industrial complex project (PA07-0035) on the southern half.

General Plan Amendment

An application for a General Plan Amendment has been submitted in order to change the land use designation from Business Park (BP) to Residential 5 (R5).

Zone Change

An application for a Zone Change has also been submitted in order to change the zoning designation from Business Park (BP) to Residential 5 (R5).

Tentative Tract Map

Tentative Tract Map 34748 (PA06-0183) is a proposal for a 135 single-family residential lot subdivision on 40 acres. Approval of the General Plan Amendment (PA06-0185) and Zone Change (PA06-0184) are required to change the land use from Business Park (BP) to Residential 5 (R5) in order to subdivide and develop the site for single-family residential use. Lot sizes for this tract map will range from 7200 square feet to 12,576 square feet.

Variance

The proposed variance (P09-102) covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height and on a property line. The City of Moreno Valley's Municipal Code states in Chapter 9.08.070 that "Retaining walls within any side yard or rear yard shall not exceed six feet in height, except where they are located on the boundary between two residential parcels, in which case they shall not exceed three feet in height." The four lots have proposed 3.2 ft and 3.4 ft high retaining walls along the rear property boundaries, which is below the maximum allowable increase of 10%. The variance is required to meet drainage provisions for the development due to an elevation constraint at the connection point to an existing storm drain line in Heacock Street.

Site/Surrounding Area

The project is currently zoned Business Park and is located in an area that includes a mix of industrial land uses within the Moreno Valley Industrial Area Plan (SP #208) and existing tract homes in the RS-10 and R5 zones. Land uses include the March Air Reserve Base to the west, existing tract homes in the RS-10 zone to the east and north. There is an existing R5 tract to the southeast corner of the site. Land uses to the south include vacant Industrial zoned land located within the Moreno Valley Industrial Area Plan SP #208.

Directly south of the proposed map is an approved industrial complex project (PA07-0035) that includes six industrial buildings to be constructed on six separate parcels located along Revere Place and Concord Way. The buildings range in size from

23,700-square feet to 47,160-square feet. The complex also includes a 409,598 square feet warehouse distribution facility (PA07-0039 for Building #7), to be located on 19.14-acres located at the northeast corner of Heacock Street and Iris Avenue.

Further to the south (SEC of Iris Avenue and Heacock Street) is an approved industrial warehouse complex project (PA07-0151, PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156), which includes four buildings (1,103,003 sq ft, 16,732 sq ft, 87,429 sq ft and 277,243 sq ft for a total of 1,484,407 sq ft). To the southeast (SWC of Iris Avenue and Indian Street) is an approved industrial complex project (PA07-0079, PA07-0080, P07-121, PA07-0093 and PA08-0018) with one building totaling 1,560,046 sq ft.

Access/Parking

Primary access to the proposed tract will be from proposed Street "M" and "N" off of Heacock Street in the west and Street "A" off of Gentian Avenue in the north. Interior streets provide circulation throughout the tract.

Each lot, when developed, will be required to meet the parking standards for a single-family residence, which requires a minimum two (2) car garage to meet the off-street parking requirements of the Municipal Code. Additional permitted parking would be located within oversized garages, driveways and along public residential streets.

Design

The design of the proposed single-family residential lot tract is in conformance with the Residential 5 District (R5) zone design standards of the City. Tentative Tract Map Number 34748, as proposed, will subdivide the 40 acres into 135 single-family residential lots. The lot sizes will range from 7,200 square feet to 12,576 square feet. The average lot size for the tract is around 8,200 square feet. The density for this tract is 3.4 dwelling units per acre.

There are two lettered lots within the project, located in the southwest corner of the proposed tract. Lot "A" is a required water quality detention basin (46,863 square feet). Lot "B" is an extended detention basin (26,539 square feet). A landscape easement, in addition to standard right-of-way, is required to provide enough room to screen the water quality detention basin along Heacock Street as well as proposed Street "K", "N" and "L".

This review and approval process only involves a tentative tract map application for the new subdivision. The future single-family homes for the tract will be reviewed under a separate administrative process. At that time, staff will ensure that the proposed residential units meet the City's design standards.

The walls and fences for this tract are conditioned to be consistent with the provisions for walls and fences within the City's Municipal Code. Decorative block walls are required in the street side yards of all corner lots. Wood fences are permitted for all interior side yards and rear yards not visible from the public right-of-way.

REVIEW PROCESS

The application for the project was submitted on December 21, 2006, and was initially reviewed by staff at the February 6th, 2007, Pre-Project Review Staff Committee (PRSC) meeting. Subsequently, staff has been working with the applicant's representative on a series of revisions to the plan.

ENVIRONMENTAL

The site is currently vacant and is an area that the Riverside County Integrated Plan (RCIP) has identified as having the potential for burrowing owl habitat. A habitat assessment for burrowing owl was prepared on September 25, 2006 by Ecological Sciences, Inc. No burrowing owls were observed on the site during the habitat assessment. Several potentially suitable ground squirrel burrows were noted on the site. However, monitoring of the site during peak activity times did not reveal the presence of burrowing owl on or directly adjacent to the project site. The project has been conditioned to complete a pre-construction survey for burrowing owl prior to any disturbance of the site.

The majority of the property is covered by low-growing vegetation since the site has been previously disturbed in the past by various activities such as grading, weed abatement and development activities.

A review of the FEMA maps for this area indicated that the project site is located outside of the 100-year flood plain.

Based upon review of the Cultural Resources Inventory prepared for the City of Moreno Valley by the Archaeological Research Unit of the University of California in October 1987, there are no known archaeological resources on the site.

The Transportation Engineering Division (TED) staff has reviewed and approved the revised traffic impact analysis dated September 26, 2007 for the proposed residential project. The traffic analysis notes that the Business Park (BP) land use/zoning district includes such uses as general light industrial, warehousing, and manufacturing, which would generate more trips than the proposed residential use. Therefore approving the General Plan Amendment and Change of Zone from Business Park (BP) to Residential 5 (R5) would reduce the number of trips.

With consideration given to the preceding information, an Initial Study has been completed for the proposed project. Based upon the Initial Study, a determination has been made that the proposed project will not result in the potential for significant impacts to the environment. Therefore, the adoption of a Negative Declaration is recommended.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no inquiries in response to the noticing for this project.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

APPROVE Resolution No. 2010-9, and thereby:

1. **RECOMMEND** that the City Council adopt a Negative Declaration for PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance) in that this project, as conditioned, will not result in significant environmental impacts; and
2. **RECOMMEND** that the City Council approve PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance).

Prepared by:

Approved by:

Claudia Manrique
Associate Planner

John C. Terrell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2010-9 with Conditions of Approval attached as Exhibit A
3. Negative Declaration
4. Initial Study
5. Land Use Map
6. Aerial Photograph
7. Tentative Tract Map 34748

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1 **700 PUBLIC HEARING ITEMS**

2
3 **710**

4
5 **PA06-0185 General Plan Amendment**
6 **PA06-0184 Change of Zone**
7 **PA06-0183 Tentative Tract Map No. 34748**
8 **P09-102 Variance**
9

10 **CHAIR MARZOEKI** – May I have the Staff Report please?
11

12 **ASSOCIATE PLANNER MANRIQUE** – Good evening I'm Claudia Manrique the
13 Case Planner. The site of the proposed location of the project is the southeast
14 corner of Heacock Street and Gentian Avenue.
15

16 For some quick background information; a larger scale project was presented to
17 the Planning Commission by the same Applicant back in July of 2004. The first
18 proposal was for an industrial park to be developed on approximately 73 acres of
19 vacant land located on the east side of Heacock, between Gentian down to Iris in
20 the Business Park and Industrial Zoning Districts. The project was approved by
21 the Planning Commission and later denied at Council. A settlement agreement
22 was entered into by the Applicant and the City. The terms of the agreement
23 allowed the Applicant to submit a revised version of the project. The Applicant
24 submitted two separate projects; the single-family residential tract that is before
25 you and a smaller industrial complex project PA07-0035 on the southern half
26 which was approved earlier this year.
27

28 The General Plan Amendment has been submitted in order to change the land
29 use designation from Business Park to Residential 5.
30

31 The Zone Change that has been submitted will do the same, from Business Park
32 to Residential 5.
33

34 Tentative Tract Map No. 34748 is a proposal for a 135 single-family residential lot
35 subdivision on 40 acres. Approval of the General Plan and Zone Change are
36 required to allow this. Lot sizes of the tract will range from 7200 square foot to
37 12,576 square feet. The average lot size of the tract is around 8200 square feet.
38 The density of this tract is 3.4 dwelling units per acre.
39

40 The Variance being proposed will cover the retaining walls on four lots; Lots
41 Number 37, 38, 39 and 40, which have retaining walls over the three maximum
42 allowed when located on the property line. The Variance is required to meet
43 drainage provisions for the development due to elevation constraints at the
44 connection point of an existing storm drain along Heacock Street.
45

1 The site is currently zoned Business Park and is located in an area located that
2 includes a mix of industrial uses within the Moreno Valley Industrial Area Plan
3 and existing tract homes in the RS-10 and R5 zones. Land uses include the
4 March Air Reserve Base to the west, existing tract homes in the RS-10 zone to
5 the east and north and an existing R5 tract to the southeast corner of the site.
6 Land uses to the south include vacant Industrial zoned land located within the
7 Moreno Valley Industrial Area Plan.

8
9 The site is currently vacant and is in an area of the Riverside County Integrated
10 Plan and has been identified for having a potential for Burrowing Owl Habitat. A
11 Habitat Assessment was prepared in September of 2006. No owls were
12 observed on site. The project has been conditioned to complete a pre-
13 construction survey for owls prior to any disturbance of the site.

14
15 The Staff Report unfortunately had a minor error about the location of the flood
16 plain. The current Federal Emergency Management Acts or FEMA indicates a
17 small section of the site is in the flood plain along the western boundary. On the
18 Tract Map it is the area highlighted in the darker gray. The project has been
19 conditioned by Public Works to delineate the flood plain zones on the grading
20 plans and to demonstrate on the plans that any building finished floor elevations
21 shall be a one foot minimum above the 100 year flood plain and also meet other
22 requirements of FEMA.

23
24 The Transportation Engineering Division staff have reviewed and approved the
25 revised traffic impact analysis. It found that the Business Park Zone includes
26 uses such as general light industrial, warehousing and manufacturing, which
27 would generate more trips than the proposed residential use. Therefore
28 approving the General Plan Amendment and Change of Zone from Business
29 Park to R5 would reduce the number of trips.

30
31 Based upon the Initial Study a determination has been made that the proposed
32 project will not result in the potential for significant impacts to the environment.
33 Public Notice was sent to all property owners within 300 feet of the project as
34 well as posted on site and printed in the newspaper. As of today, I received two
35 phone calls regarding the project. They both wanted to know what was going to
36 be developed and if there was a builder already picked out for the tract, which to
37 my knowledge there is not.

38 Staff recommends that the Planning Commission takes the following action:
39 Approve Resolution No. 2010-9 thereby recommending that the City Council
40 adopt a Negative Declaration for PA06-0185, 0184 and 0183 and P09-102 in that
41 this project as conditioned will not result in significant environmental impacts and
42 recommend that City Council approves the project.

43
44 I would also like to note that there were two changes to the conditions from the
45 Land Development Department. Thank you.

1 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – Good evening
2 members of the Planning Commission and Chair Marzoecki. I'd like to make a
3 further change to the green sheet, Condition of Approval LD69. The first
4 reference to an 89 ½ foot right-of-way should remain at 89 ½. That is the
5 number within the parenthesis. The 89 ½ basically designates the total right-of-
6 way width for the street. It is in the third line where 89 ½ is referenced that
7 should be changed to 69 ½. That statement is made with reference to the right-
8 of-way dedication that the developer has to make. There is currently 20 feet of
9 right-of-way on the west side of the street, so this developer only needs to
10 dedicate 69 ½ feet. That's it; thank you.

11
12 **CHAIR MARZOEKI** – Thank you. Do we have any questions of Staff?

13
14 **COMMISSIONER DE JONG** – The first one is just for basic information. We all
15 know that Rados submitted this project as an industrial project several years ago
16 and I'm just curious what prompted the change to residential. Is it the very fact
17 that they got turned down?

18
19 **PLANNING OFFICIAL TERELL** – Well you can talk to the Applicant, but I don't
20 know if it was because they got turned down but based on that process this
21 looked like a more viable use at that time and actually I think based on the
22 economics of the time when this was resubmitted, it looked more viable from that
23 standpoint also; residential versus industrial use was financially feasible.

24
25 **COMMISSIONER DE JONG** – Well hopefully the Applicant will address that
26 question. Also, how will the properties that bisect the flood plain be addressed;
27 not the ones that are completed in the flood plain, but the ones that bisect them.

28
29 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – Yes, Clement
30 Jimenez from Land Development. The lots that are in the shaded gray area
31 there are currently in flood zone. The developer is conditioned to submit to the
32 City and also to FEMA a Clomar, based on fill and that's basically a conditional
33 letter of map revision based on fill. What that will achieve is it will elevate the pad
34 elevations and ultimately the finished floor elevations so that all of the pads in the
35 shaded area will be located outside of the current flooding limits and this will
36 have to be done prior to a grading permit. Now prior to issuance of a building
37 permit or occupancy, the developer will have to submit a letter of map revisions
38 based on fill and that's actually a letter from the Federal Emergency
39 Management Agency stating that the Clomar (conditional letter of map revision)
40 has been reviewed by them; has been approved by them and that the grading
41 as-built plans reflect that the pads that are currently in the shaded area will be
42 located outside of the flooding area because the pads will be elevated to a
43 certain height.

44
45 **COMMISSIONER DE JONG** – So even some property that is half in and half out
46 of that, it would still be forced to be raised?

1 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – Right, any portion of
2 the property that is within the shaded area will have to be elevated.

3
4 **COMMISSIONER DE JONG** – Is the 100 year flood plain?

5
6 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – Yes it is

7
8 **COMMISSIONER DE JONG** – Thank you

9
10 **CHAIR MARZOEKI** – Are there any other questions of Staff? Seeing none, I will
11 open up the Public Testimony Portion and call the Applicant forward. Please
12 state your name and address for the record.

13
14 **APPLICANT BROWN** – Good evening, my name is Les Brown. My address is
15 2002 East McFadden, Suite 200, Santa Ana, California.

16
17 **CHAIR MARZOEKI** – Do you have something to say about the project?

18
19 **APPLICANT BROWN** – Very little actually. This is a fairly simple project... 135
20 residential lots, with the smallest being about 7200 square feet and the largest is
21 about 12,500. It is the result quite literally, years of discussion with the City as to
22 how to get through the various issues presented by this site for residential
23 development. I think the summary by Staff more or less speaks for itself and if
24 there are any questions from any of the Commissioners, I will be happy to try and
25 address them.

26
27 **CHAIR MARZOEKI** – Okay, go ahead

28
29 **COMMISSIONER GELLER** – So you concur with all the Conditions of Approval
30 including all the amendments as amended?

31
32 **APPLICANT BROWN** – Yes, we accept all the Conditions of Approval.

33
34 **CHAIR MARZOEKI** – And that's it, okay. Did you want ask about why the
35 residential?

36
37 **COMMISSIONER DE JONG** – He sort of touched on that but okay. Can you
38 clarify then sir why Rados chose to change the project from Industrial to
39 Residential?

40
41 **APPLICANT BROWN** – After discussions with both citizens and both City Staff,
42 it appeared that a residential development would be much more acceptable to
43 both and frankly given the way the market is developing now, it appears now to
44 be a fairly decent choice. I have great hopes for this project.

45
46 **COMMISSIONER DE JONG** – Okay, easy enough, thank you

1 **CHAIR MARZOEKI** – Are there any other questions for the Applicant? Okay I do
2 have one Speaker Slip, so I can call you back up after that if we need to...
3 Deanna Reader...

4
5 **SPEAKER READER** – My name is Deanna Reader and you'll notice that when I
6 marked that, I didn't mark for or against, mainly because I had more questions
7 than anything else and mainly my point is planning is important. You have all
8 these residences and then you have a little street and then it is commercial,
9 which is originally what he was going to do was put a building where a building
10 was zoned to go, but my point is there shouldn't have been any houses west of
11 Indian. You know that area there instead of being houses could have been
12 Business Park and then he could have done the Industrial that would have made
13 more sense and that's why planning is so important. I've read all the stuff and in
14 fact I have read the entire case and the court over this, so I sympathize with
15 Rados to a certain degree, the problem here is how do you fix stupid and I'm not
16 saying on your part because you approved what was supposed to be there,
17 however it was the before you. My point is on some of these things where we
18 make variances that don't make sense, we shouldn't. Thank you.

19
20 **CHAIR MARZOEKI** – Thank you.

21
22 **PLANNING OFFICIAL TERELL** – As a point of clarification, all the surrounding
23 development was actually approved under the County zoning that was in place
24 when the City incorporated, so the early City Councils looked at creating
25 employment in the City and that's why they zoned the areas further south for
26 industrial and these areas actually were zoned Business Park by the County and
27 the City carried those over because of the adjacency to the Air Base. Fortunately
28 over the last 20 or so years the planes that fly or when the Air Force Reserve
29 flying become quieter, that allowed this particular site to even be considered for
30 residential because now the noise contours are even below the levels that... well
31 they are below the levels which residential can occur.

32
33 **CHAIR MARZOEKI** – Okay, thank you for that clarification. Would you like to
34 come back up and say anything else?

35
36 **APPLICANT BROWN** – No thank you

37
38 **CHAIR MARZOEKI** – Okay, well with that I don't have any more Speaker Slips
39 so... Well bring it on up.... Terry Braem. Okay come on up.

40
41 **SPEAKER BRAEM** – My name is Terry Braem. I live at 15450 Tiffin Court just
42 adjacent to that area that we are talking about in this project. To answer your
43 question Mr. De Jong, you asked why this was changed from Light Industrial to
44 Residential. I can tell you back in the day and I was very involved with the
45 project that Rados wanted to do. All the residents were against that project. No
46 one wanted a huge warehouse or Light Industrial in the first place. Everybody

1 lobbied to have it changed to a residential area because 50 percent of the area is
2 residential and no one wanted any type of trucks moving in and out of that area.
3 If you follow south of Iris down in that area, it is almost an area that is prime for
4 Light Industrial use and I noticed on the planning between Iris and the other
5 street that is still zoned for Light Industrial. I don't understand why that should be
6 still industrial when the whole area should be residential. Now that is the first
7 note when you asked to answer your question. The second one is a huge
8 concern because I have lived in that area for over 20 years; that area floods bad.
9 I don't know how... just these recent past storms, Heacock and Iris was
10 completely closed off because there was so much water in that area, so I'm not
11 sure how drainage would work. It would have to be very creative in draining that
12 area. I've been in that area to the point where that whole field was a lake, so you
13 would have to be very cautious when it rains in that area because it is very, very
14 bad, so I would suggest that whole area that is going to be residential is going to
15 have to be built up.

16
17 **COMMISSIONER DE JONG** – Thank you

18
19 **SPEAKER BRAEM** - Are there any questions?

20
21 **CHAIR MARZOEKI** – Thank you

22
23 **COMMISSIONER DE JONG** – I appreciate it

24
25 **PLANNING OFFICIAL TEREEL** – Yeah just a point of clarification... The
26 property to the south has an approved industrial project on it but it is a mixture. It
27 has a row of small buildings under 50,000 square feet, kind of similar to the
28 buildings across the street from the City Hall, so that's the buffer between the
29 residential and the industrial and there is one relatively small by current
30 standards, but large warehouse building that has been approved for the property
31 that the Speaker was referencing, but there is a buffer. It doesn't go directly from
32 Residential to Industrial; there is a row of multi-tenant buildings in between that
33 provide an adequate transition to this project and to the existing residential to the
34 east and then you get to the Industrial.

35
36 **CHAIR MARZOEKI** – Okay, thank you. We have one more Speaker Slip.

37
38 **COMMISSIONER DE JONG** – Can we have Clement comment on the drainage?

39
40 **CHAIR MARZOEKI** – Oh sure

41
42 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – Hi, good evening
43 again. With respect to the drainage/flooding problem at the intersection of
44 Heacock and Iris, the City is aware that there is a flooding problem there;
45 however the developer cannot be conditioned to fix an existing public flooding
46 problem. They can be conditioned to not increase or add to the problem and

1 therefore the project has been conditioned to add a detention basin as you'll note
2 on either Lot A or Lot B on the exhibit. One basin is for water quality and the
3 other one is strictly for detaining the difference between pre-emptive post
4 development flow, so the amount of the flow that runs out of the project site will
5 be equal to or less the amount of flow that currently leaves the site and that is
6 what we can condition the developer to do. Now I know that Riverside County
7 Flood Control District is working with March JPA on a project and a study and I
8 think it is still very preliminary in the planning stages to improve Heacock
9 Channel which runs along to the west side of Heacock Street and only that
10 improvement will ultimately solve the problem at the intersection of Heacock and
11 Iris and it is a very big project and very expensive project, but it is something that
12 is being planned for currently by other agencies.

13
14 **COMMISSIONER DE JONG** – So Clement in your opinion, the raised pads in the
15 flood area and the retention basins is adequate enough to deal with this
16 problem?

17
18 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – Yes, the houses will
19 not flood. The streets may flood a little bit especially on Heacock Street but
20 depending on the elevations of the streets within the interior site of the tract, they
21 probably will not flood and the engineer is here. He can speak to the flooding on
22 the interior streets but the pads themselves will not flood because they will have
23 to be elevated and FEMA will review the grading plan and the revised flood plain
24 limits to ensure that no flooding will occur on the houses.

25
26 **COMMISSIONER DE JONG** – Is it FEMA's requirement to have one foot or 12
27 inches raised up?

28
29 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – It is both... It is
30 actually a City Ordinance. Our City Municipal Code requires that residential units
31 finished floor elevation to be raised one foot above the water surface elevation of
32 a 100 year flood plain.

33
34 **COMMISSIONER DE JONG** – Where does this 12 inch come from? Is this just
35 the City's standard or is it FEMA?

36
37 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – It's actually pretty
38 common in other cities and it is a FEMA requirement as well. Other cities have
39 that same one foot criterion.

40
41 **COMMISSIONER DE JONG** – Okay thank you

42
43 **CHAIR MARZOEKI** – Is that it?

44
45 **COMMISSIONER DE JONG** – That's it for now.

1 **CHAIR MARZOEKI** - I have one more Speaker Slip. I'm not sure if you are
2 speaking on this item or not but Douglas Whitney. Okay, so this one is for Item
3 730. Okay, so I don't have any other Speaker Slips unless the Applicant wants
4 to come back up and address anything. No, okay, we will close the Public
5 Testimony portion of this item and open it up to Commissioner Comments.

6
7 **COMMISSIONER GELLER** – I get the feeling I was the only one here during the
8 original hearings. Were you here?

9
10 **CHAIR MARZOEKI** – No, I was here

11
12 **COMMISSIONER GELLER** – Like I say, I know this has dragged on for years
13 and years and years and I'm glad they reached an accord with the City and I
14 know the bottom line is though the City couldn't approve anything without going
15 through the whole process. I certainly don't see anything wrong what is
16 proposed to go here and clearly the surrounding residents seem to have less
17 issue with this than they did with the other project. But so anyway, I think we
18 should send it on its way so they can get started after all these years.

19
20 **CHAIR MARZOEKI** - Thank you

21
22 **COMMISSIONER DE JONG** – I agree one hundred percent. I'm glad to see this
23 project is coming forward with an equitable solution to the site. I like the street
24 layout. I like the big curved layout. We are not just talking about regular squares
25 and rectangles, but a nice curved street I think is refreshing and I'm satisfied with
26 how City Engineering is dealing with the flooding, so I will also vote to pass this
27 along.

28
29 **CHAIR MARZOEKI** – Thank you. Any comments?

30
31 **COMMISSIONER SALAS** – I have no comments

32
33 **CHAIR MARZOEKI** – Okay

34
35 **COMMISSIONER BAKER** – I'm okay

36
37 **CHAIR MARZOEKI** – Okay. Does anybody want to make a motion?

38
39 **COMMISSIONER DE JONG** – I'll make a motion

40
41 **CHAIR MARZOEKI** – Okay

42
43 **COMMISSIONER DE JONG** – I move that the Planning Commission **APPROVE**
44 Resolution No. 2010-9 and thereby:

- 1 1. **ADOPT** a Negative Declaration for PA06-0185 General Plan Amendment,
2 PA06-0184 Change of Zone, PA06-0183 Tentative Tract Map and P09-
3 102 Variance, in that this project as conditioned will not result in
4 significant environmental impacts; and,
5 2. **APPROVE** PA06-0185 General Plan Amendment, PA06-0184 Change of
6 Zone, PA06-0183 Tentative Tract Map and P09-102 Variance as modified.

7
8 **COMMISSIONER GELLER** – Second

9
10 **CHAIR MARZOEKI** – We have a motion and a second. Is there any discussion?
11 All those in favor

12
13 Opposed – 0

14
15 **Motion carries 5 – 0 – 2, with two absent (Vice Chair Riechers and**
16 **Commissioner Dozier)**

17
18 **CHAIR MARZOEKI** – Staff wrap up please

19
20 **PLANNING OFFICIAL TERELL** – Yes this item shall be forwarded to the City
21 Council for final review and action.

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NEGATIVE DECLARATION

PROJECT TITLE AND FILE NUMBERS: PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map 34748) and P09-102 (Variance)
PROJECT APPLICANT: Rados Tenants in Common TELEPHONE NUMBER: (714) 835-4612
PROJECT LOCATION: Southeast corner of Heacock Street and Gention Avenue
PROJECT DESCRIPTION: The project includes four applications, which are being processed concurrently. Tentative Tract Map 34748 is a proposal for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan and Zone Change to change the land use from Business Park (BP) to Residential 5 (R5). Lot sizes will range from 7,200 square feet to 12,576 square feet. The proposed variance covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height.

FINDING

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

- The proposed project will not have a significant effect on the environment.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration have been added to the project. The Final Conditions of Approval contain the final form and content of all mitigation measures.

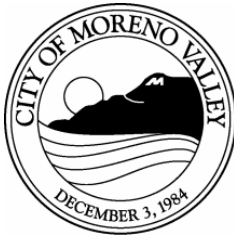
This determination is based upon an Initial Study. The project file, including the Initial Study and related documents is available for review during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) at the City of Moreno Valley, Community Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, California 92553, Telephone (951) 413-3206.

PREPARED BY: Claudia Manrique, Associate Planner	DATE: 7/13/2010
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NOTICE

The public is invited to comment on the Negative Declaration. The appropriateness and adoption of the Negative Declaration is considered at the time of project approval in light of comments received.

DATE ADOPTED: _____	BY: <u>City Council</u>
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**INITIAL STUDY/
ENVIRONMENTAL CHECKLIST FORM
CITY OF MORENO VALLEY**

1. Project Title: PA06-0185 (General Plan Amendment)
PA06-0184 (Change of Zone)
PA06-0183 (Tentative Tract Map 34748)
P09-102 (Variance)
2. Lead Agency Name and Address: City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553
3. Contact Person and Phone Number: Claudia Manrique, Associate Planner
(951) 413-3225
4. Project Location: Southeast corner of Heacock Street and Gentian Avenue
5. Project Sponsor's Name and Address: Rados Tenants in Common
2002 McFadden Avenue, Ste. #200
Santa Ana, CA 92705
6. General Plan Designation: Current: Business Park (BP)
Proposed: Residential 5 (R5)
7. Zoning: Current: Business Park (BP)
Proposed: Residential 5 (R5)
8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)

Tentative Tract Map 34748 (PA06-0183) is a proposal for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan (PA06-0185) and Zone Change (PA06-0184) to change the land use from Business Park (BP) to Residential 5 (R5) in order to subdivide two vacant parcels on the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026). Lot sizes for this tract map will range from 7200 square feet to 12,576 square feet. The site is undeveloped with no significant vegetation noted on the site. Approval of Tentative Tract Map 34748 is contingent upon City Council adoption of the change in land use from Business Park (BP) to Residential 5 (R5).

The proposed variance (P09-102) covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height. The City of Moreno Valley's Municipal Code states in Chapter 9.08.070 that "Retaining walls within any side yard or rear yard shall not exceed six feet in height, except where they are located on the boundary between two residential parcels, in which case they shall not exceed three feet in height." The four lots have proposed 3.2 ft and 3.4 ft high retaining walls along the rear property boundaries, which is below the maximum allowable increase of 10%.

No blue line stream was noted on the Sunnymead, CA USGS Topographical Quadrangle Map, which pertains to this site. On-site drainage for this property appears to flow from northeast to southwest the across the surface of the site. A riparian area or a condensed vegetated area to support threatened or endangered species was not evident at the site. Therefore, it is not anticipated that the project will result in a potential for significant impacts to Fish and Wildlife resources.

Based on review of the Cultural Resources Inventory for the City of Moreno Valley, (October 1987), there are no known archaeological resources on the site. The tentative tract will also be conditioned to cease excavation or construction activities if archaeological, paleontological or historical resources are uncovered at the project site. Work in the affected area will cease immediately and the applicant shall consult with a qualified person with appropriate expertise regarding mitigation measures to preserve or record the find.

There are no historic buildings on the site. Therefore, based upon the design of the tentative tract map and the conditions of approval, there will be no impact to scenic resources by development of the proposed project.

9. Surrounding Land Uses and Setting: (Briefly describe the project’s surroundings)

The project is currently zoned Business Park and is located in an area that includes a mix of industrial land uses within the Moreno Valley Industrial Area Plan (SP #208) and existing tract homes in the RS-10 and R5 zones. Land uses include the March Air Reserve Base to the west and existing tract homes in the RS-10 zone to the east and north. To the southeast corner of the site is an existing R5 tract. Land uses to the south include vacant Industrial zoned land located within SP #208.

Directly south of the proposed map is an approved industrial complex project (PA07-0035) that includes six industrial buildings to be constructed on six separate parcels located along Revere Place and Concord Way. The buildings range in size from 23,700-square feet to 47,160-square feet. The complex also includes a 409,598 square feet warehouse distribution facility (PA07-0039 for Building #7), to be located on 19.14-acres located at the northeast corner of Heacock Street and Iris Avenue.

Further to the south (SEC of Iris Avenue and Heacock Street) is an approved industrial warehouse complex project (PA07-0151, PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156), which includes four buildings (1,103,003 sq ft, 16,732 sq ft, 87,429 sq ft and 277,243 sq ft for a total of 1,484,407 sq ft). To the southeast (SWC of Iris Avenue and Indian Street) is an approved industrial complex project (PA07-0079, PA07-0080, P07-121, PA07-0093 and PA08-0018) with one building totaling 1,560,046 sq ft.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).

An encroachment permit from the Riverside County Flood Control and Water Conservation District will be required.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below(■) would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

	Aesthetics		Greenhouse Gas Emissions		Population/Housing
	Agricultural Resources		Hazards & Hazardous Materials		Public Services
	Air Quality		Hydrology/Water Quality		Recreation
	Biological Resources		Land Use/Planning		Transportation/Traffic
	Cultural Resources		Mineral Resources		Utilities/Service Systems
	Geology/Soils		Noise		Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a “potential significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature

Date

Printed Name

For

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
The project site is not located in an area identified in the General Plan as an aesthetic resource or a significant visual resource. The project site is located at the northern limits of the Moreno Valley Industrial Area Plan (SP #208) in an area that is comprised of industrial land uses adjacent to residential land uses. The future residential structures will be designed and conditioned will assure a design standard that will not have a substantial adverse effect on the scenic vista of the area.				
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
There are no trees, rock outcroppings or historic buildings on the site. There are no state scenic highways in the vicinity of the site. The site has been disked over the years for weed abatement. As designed and conditioned, the project will not substantially damage scenic resources.				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
The project is located in an area that includes a mix of industrial land uses within the Moreno Valley Industrial Area Plan (SP #208) and existing tract homes in the RS-10 and R5 zones. The project is currently zoned Business Park and is located in an area that includes a mix of industrial land uses within the Moreno Valley Industrial Area Plan (SP #208) and existing tract homes in the RS-10 and R5 zones. Land uses include the March Air Reserve Base to the west and existing tract homes in the RS-10 zone to the east and north. Land uses to the south include vacant industrial zoned land located within SP #208. This project is consistent with existing land uses and as designed (with General Plan Amendment and Change of Zone) will not substantially degrade the existing visual character or quality of the site and its surroundings.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
As the site is currently vacant, the proposed residential project may create additional light and glare. With regard to indirect impacts, the types of land uses allowed under the General Plan Amendment and zoning would be expected to generate similar or less of an impact on spillover lighting than the office uses under the current General Plan.				
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?				X
The site is not designated as prime farmland on the State Important Farmland Map.				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
The site is not currently in agricultural use, or under Williamson Act control. There is no existing surrounding agricultural use, or sites under Williamson Act contract. The Municipal Code allows for agricultural uses such as crops in all zoning districts, therefore, the proposed warehouse facility does not conflict with existing zoning for agricultural use, or impact sites under Williamson Act contract.				
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
There is no immediate surrounding agricultural land use designation, or any proposed according to the General Plan. The proposed warehouse facility will not involve changes to the existing environment, which will result in the conversion of farmland to non-agricultural use.				
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
The Air Quality Management Plan (AQMP) for the South Coast Air Basin (SCAB) sets forth a comprehensive program that will lead the SCAB into compliance with all federal and state air quality standards. The AQMP control measures and related emission reduction estimates are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, conformance with the AQMP for development projects is determined by demonstrating compliance with local land use plans and/or population projections, or evaluation of assumed emissions. The existing 2007 AQMP was developed based on SCAG (Southern California Association of Governments) population projections for the region. The population projections made by SCAG are based on existing and planned land uses as set forth in the various general plans of local governmental jurisdictions within the region. The proposed residential project will have less impact on air quality than the original land use designation of Business Park (BP) that has been in place for the last several iterations of the regional population projections and the AQMP.				

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.			X	
The project as proposed includes a Zone Change from Business Park (BP) to Residential R5 (R5). The change in land use is consistent with the City's the General Plan. The project is located within the jurisdiction of the South Coast Air Quality Management District. The project would not obstruct implementation of the South Coast Air Quality Management Plan.				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
The project as proposed includes a Zone Change from Business Park (BP) to Residential R5 (R5). The change in land use is consistent with the City's the General Plan. The project is located within the jurisdiction of the South Coast Air Quality Management District. The project would not obstruct implementation of the South Coast Air Quality Management Plan.				
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
As a residential project, the development would not be expected to produce significant concentrations of pollutants on-site except during construction. Standard conditions of approval provide mitigation from construction related dust products. The nearest sensitive receptors include existing single-family residences to the north, northeast, southwest and east of the proposed project. Considering the direction of the prevailing winds from northwest to southeast, dispersion of the pollutants, and the quantity of pollutants generated, the project will not expose sensitive receptors to substantial pollutant concentrations.				
e) Create objectionable odors affecting a substantial number of people?			X	
The proposal would have no direct impact in creating objectionable odors. Any residential development projects under the proposed designations would be required to mitigate or address objectionable odors.				
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?			X	
The project site is comprised of two individual parcels totaling 40 acres at the SEC corner of Heacock Street and Gentian Avenue. The site is currently vacant and is an area that the Riverside County Integrated Plan (RCIP) has identified as having the potential for burrowing owl habitat. A habitat assessment for burrowing owl was prepared on September 25, 2006 by Ecological Sciences, Inc. No burrowing owls were observed on the site during the habitat assessment. Several potentially suitable ground squirrel burrows were noted on the site. However, monitoring of the site during peak activity times did not reveal the presence of burrowing owl on or directly adjacent to the project site. The project has been conditioned to complete a pre-construction survey for burrowing owl prior to any disturbance of the site. The project site has been disturbed in the past through disking for weed abatement and illegal dumping. Therefore, the proposed project will result in less than significant impacts to Fish and Wildlife resources.				
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service?			X	
There is no stream on the site and no riparian habitat or other sensitive natural community on the site. The project site is located across the street from Line B, which is an open channel located on the west side of Heacock Street. The project also fronts along Line B-19, which is located within Iris Avenue. Improvements related to the project that would impact Line B-19, are limited to a point of connection into the existing underground storm line. Prior to completing such work, the developer is conditioned to work with the Riverside County Flood Control District to acquire any required permits. Therefore, this project will have a less than significant impact on riparian habitat or other sensitive natural communities.				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
The site is vacant and has been disturbed through routine disking for weed abatement. There are no federally protected wetland areas such as a marsh or vernal pool evident at the site. In addition, a riparian area and condensed vegetation to support threatened or endangered species was not evident at the site. Therefore, the development of this project will not have a substantial adverse effect on federally protected wetlands.				
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
This site is an urbanized area with existing development to the north, east and west (March Air Reserves Base). Burrowing owl, which was initially identified by Riverside County as having the potential of occurring on the site was not observed during site surveys, so it is unlikely that the proposed project will directly impact sensitive species. There are no known migratory fish or wildlife species or migratory wildlife corridors, on or near the project site.				

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
The proposed project will not conflict with any General Plan or local policies pertaining to the protection of biological resources				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?			X	
The proposed project is located within the boundaries of the Stephen's Kangaroo Rat Habitat Conservation Plan (SKR HCP). Also, the City is participating in the Multiple Species Habitat Conservation Plan (MSHCP), a comprehensive habitat conservation-planning program addressing multiple species' needs, including preservation of habitat and native vegetation in Western Riverside County. The project is not within any of the (MSHCP) criteria areas, PQP land, or any special survey areas. A burrowing owl survey assessment was completed for this site with no owls observed on the site. There is no riparian, riverine, or vernal pool (fairy shrimp) habitat on the project site. The project as designed and conditioned is consistent with the MSHCP and will have not conflict with the MSHCP or SKR HCP. The SKR Habitat plan will require a fee of \$500.00 per acre to be paid by the developer to assist in setting aside established protection areas for said habitat. This project will also be subject to fees to support the implementation of the Multiple Species Habitat Conservation Plan. The MSHCP fee is currently \$1938.00 per lot.				
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
Based upon inspection of the project site and review of the Cultural Resources Inventory for the City of Moreno Valley, (Archeological Research Unit, University of California, Riverside, October 1987), there are no known archaeological resources on the site. There are no historical structures existing on the site. There are no known paleontological or unique geological features on the site.				
b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?				X
Based upon inspection of the project site and review of the Cultural Resources Inventory for the City of Moreno Valley, (Archeological Research Unit, University of California, Riverside, October 1987), there are no known archaeological resources on the site. There are no historical structures existing on the site. There are no known paleontological or unique geological features on the site.				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
Based upon inspection of the project site and review of the Cultural Resources Inventory for the City of Moreno Valley, (Archeological Research Unit, University of California, Riverside, October 1987), there are no known archaeological resources on the site. There are no historical structures existing on the site. There are no known paleontological or unique geological features on the site.				
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
No known human remains have been identified at the project site. Conditions of approval address the issue of inadvertent discoveries. A standard condition of approval will be placed on the project to cease excavation or construction activities if archaeological, paleontological, or historical resources uncovered on the project site.				
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
The proposed residential project would not have a direct impact on creating geologic concerns. The proposed plan does not increase the exposure of residences that might be exposed to groundshaking, since residences are not proposed as part of the plan. In addition, the site is not within an Alquist-Priolo zone, or other designated fault hazard zone. According to the City's environmental information, the project site is not on, or close to, any known earthquake fault. There is no risk of ground rupture due to faulting at the proposed project site.				
(ii) Strong seismic ground shaking?			X	
The nearest fault is the San Jacinto fault system, which is located about 16 miles to the northeast. The San Andreas fault system is more than 25 miles from the site. The active Sierra Madre and San Gabriel fault zones lie roughly 35 and 40 miles respectively to the northwest of the site. The active Elsinore and Newport-Inglewood fault zones lie approximately 20 and 45 miles, respectively, to the southwest of the site. This faulting is not considered a significant constraint to development on the site with the use of current development codes.				
(iii) Seismic-related ground failure, including liquefaction?			X	
According to the City's environmental resources, the project site is not on, or close to, any known earthquake fault. However, ground-shaking intensity could possibly be moderately-high during a 100-year interval earthquake. Water table and soil conditions are not conducive of seismic related failure.				
(iv) Landslides?			X	
This site is not near or adjacent to the mountainside areas. The site is flat, and landslides will not be an issue. There is no potentially significant impact from landslides.				

(b) Result in substantial soil erosion or the loss of topsoil?			X	
The development of the site will likely result in the reduction of erosion with the placement of buildings and landscaping on the site. During construction, there is the potential for less than significant impacts for short-term soil erosion from minimal excavation and grading. This will be addressed as part of standard construction, such as watering to reduce dust and sandbagging, if required, during raining periods.				
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
The geologic unit or soil is not known to be unstable based on current resources. As provided for in the conditions of approval, the applicant must provide a soils and geologic report to City Public Works Department. The site will not be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code.				
(d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
According to the City's environmental information, the geologic unit or soil is not known to be unstable. As provided for in the conditions of approval, the applicant must provide a soils and geologic report to City Public Works Department. The site will not be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code.				
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
The project will operate on a sewer system that will be reviewed, approved and installed according to Eastern Municipal Water District requirements. The proposed project will not be introducing septic tanks or alternative water disposal systems.				
VII. GREENHOUSE GAS EMISSIONS. Would this project?				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
Global climate change is caused by greenhouse gas (GHG) emissions throughout the world. Mitigating global climate change will require worldwide solutions. Greenhouse gases are gases emitted from the earth's surface that absorb infrared radiation in the atmosphere. Increases in these gases lead to more absorption of radiation and warm the lower atmosphere, and therefore increase evaporation rates and temperatures on the Earth's surface. The City of Moreno Valley is currently in the process of preparing a Climate Action Strategy. However, at this time, there are no widely accepted thresholds of significance for determining the impact of GHG emissions from an individual project, or from a cumulative standpoint. As provided for in the CEQA Guidelines (Section 15064.4), it is necessary for the lead agency to make a good-faith effort in considering GHG emissions on a project specific basis.				
This project was submitted in December 2006 and the environmental review started in November 2009 before the greenhouse gas emissions section was added to the Initial Study Checklist, therefore the City has chosen to rely on a qualitative analysis. Tentative Tract Map 34748 (PA06-0183) is a proposal for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan (PA06-0185) and Zone Change (PA06-0184) to change the land use from Business Park (BP) to Residential 5 (R5) in order to subdivide two vacant parcels on the southeast corner of Heacock Street and Gentian Avenue.				
A Traffic Impact Analysis Final Review was completed for the project in October 2007. The report noted that the site is currently zoned for Business Park. Assuming uses such as general light industrial, warehousing, and manufacturing, the Business Park use would be anticipated to generate more trips than the proposed residential use. To the extent possible based on scientific and factual data available, it has been determined that this project will not result in generating greenhouse gas emissions that will either directly or indirectly have a significant impact on the environment.				
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
The project would not be in conflict with an applicable plan for reducing the emissions of greenhouse gases as there are no adopted plans for the purpose of reducing greenhouse gases in effect at the time of this Initial Study.				
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project?				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			X	

The proposed project, a 135 single-family residential lot subdivision on 40 acres, will not create a significant hazard to the public or the environment. There will be no known hazardous materials associated with the development of the site. The project as designed and conditioned will not emit hazardous emissions or handle hazardous materials.				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
The proposed project, a 135 single-family residential lot subdivision on 40 acres, will not create a significant hazard to the public or the environment. There will be no known hazardous materials associated with the development of the site. The project as designed and conditioned will not emit hazardous emissions or handle hazardous materials.				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
The proposed project, a 135 single-family residential lot subdivision on 40 acres, will not create a significant hazard to the public or the environment. There will be no known hazardous materials associated with the development of the site. The project as designed and conditioned will not emit hazardous emissions or handle hazardous materials.				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?				X
The project is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
The project site is located across the street from March Air Reserve Base but outside of the boundaries of the Air Installation Compatibility Use Overlay District (AICUZ). This is an overlay district that restricts land use on properties located to the north and south of the runway of March Air Reserve Base. The AICUZ includes elements that address noise zones and accident potential zones. The project site is not within an airport land use plan. The project as designed and conditioned will not result in a safety hazard for people living in the project area.				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
There are no private airstrips within the City of Moreno Valley. The project is not within proximity of a private airstrip. Therefore, the project would not result in a safety hazard pertaining to proximity of a private airstrip.				
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
The proposed project would not have any direct effect on an adopted emergency response plan, or emergency evacuation plan. The City's emergency plans are also consistent with the General Plan. The proposed residential tract has been designed and conditioned to provide required circulation and required fire access to allow for ingress of emergency vehicles and egress of residents. Therefore, the proposed project would not be in conflict in any way with the emergency response or emergency evacuation plans.				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
The proposed project site is not adjacent to wildlands, and as such would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. In addition, the project is not located within a designated wildland area.				
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
Pursuant to the requirements of the Santa Ana Regional Water Quality Control Board, a project specific Water Quality Management Plan (WQMP) is required of certain projects involving discretionary approval. This project requires a WQMP to address pollutants of concern which include nutrients, oxygen demanding substances, and pathogens (bacteria and viruses). Site Design and Source Control best management practices (BMP) are used throughout the project. Treatment BMPs must be selected and implemented which are medium to highly effective in treating pollutants of concern. The applicant has proposed to incorporate the use of multiple filtration systems as the treatment BMP. The treatment control BMP is acceptable as the conceptual treatment subject to certain conditions including in-situ percolation/infiltration test results. Although this approach is acceptable in concept with the Preliminary WQMP, final sizing and specifications based on support calculations and design details will be provided in the Final WQMP at the post entitlement stage. Additionally, grading activities would temporarily expose soils to wind and water erosion that would contribute to downstream sedimentation. The proposed project would comply with all permits and development guidelines associated with urban water runoff and discharge set forth by the City of Moreno Valley and the Regional Water Quality Control Board. With the approval of the storm drainage facilities by the City Engineer and Riverside County Flood Control District, as well as complying with all applicable storm water discharge permits, impacts would be less than significant.				

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
The Eastern Municipal Water District (EMWD) would provide the proposed project with water supplies as opposed to utilizing individual water wells. Water supplies are adequate to serve the proposed project. Although the project would cover a majority of the site with impervious surfaces, the landscaped areas would still provide a means for groundwater recharge. Impacts would be less than significant.				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
During construction of the project, there is the potential for some sediments to be discharged within the storm water system. Erosion plans are required for projects prior to issuance of grading permits for prevention substantial erosion. The site is within the 100-year flood plain. However, there is no streambed or river on the project site, so the project will not cause a change in the existing drainage pattern that would result in substantial erosion or siltation on- or off-site. Therefore, project implementation would not result in modifications that could ultimately result in substantial erosion or siltation on- or off-site. Impacts would be less than significant.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?				X
A river or streambed were not evident on the site. Runoff patterns will not be altered to the result of flooding on or off-site.				
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
All storm drainage improvements would be developed to the standards of the City Engineer and the Riverside County Flood Control Agency. As with any urban project, runoff entering the storm drainage system would contain minor amounts of pollutants (including pesticides, fertilizers and motor oil). This would incrementally contribute to the degradation of surface and sub-surface water quality. Additionally, grading activities would temporarily expose soils to water erosion that would contribute to downstream sedimentation. However, the project is subject to the permit requirements of the Santa Ana Regional Water Quality Control Board. As the site is currently unpaved and exposed, development of the proposed project would lessen the existing site contribution to sediment runoff at project completion.				
f) Otherwise substantially degrade water quality?			X	
All storm drainage improvements would be developed to the standards of the City Engineer and the Riverside County Flood Control Agency. As with any urban project, runoff entering the storm drainage system would contain minor amounts of pollutants (including pesticides, fertilizers and motor oil). This would incrementally contribute to the degradation of surface and sub-surface water quality. Additionally, grading activities would temporarily expose soils to water erosion that would contribute to downstream sedimentation. However, the project is subject to the permit requirements of the Santa Ana Regional Water Quality Control Board. As the site is currently unpaved and exposed, development of the proposed project would lessen the existing site contribution to sediment runoff at project completion.				
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
An inspection of the site shows no evidence of concentrated drainage. The current Federal Emergency Management maps (FEMA) maps indicate that a small section of the site is in a flood zone (along the western boundary). The project has been conditioned by Public Works delineate the flood zone limits on the grading plans and to demonstrate on the plans that any building finished floor elevation shall be a 1-foot minimum above the 100-year base flood elevation. Additionally, prior to grading plan approval, the developer shall obtain a Conditional Letter of Map Revision based on Fill (CLOMR-F) from the Federal Emergency Management Agency (FEMA). Prior to issuance of the first building permit, the developer shall obtain a Letter of Map Revision based on Fill (LOMR-F) from FEMA.				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
An inspection of the site shows no evidence of concentrated drainage. The current Federal Emergency Management maps (FEMA) maps indicate that the site is in a flood zone. The project has been conditioned by Public Works delineate the flood zone limits on the grading plans and to demonstrate on the plans that any building finished floor elevation shall be a 1-foot minimum above the 100-year base flood elevation. Additionally, prior to grading plan approval, the developer shall obtain a Conditional Letter of Map Revision based on Fill (CLOMR-F) from the Federal Emergency Management Agency (FEMA). Prior to issuance of the first building permit, the developer shall obtain a Letter of Map Revision based on Fill (LOMR-F) from FEMA.				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	

The site is within a 100-year flood plain as shown on the FEMA maps, but it is outside of the delineated dam inundation area for Perris Dam at Lake Perris Reservoir. The project has been conditioned by Public Works delineate the flood zone limits on the grading plans and to demonstrate on the plans that any building finished floor elevation shall be a 1-foot minimum above the 100-year base flood elevation. Additionally, prior to grading plan approval, the developer shall obtain a Conditional Letter of Map Revision based on Fill (CLOMR-F) from the Federal Emergency Management Agency (FEMA). Prior to issuance of the first building permit, the developer shall obtain a Letter of Map Revision based on Fill (LOMR-F) from FEMA. As designed and conditioned, this project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.				
j) Inundation by seiche, tsunami, or mudflow?				X
The site is not identified in the General Plan as a location subject to seiche, or mudflow. The project is outside of the delineated dam inundation area for Perris Dam at Lake Perris Reservoir.				
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
The project is currently zoned Business Park and is located in an area that includes a mix of industrial land uses within the Moreno Valley Industrial Area Plan (SP #208) and existing tract homes in the RS-10 and R5 zones. Land uses include the March Air Reserve Base to the west and existing tract homes in the RS-10 zone to the east and north. Land uses to the south include vacant Industrial zoned land located within SP #208. Directly south of the proposed map is an approved industrial complex project (PA07-0035) that includes six industrial buildings to be constructed on six separate parcels located along Revere Place and Concord Way. The buildings range in size from 23,700-square feet to 47,160-square feet. The complex also includes a 409,598 square feet warehouse distribution facility (PA07-0039 for Building #7), to be located on 19.14-acres located at the northeast corner of Heacock Street and Iris Avenue. Further to the south (SEC of Iris Avenue and Heacock Street) is an approved industrial warehouse complex project (PA07-0151, PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156), which includes four buildings (1,103,003 sq ft, 16,732 sq ft, 87,429 sq ft and 277,243 sq ft for a total of 1,484,407 sq ft). To the southeast (SWC of Iris Avenue and Indian Street) is an approved industrial complex project (PA07-0079, PA07-0080, P07-121, PA07-0093 and PA08-0018) with one building totaling 1,560,046 sq ft.				
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
There are no conflicts associated with any land use plans. The proposed project is consistent with the site's proposed zoning of Residential 5 (R5) and the City's General Plan.				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	
The proposed project is located within the boundaries of the Stephen's Kangaroo Rat Habitat Conservation Plan (SKR HCP). Also, the City is participating in the Multiple Species Habitat Conservation Plan (MSHCP), a comprehensive habitat conservation-planning program addressing multiple species' needs, including preservation of habitat and native vegetation in Western Riverside County. The project is not within any of the (MSHCP) criteria areas, PQP land, or any special survey areas. A burrowing owl survey assessment was completed for this site with no owls observed on the site. There is no riparian, riverine, or vernal pool (fairy shrimp) habitat on the project site. The project as designed and conditioned is consistent with the MSHCP and will have not conflict with the MSHCP or SKR HCP. The SKR Habitat plan will require a fee of \$500.00 per acre to be paid by the developer to assist in setting aside established protection areas for said habitat. This project will also be subject to fees to support the implementation of the Multiple Species Habitat Conservation Plan. The fee is currently \$1938.00 per lot.				
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
The project site is located in an urbanized area with additional development occurring in the vicinity. No active mines or mineral recovery programs are currently active within the project site. No mineral deposits have been identified in the General Plan, consequently, the development of the project site would not conflict with a mineral recovery plan as adopted by the General Plan. Therefore, no significant impacts would occur.				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	
The project site is located in an urbanized area with additional development occurring in the vicinity. No active mines or mineral recovery programs are currently active within the project site. No mineral deposits have been identified in the General Plan, consequently, the development of the project site would not conflict with a mineral recovery plan as adopted by the General Plan. Therefore, no significant impacts would occur.				
XII. NOISE. Would the project result in:				

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
The proposed project has incorporated the City's conditions of approval into the project design. As a result, construction and operation activities would be restricted to Monday through Friday from 6:00 AM to 8:00 PM, excluding holidays, and from 7:00 AM to 8:00 PM on weekends and holidays. As a result, no significant impacts would occur. Permanent noises associated with the proposed residential uses include, but are not limited to, people talking, radios playing and lawn equipment. However, these noise sources would be typical of land uses in the adjacent area as proposed by the General Plan Update and less than the permanent noises associated with the Office use currently established at this site. Therefore, the project as proposed would not introduce unique noise sources. Finally, the City's conditions of approval have been incorporated into the project design that would ensure land use compatibility with regards to noise resulting from the project site.				
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?			X	
Development of the project may result in ground-borne vibrations or noise generated infrequently through the construction phase. However, this type of effect would be temporary and infrequent and is not expected to occur during project operation.				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
The proposed project has incorporated the City's conditions of approval into the project design. As a result, construction and operation activities would be restricted to Monday through Friday from 6:00 AM to 8:00 PM, excluding holidays, and from 7:00 AM to 8:00 PM on weekends and holidays. As a result, no significant impacts would occur. Permanent noises associated with the proposed residential uses include, but are not limited to, people talking, radios playing and lawn equipment. However, these noise sources would be typical of land uses in the adjacent area as proposed by the General Plan Update and less than the permanent noises associated with the Office use currently established at this site. Therefore, the project as proposed would not introduce unique noise sources. Finally, the City's conditions of approval have been incorporated into the project design that would ensure land use compatibility with regards to noise resulting from the project site.				
d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
The proposed project has incorporated the City's conditions of approval into the project design. As a result, construction and operation activities would be restricted to Monday through Friday from 6:00 AM to 8:00 PM, excluding holidays, and from 7:00 AM to 8:00 PM on weekends and holidays. As a result, no significant impacts would occur. Permanent noises associated with the proposed residential uses include, but are not limited to, people talking, radios playing and lawn equipment. However, these noise sources would be typical of land uses in the adjacent area as proposed by the General Plan Update and less than the permanent noises associated with the Office use currently established at this site. Therefore, the project as proposed would not introduce unique noise sources. Finally, the City's conditions of approval have been incorporated into the project design that would ensure land use compatibility with regards to noise resulting from the project site.				
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
The project is located across the street from the March Air Reserve Base but outside the boundaries of the Air Installation Compatibility Use Overlay District (AICUZ). This is an overlay district that restricts land use on properties located to the north and south of the runway of March Air Reserve Base. The AICUZ includes elements that address noise zones and accident potential zones. The project site is located outside the mapped noise contours associated with aircraft operations at the MARB airfield, indicating noise exposure due to aircraft operations in less than 60 decibels (CNEL). This is well below the accepted noise exposure level for industrial uses. March JPA identified that the project is restricted by FAA Part 77, which limits building heights in this area to 85-feet. The project as proposed has a maximum height of 36-feet and will not be in conflict with height restrictions from adjacent March Air Reserve Base.				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
There is no private airstrip within the vicinity of the site, or within the City of Moreno Valley.				
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
As the site is considered an industrial site, with population and housing growth opportunities indirectly related, the project will be planned consistent with the Citywide plan.				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
There are no existing residences on the site.				

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
There are no existing residences on the site. The project will not displace any residents.				
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			X	
There will be an incremental increase in the demand for new or altered public services including library, city hall, and city yard facilities. These facilities would be needed with or without the project. Environmental review has already been done for the proposed library as part of the future city hall complex.				
b) Police protection?			X	
There will be an incremental increase in the demand for new or altered public services including library, city hall, and city yard facilities. These facilities would be needed with or without the project. Environmental review has already been done for the proposed library as part of the future city hall complex.				
c) Schools?			X	
There will be an incremental increase in the demand for new or altered public services including library, city hall, and city yard facilities. These facilities would be needed with or without the project. Environmental review has already been done for the proposed library as part of the future city hall complex.				
d) Parks?			X	
There will be an incremental increase in the demand for new or altered public services including library, city hall, and city yard facilities. These facilities would be needed with or without the project. Environmental review has already been done for the proposed library as part of the future city hall complex.				
e) Other public facilities?			X	
There will be an incremental increase in the demand for new or altered public services including library, city hall, and city yard facilities. These facilities would be needed with or without the project. Environmental review has already been done for the proposed library as part of the future city hall complex.				
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
The General Plan Amendment and Change of Zone would have no direct impact on recreational facilities. Development within the project area will be required to pay development impact fees for residential uses. Part of the residential fees will go towards recreation facilities within the City of Moreno Valley.				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
The General Plan Amendment and Change of Zone would have no direct impact on recreational facilities. Development within the project area will be required to pay development impact fees for residential uses. Part of the residential fees will go towards recreation facilities within the City of Moreno Valley.				
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
A traffic study was required to review the proposed General Plan amendment and change of zone. The report completed in October 2007 noted that the site is currently zoned for Business Park. Assuming uses such as general light industrial, warehousing, and manufacturing, the Business Park use would be anticipated to generate more trips than the proposed residential use. With the approval of the General Plan amendment and change of zone, the project will consistent with the existing general plan, circulation plan and land use designation of Residential 5 (R5) and the zoning district of R5, and would not conflict with any applicable plans, ordinances or policies.				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	

The project is consistent with the most current Riverside County Congestion Management Plan and the requirements included within the traffic study. The October 2007 traffic study found that the existing Business Park (BP) zoning would generate more trips than the proposed residential use.				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that will result in substantial safety risks?			X	
The project is located across the street from March Air Reserve Base but outside of the boundaries of the Air Installation Compatibility Use Overlay District (AICUZ). This project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.				
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
As designed, the project will not result in hazards. The project is not adjacent to any potential incompatible uses.				
e) Result in inadequate emergency access?				X
The project has been designed in a manner consistent with City standards. The site will be readily accessible for emergency access.				
f) Conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
The project does not conflict with adopted policies, plans and programs regarding public transit, bicycle or pedestrian facilities or decrease the safety performance of such facilities.				
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
The project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board. The project would not exceed the existing or planned capacity of the Moreno Water Reclamation Facility.				
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
The project will not exceed wastewater treatment capacity of the Moreno Water Reclamation Facility.				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
The project will not require or result in the construction of unplanned storm water drainage facilities or expansion of existing facilities.				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
This project was determined to not be a project of regional significance per CEQA guidelines, so the preparation of a Water Supply Assessment was not required.				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
EMWD, the wastewater treatment provider, has adequate capacity to serve the project in addition to the provider's existing commitments. EMWD has plans for major expansions of the Moreno Water Reclamation Facility. Source: EIR for the General Plan Update.				
f)) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
The General Plan Amendment and Change of Zone itself has no direct impacts on solid waste. There is adequate in landfills to accommodate the future development.				
g) Comply with federal, state, and local statues and regulations related to solid waste?				X
The City is complying with State and Federal regulations regarding solid waste. All future projects will comply with the current policies regarding solid waste.				
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			X	

The project would not significantly degrade the quality of the environment or reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. There are no historic structures on the site, and there will be no impact to historic resources. The project will not eliminate important examples of the major periods of California history or prehistory. The analysis in this Initial Study demonstrates that project and cumulative impacts would be less than significant. Finally, the project consists of a tentative tract map that would result in no substantial adverse health effects on human beings.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
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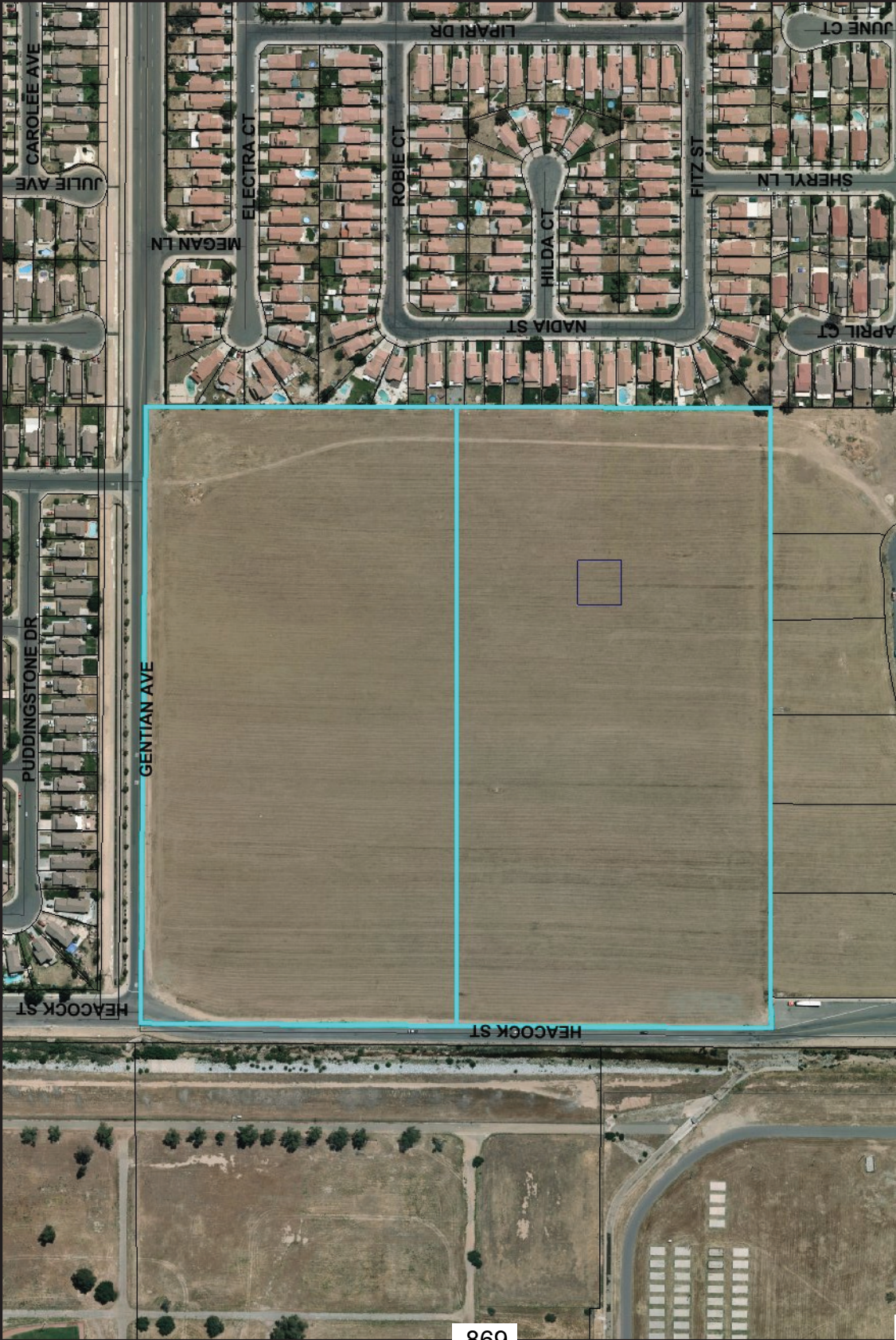
This project will not create any impacts, that when viewed in connection with existing land uses, and other recently approved projects, would be considered cumulatively considerable. It is not expected that the proposed project would result in incremental effects. The analysis in this Initial Study demonstrates that the proposed project cumulative impacts would be less than significant.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	
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The project consists of a General Plan Amendment, Change of Zone and a tract map. The project as designed and conditioned will not cause substantial adverse effects on human beings, either directly or indirectly for the reasons described in this checklist/initial study.

Aerial Photograph

PA06-0183, 0184, 0185 and P09-102



Legend

- Selected Features
- Highways
- Parcels
- Roads



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City of Moreno Valley
177 Frederick Street
Moreno Valley, CA 92553

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rst</i>
CITY MANAGER	<i>WLB</i>

Report to City Council

TO: Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Barry Foster, Economic Development Department Director

AGENDA DATE: July 13, 2010

TITLE: PUBLIC HEARING FOR THE REVIEW OF THE 2010-2015 IMPLEMENTATION PLAN OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

RECOMMENDED ACTION

Staff recommends that the Chairperson and Members of the Board of Directors of the Community Redevelopment Agency (RDA) of the City of Moreno Valley:

- 1) Conduct a public hearing for the review of the 2010-2015 Implementation Plan and
- 2) Approve the proposed 2010-2015 Implementation Plan.

BACKGROUND

Section 33490 (c) of the California Health and Safety Code mandates redevelopment agencies to adopt an Implementation Plan (Plan) that specifies planned and achieved goals and objectives for a five-year period, as well as discuss how each activity will address the blighted conditions in the Project Area as identified by the Redevelopment Plan. The Plan for the next five year period from 2010 through 2015 must now be considered for approval.

Prior to formal adoption of the Plan, the RDA is required to hold a public hearing to evaluate the progress in meeting the Plan's objectives and proposed activities. While the Plan is not intended to restrict the RDA's ability to embark on projects other than those specifically identified in the Plan, it provides a framework for undertaking redevelopment activities.

DISCUSSION

The Implementation Plan for the period July 1, 2010 to June 30, 2015 is intended to be a blueprint for the RDA's activities for the next five years. The document identifies projects and programs to be implemented, along with continuing agreements already in place that must be administered. As required by California Redevelopment law, an emphasis is placed on past and future RDA activities and expenditures related to the creation of affordable housing opportunities.

ALTERNATIVES

1. Conduct a public hearing and consider comments for the review and approval of the 2010-2015 Implementation Plan. **Staff recommends this alternative because it will satisfy State Redevelopment compliance requirements and help advance Redevelopment Agency efforts in Moreno Valley.**
2. Do not conduct a public hearing and do not approve the 2010-2015 Implementation Plan. **Staff does not recommend this alternative because it will result in noncompliance with State requirements and hinder Redevelopment Agency efforts in Moreno Valley.**

FISCAL IMPACT

The proposed Implementation Plan for the RDA provides for a specified program of activities during its five-year term. All specified projects and programs must be approved by separate annual budget action. The funds and expenditures discussed in the Plan strictly apply to the Redevelopment Agency budget and have no impact on the City's General Fund. The Redevelopment Agency's FY 09-10 Budget and accompanying 5-year projections are the basis for the financial assumptions identified in the proposed Implementation Plan.

CITY COUNCIL GOALS

1. **REVENUE DIVERSIFICATION & PRESERVATION**
Use of RDA funds will enhance the City's ability to create a stable revenue base and fiscal policies that will support essential City improvements and services.
2. **PUBLIC SAFETY**
Many of the proposed RDA projects and programs will directly or indirectly help to provide a secure environment for people and property in the community.

3. POSITIVE ENVIRONMENT

A positive environment for the development of Moreno Valley's future will be created through a variety of community-based RDA programs and projects.

4. COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS

RDA programs will help to preserve, rehabilitate and improve existing neighborhoods.

NOTIFICATION

Notices of the public hearing were placed in the local paper and at four locations in the Redevelopment Project Area. The document was available for public review during regular business hours at the Economic Development Department.

ATTACHMENTS/EXHIBITS

ATTACHMENT A – Implementation Plan for the Period July 2010-June 2015

 Prepared By:
 Keyneica Jones
 Management Analyst

 Department Head Approval:
 Barry Foster
 Economic Development Department Director

 Concurred By:
 Michele Patterson
 Redevelopment and 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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IMPLEMENTATION PLAN

For the period July 1, 2010 – June 30, 2015

Community Redevelopment Agency of the City of Moreno Valley



Adopted: July 13, 2010

Attachment A



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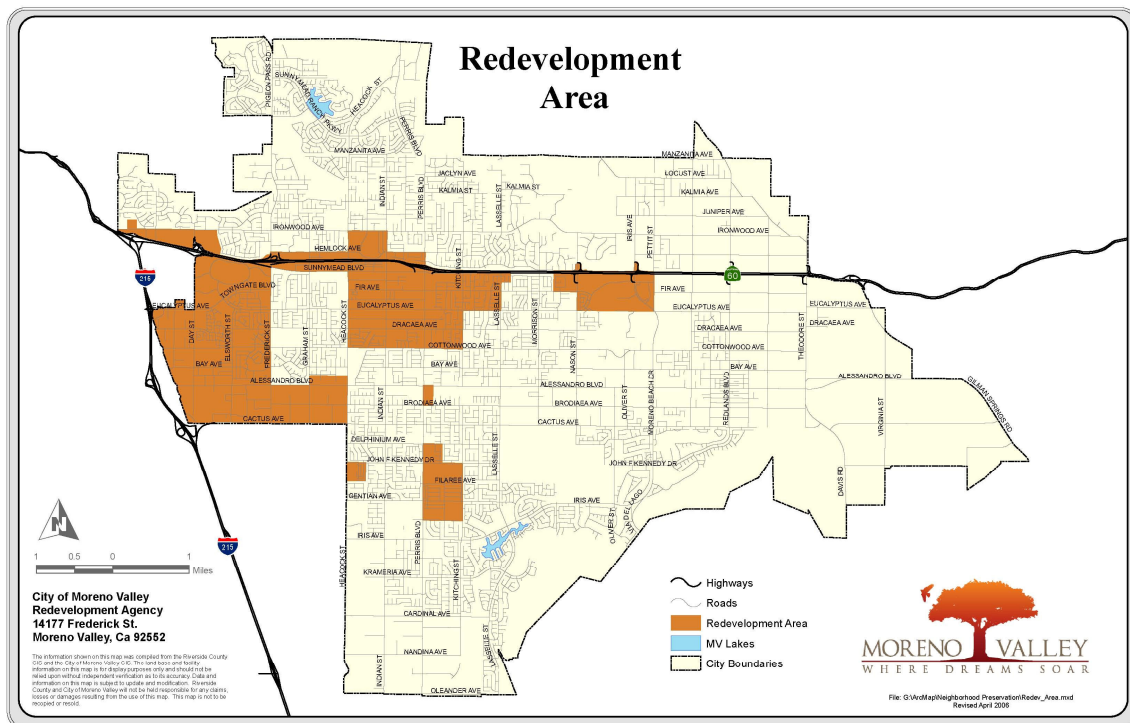
I. INTRODUCTION

In 1993, the State Legislature amended Redevelopment Law (“Law”) to require all redevelopment agencies to prepare and adopt five year Implementation Plans (Section 33490 of the Health & Safety Code). Moreno Valley’s Redevelopment Agency (RDA) must adopt an updated Implementation Plan (Plan) prior to June 30, 2010 after a public hearing has been held. The Plan outlines the RDA’s debt service, economic development, affordable housing, and capital projects and programs for the FY 2010/11 through FY 2014/15 planning period. The five-year term of the updated Plan for the Moreno Valley Redevelopment Project Area begins on July 1, 2010, and ends on June 30, 2015.

The updated Plan reviews the goals, objectives, and general RDA activities that were approved when the Redevelopment Project Area (Project Area) was adopted in 1987. Previously adopted agreements, which may obligate a portion of the RDA’s revenues during the five-year term of the Plan, are described in later sections of the document. The Plan outlines programs and projects proposed for the next five years, as well as describes how they are intended to address existing blighted conditions in the Project Area.

The amount of the housing set-aside, the allocation of resources to construct or substantially rehabilitate moderate, low and very low income housing units, and the inclusionary housing percentages (Sections 33334.2, 33334.4, 33334.6 and 33413) are also addressed by the Plan. These requirements form the basis for an annual housing program for the Plan.

The RDA shall conduct a public hearing during the Plan’s five-year term and hear testimony of all interested parties for the purpose of reviewing the Redevelopment Plan and Implementation Plan and evaluating the progress of the redevelopment project(s). The hearing must take place in the time period between July 1, 2012, and June 30, 2013.



II. LEGAL REQUIREMENTS

The Community Redevelopment Agency of the City of Moreno Valley (RDA) issued the first Implementation Plan in 1999. This Plan is the RDA's third and covers the planning period of FY 2010/11 to FY 2014/15. The RDA is required to conduct a public hearing during the Plan's five-year term and hear testimony of all interested parties for the purpose of reviewing its Redevelopment Plan, Implementation Plan and evaluating the progress of the redevelopment project(s). The hearing must take place in the time period between July 1, 2012 and June 30, 2013.

Notice of the public hearing on the Plan must be published pursuant to Section 6063 of the Government Code and also posted in at least four permanent places within the project area for a period of three weeks. Publication and posting must be completed not less than 10 days prior to the date set for hearing.

Notices of the public hearing regarding the adoption of this Plan have been posted at the following locations in the project area:

- Senior Community Center, 25075 Fir Avenue
- Moreno Valley Conference and Recreation Center, 14075 Frederick Street
- City Corporate Yard, 15670 Perris Boulevard
- City Hall, 14177 Frederick Street

(a) Assembly Bill 1290 Requirements

Assembly Bill 1290 (AB 1290) added Section 33490 to the Health and Safety Code. This section requires agencies to produce Plans every five years, beginning in 1994. Section 33490 has been amended numerous times since its original adoption. In accordance with this section, the Plan must contain the following, if applicable to the RDA:

Redevelopment Requirements

- Specific goals and objectives for each project area.
- Specific programs, including potential projects for each project area
- Explanation of how the goals and objectives, programs, and expenditures will eliminate blight within the project area.

Housing Requirements

An explanation of how the goals, objectives, and programs will achieve the required housing production as well as a description the Low and Moderate Housing Set-Aside Fund (Housing Funds) expenditures. This description must include a detailed annual Plan for each of the five years covered so that performance may be measured. Additionally, the following must be included:

- The amount of money available in the Housing Fund, the amount of money expected to be deposited during the next five years and how those annual deposits to the Housing Fund will be spent.
- The estimated number of units to be provided over the next five to ten years to meet the RDA's 15 percent inclusionary housing requirements, if applicable.
- The number of qualifying very low, low, and moderate-income units that have been produced in the project area, and the number of additional units that will be required to meet the inclusionary housing requirements.
- The number of units that will be developed by the RDA, if any, including the number of units that the RDA will make available for very low, low and moderate-income households.
- If a planned public improvement or development project will result in destruction of existing affordable housing, an identification of proposed locations for their replacement will be required (Health and Safety Code Section 334313)
- The affordable housing production plan (Health and Safety Code Section 33413(b)(4).

(b) Assembly Bill 637 Requirements

Assembly Bill 637 ("AB 637") created additional housing requirements on redevelopment agencies. It eliminated the sunset for most of the provisions in AB 1290 which had been in effect since January 1, 1994. AB 1290 contained a number of modifications to the inclusionary housing production requirements contained in Section 33413(b) of the Health and Safety Code. The issues addressed by AB 637 include:

- Targeting Housing Funds to the different income and age groups.
- Replacing 100 percent of removed or destroyed affordable units instead of 75 percent
- Maintaining a list of those persons displaced, who are to be given priority in the replacement housing plan.
- Regulating how and where Housing Funds may be used for onsite or offsite improvements.
- Increasing covenants from 10 to 45 years in the case of owner occupied units, and from 15 to 55 years in the case of rental housing.

The RDA is required to spend the Housing Fund in at least the proportion of the total housing need for the income groups as determined for the City pursuant to Section 65584 of the government Code (Regional Housing Needs Assessment). In addition, the RDA shall expend, over the duration of each Redevelopment Plan period, the Housing Fund to assist housing the low income population under 65 years of age in relation to the total low income population of the community as reported by the United States Census Bureau.

In accordance with Section 33490(a)(2)(A)(iii) of the Law, the first time period to implement the requirements for targeting of Housing Funds is on or before December 31, 2014, and each ten years thereafter.

(c) Senate Bill 701 Requirements

Senate Bill 701 clarifies how AB 637 is to be implemented. The RDA will have until 2014 to comply with the legal requirements outline in AB 637.

(d) Labor Code Section 1720, Prevailing Wages

The California Legislature amended Labor Code Section 1720 et seq. to require payment of prevailing wages for private improvements that are financially assisted by the RDA or the City whether for commercial, industrial, office, or housing uses. There is a very limited exception that applies to the construction or rehabilitation affordable housing assisted by redevelopment agencies using housing set-aside funds as the only source of public funding for the development. In order to qualify for the exception, there can be no other federal or state assistance or mortgage credit certificates or state or federal low income housing credits.



III. GENERAL BACKGROUND AND RDA HISTORY

The City of Moreno Valley spans 50 square miles and is located in the western portion of Riverside County. Moreno Valley is easily accessible by Highway 60 (the Moreno Valley Freeway) and Interstate 215. Surrounded by the cities of Riverside and Perris, scenic Lake Perris and March Air Reserve Base, Moreno Valley is the second largest city in Riverside County. The City lies in the heart of Southern California’s Inland Empire, the two county area comprised of Riverside and San Bernardino counties.

The Moreno Valley RDA provides assistance to projects and activities within the 4,676-acre project area. RDA funding of eligible projects comes from area-wide property tax increment and Tax Allocation Bonds (“TABs”). The RDA uses these revenues to fund economic development activities, installation of general infrastructure to improve the project area, and in the preservation and expansion of affordable housing in the community.

The following table outlines, as required by Section 33490(a)(5) of the Law, the Project Area’s main benchmarks and time limits.

Moreno Valley Redevelopment Project Area General Information and Time Limits	
Tax Increment Limit	\$ 821.2 million
RDA Establishment Date	December 10, 1985
Plan Adoption Date	December 29, 1987
Deadline to Establish Indebtedness	December 29, 2007
Acreage	4,676 or 14.6% of the City
Land Use	Residential, Commercial & Industrial
Deadline to Receive Tax Increment / Pay Indebtedness	December 29, 2038

IV. RDA GOALS AND OBJECTIVES

The RDA adopted the Redevelopment Plan for the Moreno Valley Redevelopment Project (“Plan”) on December 29, 1987. The Plan included the following goals and objectives:

- (a) The elimination and prevention of the spread of blight and deterioration and the conservation, rehabilitation and redevelopment of the Project Area in accord with the General Plan, specific plans, the Redevelopment Plan and local codes, ordinances following exactly the State and Federal redevelopment laws.
- (b) The promotion of new and continuing private sector investment within the Project Area to prevent the loss of and to facilitate the capture of commercial sales activity. An important objective will be the development of a regional mall within the Project Area and the creation of a regional public transportation center and facilities, auto center, and freeway frontage roads.
- (c) The achievement of an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles, appropriate for both business and residential areas to help achieve the objectives of the Redevelopment Plan by encouraging and assisting the cooperation and participation of owners, businesses and public agencies in the revitalization of the Project Area. Undue hardships resulting from new conditions and restrictions shall be first reviewed by the Project Area Committee (“PAC”) before final action can be taken.
- (d) Consideration must be given to maximizing the tax base provided by the locational advantages of freeways. Interchanges should be added and upgraded to meet the new demands placed upon them by the new business corridors and surface streets.
- (e) Consideration must be given to the retention and/or expansion of as many existing businesses as possible by means of redevelopment and rehabilitation activities and by encouraging and assisting the cooperation and participation of owners, businesses and public agencies in the revitalization of the Project Area. Undue hardships resulting from the above stated conditions shall be first reviewed by the existing PAC before final action can be taken.
- (f) The Redevelopment Plan shall make provisions for increased revenues to the City of Moreno Valley. These plans shall not negatively impact the fiscal solvency of the City.
- (g) The Redevelopment Plan shall make provisions for the creation and development of local job opportunities and the preservation and expansion of the City’s existing employment base.
- (h) Consideration must be given to: the improvement of certain environmental deficiencies, such as substandard traffic circulation patterns to have all streets, roads and intersections to be the best possible level of service; inadequate water, sewer and storm drainage systems; and insufficient off-street commercial parking, and utility deficiencies adversely affecting the Project Area.

- (i) Consideration must be given to the improvement of the community's supply of housing (inside the Project Area), including opportunities for low and moderate-income households. One objective would be the development of housing for senior citizens, and a second objective would offer centers for child care of all ages. Useable and improved park land should be easily, and safely accessible to these residents.
- (j) Consideration must be given to providing increased revenues for adequate public services and facilities, including but not limited to, fire protection, parks and recreation, libraries, bike and equestrian trails.
- (k) Consideration must be given to: the Redevelopment Plan shall not adopt land uses incompatible with the surrounding areas.

Redevelopment of the Project Area pursuant to this Plan and the above goals and objectives will attain the purposes of the California Redevelopment Law by:

- (a) Eliminating areas suffering from economic dislocation and disuse.
- (b) Replanning, redesign and/or redevelopment of areas that are stagnant or improperly utilized, and which could not be accomplished by private enterprise acting alone without public participation and assistance.
- (c) Protecting and promoting sound development and redevelopment of blighted areas and general welfare of the citizens of the city by remedying such injurious conditions through the employment of appropriate means.
- (d) Installing new or replacing existing public improvements, facilities and utilities in areas that are currently inadequately served with regard to such improvements, facilities and utilities.
- (e) Other means as determined appropriate by the RDA.

V. BLIGHT IN THE PROJECT AREA

The redevelopment tools contained in the Law are granted for use in a project area in order to eliminate and prevent the prevalence of blighting conditions. A blighted area is one that necessitates the creation of a redevelopment project area because the combination of conditions in an area constitute a burden on the community and cannot be alleviated by private enterprise, governmental action, or both. Section 33031 of the Law defines blight as follows:

Physical Conditions that Cause Blight

- Unsafe, unhealthy and/or deteriorated buildings - Structures in which it is unsafe or unhealthy for people to live or work. Deferred maintenance that results in serious dilapidation and deterioration, faulty or inadequate utilities, serious building code violations, and construction that is vulnerable to serious damage from seismic or geologic hazards.
- Physical conditions that substantially hinder the economic viability, use of lots and/or buildings – These conditions may be caused by buildings or substandard, defective, or obsolete design or construction given the present general plan, zoning, or other development standards.
- Incompatible land uses – Adjacent or nearby uses that are incompatible with each other and which prevent the economic development of those parcels or other portions of the Project Area.
- Lots of irregular shape, inadequate size and under multiple ownerships – The existence of subdivided lots of irregular form and shape and inadequate size for proper usefulness and of developments that are held in multiple ownership.

Economic Conditions that Cause Blight:

- Depreciated, stagnant and/or impaired property values – Depreciated or stagnant property values or impaired investments, including, but not limited to, properties containing hazardous waste that requires the use of RDA authority as specified in Article 12.5 (commencing with Section 33459 of the Law).
- High business turnovers and vacancies, low lease rates, abandoned buildings and vacant lots – Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots.
- Lack of neighborhood commercial facilities – A serious lack of necessary commercial facilities that are normally found in neighborhoods, including grocery stores, drug stores, banks and other lending institutions.
- Overcrowding – Serious residential overcrowding that has resulted in significant public health or safety problems. As used in this paragraph “overcrowding” means exceeding the standard reference in Article 5 (commencing with Section 32) of Chapter 1 of Title 25 of the California Code of Regulations.
- Excess numbers of bars, liquor stores and/or adult businesses – An excess of these establishments can result in significant public health, safety, or welfare problems.

- High crime rates – A high crime rate that constitutes a serious threat to the public safety and welfare of Project Area residents.

(a) Blighting Conditions Present in the Project Area

Physical Blight Conditions Present in the Project Area

The RDA has been actively addressing the conditions of physical blight identified in the initial report to Council at Project Area adoption and when the Plan was amended. However, some physical blight remains. The remaining blighting conditions in the Project Area include deteriorated buildings that are considered unsafe and unhealthy for persons to live or work in due to serious building code violations, long-term neglect, or faulty or inadequate construction, parcels of irregular shape and / or inadequate size that hinder redevelopment, and inadequate public infrastructure (i.e. remaining need for flood control facilities and street improvements).

Economic Blight Conditions Present in the Project Area

Similarly, the RDA has been actively addressing conditions of economic blight initially identified at Project Area adoption and when the Plan was amended. Again, some economic blight remains. Conditions of economic blight that the RDA continues to address include depreciated or stagnant property values / low lease rates, high business turnover, excess numbers of liquor licenses, and pockets of crime.

VI. GENERAL RDA ACTIVITIES

The Redevelopment Plan proposed the following activities to assist in the elimination and prevention of the spread of blight and blighting influences, and to strengthen the economic base of the Project Area and the community:

- (a) Promoting and encouraging participation in the redevelopment process by owners and occupants of properties located in the Project Area, consistent with this Plan and rules adopted by the RDA Board.
- (b) Acquisition of real property subject to the limitations contained in Section 308 of the Redevelopment Plan.
- (c) Management of property under the ownership and control of the RDA.
- (d) Relocation assistance to displaced occupants of property acquired in the Project Area.
- (e) Demolition or removal of buildings and improvements.
- (f) Installation, construction, expansion, addition, extraordinary maintenance or re-construction of streets, utilities, and other public facilities and improvements.
- (g) Disposition of property for uses in accordance with this Plan.
- (h) Redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan.
- (i) Rehabilitation of structures and improvements by present owners, their successors, and the RDA.
- (j) Rehabilitation, development or construction of low and moderate income housing within the Project and / or the City.
- (k) Providing for the retention of controls and establishment of restrictions or covenants running with the land so that property will continue to be used in accordance with this Plan.

VII. ACTIVITIES COMPLETED IN THE PREVIOUS PLANNING PERIOD

(a) Debt Service on Existing RDA Obligations

Since its inception in 1987, the RDA has entered into a number of agreements, which provide long term financial assistance based on the achievement of specific project milestones. The following section identifies the projects and continuing obligations related to these existing approved agreements.

- Conference and Recreation Center Financing: The agreement provides for the acquisition of the Conference and Recreation Center from the City by the RDA for \$11,503,946, paid for through twenty annual debt service payments that gradually increase from \$250,000 to \$438,377 in year 2024.
- Cooperation Agreement with Riverside County: This Agreement provides for the RDA to share Project Area property tax increment with the County of Riverside. All of the property tax increment between \$7 million and \$12 million per year, up to a maximum of \$75 million will be paid to the County to assist in the financing of the new Riverside County Regional Medical Center (RCRMC).
- Cooperation Agreement with the Riverside County Flood Control District: This Agreement provides for the RDA to share property tax increment with Riverside County Flood Control District (RCFCD) from the entire Project Area in excess of \$12 million per year.
- Moreno Valley Auto Mall Owner Participation Agreement: This Agreement provided for the development of the Moreno Valley Auto Mall by subsidizing the annual infrastructure bond payments of several dealerships. All Auto Mall property and sales tax increment is pledged to defray bond payments.
- Moreno Valley Mall Owner Participation Agreement: This agreement provided for the construction of the Moreno Valley Mall, and specifically assisted in the development of three of the four department store anchors, for a total of \$13 million. This investment was advanced by the project developer and is being repaid from excess property tax increment from the TownGate area (available after payments on the TownGate Agreement – discussed in #1 above) plus half of the sales tax increment from the Mall.
- Price Company (Costco) Owner Participation Agreement: This Agreement provided for the development of a Price Club/Costco warehouse store in the Project Area. Approximately \$2.4 million in land write-down and development fee assistance is being repaid from a portion of the sales tax increment created by the project.
- Public Safety Building Lease Revenue Bonds: The City issued Lease Revenue Bonds in 1997 to construct the public safety building. The RDA makes annual payments of \$150,000 toward the annual \$405,000 debt service, until the total obligation of \$3,450,000 is repaid in FY 2021/22.
- Sunnymead Blvd. Lease Revenue Bonds: The RDA issued Lease Revenue Bonds in 2005 in the amount of \$9.1 million to construct improvements related to the Sunnymead Blvd. Beautification Project. The annual debt service of \$600,000 to repays the bond debt.

- TownGate Specific Plan Owner Participation Agreement: This Agreement provided for the installation of infrastructure throughout the commercial portion of the TownGate Specific Plan, financed at a cost of approximately \$21 million in Mello-Roos bonds. The RDA pledged the net tax increment revenues from the commercial and residential portions of the TownGate area towards the repayment of the bonds. The RDA continued to pay the debt service on the bonds during the previous planning period.

(b) 2007 Tax Allocation Bonds

In November 2007, the RDA issued \$41.6 million in Series A- Bonds to fund a variety of important capital projects in Moreno Valley that will improve traffic circulation, upgrade important infrastructure, and enhance the overall quality of life in the community. Initially, projects identified for funding included:

■ Library	\$22.0 million
■ Fire Station at Cottonwood/Indian	\$6.5 million
■ Park at Cottonwood/Indian	\$5.0 million
■ Day Street Improvements	\$3.0 million
■ Auto Mall Upgrades	\$2.0 million
■ Indian Basin Improvements	\$3.1 million

In December 2008, in recognition of current economic challenges and the City's inability to fund operations at new facilities, the RDA Board approved reallocation of funds for the Library to the SR 60 overcrossing at Nason St. for \$21.5 million and the street improvements on Ironwood and Barclay streets.

(c) Economic Development Activities

The staffing for the Economic Development Department (EDD) is partially funded by the Redevelopment Agency. EDD promotes the City of Moreno Valley as a place to do business to respond to economic conditions that cause blight. Specifically, Economic Development facilitates development of employment opportunities and dynamic retail centers to increase assessed valuations, increase sales tax revenues, and enhance Moreno Valley's image as a community that offers its residents and businesses an unsurpassed quality of life. To accomplish these goals, Economic Development seeks to attract new businesses and encourages expansion of existing Moreno Valley companies through an array of strategies that include marketing, site selection, ombudsman service, and business support services.

As a significant portion of the commercial, industrial and retail zoned land in Moreno Valley is located within the redevelopment project area, Economic Development staff spent a majority of their time working on projects that are eliminating blighting conditions within the project area

Marketing

Though many of the activities were funded by City General Fund, RDA supported EDD staff salaries as they performed the following marketing activities supporting business attraction and retention activities:

- Regional Cooperation: Participated in the Inland Empire Economic Partnership (IEEP). EDD participated in business attraction events and submitted responses to new business leads distributed by IEEP.
- Advertising: EDD placed advertisements in nationally-recognized and local publications in the real estate/retail/site selection industries with a business focus.
- Tradeshows / Event Sponsorships: EDD enhanced the City's regional and national visibility by participating in tradeshows.
- Website: EDD developed a site selection website that provides a tool for businesses or consultants to use when exploring Moreno Valley business locations, improving the rate of shared information between the City, site selectors, and real estate brokers.
- Brochures: EDD created marketing materials including the Community Profile, the Retail Opportunities Guide, the Office and Industrial Opportunities Guide, the New Development Map and monthly summary. These materials were distributed at various business attraction events, plus electronic files were made available on the City's website.
- Shop Moreno Valley: As part of a community effort to promote the benefits of shopping locally and pursuing economic recovery by supporting local business, EDD partnered with the Chambers of Commerce to create a SHOP MOVAL awareness campaign.
- Development Sign Program: EDD implemented a new public relations program that included the placement of eighteen attractively-designed, reusable development signs to announce the arrival of new businesses and development projects.

Business Attraction

Economic Development staff provided ombudsman support in the form of fast-tracking entitlement and plan check reviews and advocacy for projects located in the Project Area.

Commercial Projects in the Project Area:

- Moreno Valley Mall: Staff facilitated review and resolution of issues for the Mall expansion through the addition of a fifth anchor, Harkins Theatres, an upscale 16-stadium theater with approximately 3,500 seats, plus seven restaurant/retail pads. General Growth Properties completed more than 300,000 sq. ft. of renovations and the addition of many new retail stores.

- Moreno Valley Plaza: EDD assisted the shopping center owners with the attraction of Superior Super Warehouse to occupy a vacant grocery store anchor space.
- Cactus Commerce Center: Construction was completed on this 16,000 sq. ft. two-story retail and office use building near Cactus and Elsworth.
- Moreno Beach Plaza: EDD provided permitting assistance to this 350,000 sq. ft. center, which added the grocery component to the Wal-Mart Supercenter and completed construction of an 86,500 sq. ft. Phase II.
- Elsworth Plaza: EDD provided marketing assistance to this 30,000 sq. ft. project near the southwest corner of Alessandro Blvd. and Elsworth St.
- Fresh and Easy: Fresh and Easy Neighborhood Markets continued to expand in Moreno Valley. EDD provided continual assistance resolving development issues through the construction phase of four new stores. Three of the four stores are located in or across the street from the Project Area.
- Stoneridge Towne Centre: EDD provided comprehensive assistance resolving development issues for this 579,295 sq. ft. commercial center including anchors SuperTarget, Kohl's, Best Buy, and OfficeMax, and several popular restaurants: Chili's and Bob's Big Boy.
- TownGate Center / Plaza: EDD executed intergovernmental agency and lease agreements with the County of Riverside and the Fritz Duda Company, which completed tenant improvements for a new Employment Resource Center. Ombudsman assistance was new tenants to expedite Certificates of Occupancy process. Staff negotiated with Burlington Coat Factory on an incentivized participation agreement to bring the company to the vacant former Mervyn's space.
- TownGate Crossing: EDD assisted this 237,000 sq. ft. shopping center anchored by Lowe's with the opening of Sports Authority. EDD staff worked to attract 99 Cents Stores, which reoccupied the vacant former Circuit City building.
- TownGate Promenade: EDD provided ombudsman service to this 200,000 sq. ft. shopping center, serving as project advocate to resolve planning and permit processing issues related developing two hotels (Ayres Hotel and Hampton Inn), an expansion of Costco, and several new restaurants: Mimi's Café, Panda Express, and Applebees.
- TownGate Square: EDD assisted this mixed-use development by supporting negotiations between the commercial developer and landowner to acquire adjacent property for future expansion.
- TownGate Square: EDD assisted this 136,000 sq. ft. mixed-use development for opening of Winco Foods and Portillo's, a 7,500 sq. ft. restaurant, along with assisting in approval of an Owner Participation Agreement for the relocation of Robertson's Ready Mix' operation.

Office Projects in the Project Area:

- Jacobs Development: EDD provided ombudsman service to this 10 acre mixed use project.
- Moreno Valley Professional Village: EDD provided ombudsman services to developer Aardex in the design, permitting, and tenanting of the seven building, 130,000 sq. ft. project.
- Olivewood Plaza: Economic Development staff is working with the developer to attract tenant(s) to this 23,000 sq. ft. office project.

Industrial Projects in the Project Area:

- Centerpointe Business Park: EDD provided assistance for this 12 building, 2.6 million sq. ft. industrial park with new projects for Minka Lighting, the U.S. Postal Service, RedMed, and Frazee Paint.
- United Natural Foods Inc. EDD facilitated entitlement and plan check for this 613,000 sq. ft. manufacturing/distribution facility.
- Gateway Business Park: EDD provided ombudsman services for this 34 industrial condo project.
- Veteran's Way Business Park: Economic Development assisted this 10-building industrial project.
- BAS Recycling: EDD provided extensive interdepartmental and interagency support during the entitlement and construction phases of the 66,000 sq. ft. facility.
- Robertson's Ready Mix: EDD is assisting this long time Moreno Valley business in relocating and expanding to a new facility within the Project Area.

Hospitality Projects in the Project Area:

Economic Development facilitated review and resolution of development issues to the following proposed hotels in the Project Area:

- Ayres Suites: 127-guest room project began construction. EDD provided assistance with resolving development and permitting issues hotel opened in June 2010.
- Hampton Inn & Suites: 115-guest room hotel opened in April 2009. Provided assistance with resolving development and permitting issues.
- Holiday Inn Express: Renovation and upgrade of the 151 guest room hotel in 2009/10.
- La Quinta Inn & Suites: 58-guest room hotel opened in May 2010 when construction was completed.
- Sleep Inn Suites: Proposed three-story, 74-guest room hotel is undergoing the entitlement process.

Business Retention

In addition to attracting new businesses to the Project Area, EDD pursued several business retention efforts.

- Business Roundtable: EDD conducted regular meetings between Moreno Valley businesses, the Chambers of Commerce, the City's Executive Team, and the Mayor to encourage dialogue and build relationships.
- Business Visitation: EDD strengthened business retention efforts by holding one-on-one meetings with major employers and top sales tax producing businesses within the Project Area.
- Chambers of Commerce: EDD provided financial support to Moreno Valley's three chambers of commerce in exchange for their provision of services to the business community.

(d) Capital Projects

- Day Street Widening (Cottonwood to Alessandro): This project includes widening, sidewalk, curb, and gutter to reduce traffic congestion and improve vehicular and pedestrian safety. Project design was completed in FY 2009/10. Construction will commence in FY 2010/11.
- Storm Drain Line LL (Old 215 Rd. to Dracaea): This project provides for storm drain line improvements on the most westerly end of the Project Area. Project design has been completed. However, the project has not moved into the construction phase due to revenue shortfall because of the Supplemental Education Revenue Augmentation Funding shift to the State of California.
- Sunnymead Boulevard Street Improvements: This comprehensive street beautification project is currently nearing completion. Eastern Municipal Water District completed a major pipeline replacement project and the RDA funded enhancements including: landscaping, colored driveways/sidewalks, decorative intersection treatments, decorative signage, banners and 17 new bus shelters.
- Aqueduct Bikeway Landscaping Project: This project constructed a 1/2 mile of landscaped trails in aqueduct right-of-way, connecting neighborhoods to schools, parks, and employment/shopping centers.
- Conference and Recreation Center: The RDA financed the construction of a community gymnasium, conference and recreation facility. The center also provides child care facilities and includes a small park.
- Graham Street Improvement Project: This project provided sidewalks, curb, and gutters to a portion of Graham Street in the Project Area.
- Alessandro Boulevard Improvements (Grant St. to Elsworth St.): The project widened this major arterial and provided missing sidewalk, curb, gutter, etc. along the Centerpointe Industrial Area and the Civic Center complex, located in the Project Area.
- Pepper Street Improvements: The project relocated conflicting water meters and service lines, plus constructed ADA access ramps and full street improvements in the Project Area. Project design was completed using RDA

funds, while the construction was funded via Community Development Block Grant (CDBG).

(e) Affordable Housing Activities

Over the period of 2005-2010, the RDA expended Housing Set-aside dollars to fund affordable housing activities, allocated by income category as described below:

RDA Expenditures by Income Category* Previous Implementation Plan Period (2005-2010)	
Extremely Low Income	\$450,553
Very Low Income	\$2,338,961
Low Income	\$4,468,513
Moderate Income	\$3,856,212
Total Set-aside Expenditures	\$ 11,114,239

*note: Only dollars spent on projects that reached completion are included in this calculation. The list of projects described under the Multi-family Rental Program includes all developments that received assistance from 2005-2010, regardless of completion.

- Homebuyer Assistance Program (HAP): The HAP program provided downpayment assistance to low- and moderate-income families for home purchases.
- Ownership Housing Development: The RDA provided \$562,000 from the Housing Set-aside Fund for land acquisition and construction. Developed housing was targeted for low and very low income households.

The RDA partnered with the City, which was awarded a Youthbuild grant from HUD of \$400,000. RDA entered into an Affordable Housing Agreement with Moreno Valley Youthbuild, Inc. for the construction of two single family homes. Moreno Valley Youthbuild constructed houses while training high school and college aged youths in the construction trades.

- Multi-family Rental Program: The RDA negotiated partnerships with affordable housing developers to provide “gap” financing for the development of new multi-family rental housing. Assisted housing is made affordable to very low, low, and moderate-income families. Specific multi-family rental projects that received assistance from the RDA during the 2005 – 2010 Planning Period are listed on the next page. Some of the projects are already complete, while others are still under development.



IMPLEMENTATION PLAN 2010 - 2015
Community Redevelopment Agency
of the City of Moreno Valley

PROJECT NAME	PROJECT ADDRESS	FUNDS CONTRIBUTED	COVENANT EFFECTIVE DATE	TOTAL UNITS	UNITS WITH COVENANTS	LENGTH OF AFFORDABILITY (IN YEARS)	UNITS TOWARD INCLUSIONARY HOUSING *	RDA AREA (Y/N)
Alessandro & Day	Alessandro & Day	\$ 4,848,184	to be determined	224	222	to be determined	222	Y
Bay Family Apts	Bay Avenue	\$ 755,000	07/11/2006	61	60	56	60	Y
Cottonwood Place, III	Cottonwood Ave.	\$ 1,663,000	12/14/2006	58	57	55	28.5	N
RHDC-Adrienne IV	Adrienne Ave.	\$ 1,299,832	03/27/2007	8	8	56	8	Y
Cottonwood Place, IV	Cottonwood Ave.	\$ 750,000	05/07/2007	46	45	55	22.5	N
Oakwood Apts	Perris Blvd.	\$ 3,000,000	under construction	241	240	55	240	Y
Rancho Dorado North	John F Kennedy Dr	\$ 1,500,000	under construction	71	70	56	70	Y
Rancho Dorado South	John F Kennedy Dr	\$ 3,500,000	RDA funds committed, pending tax credits	79	78	to be determined	78	Y
RHDC-Sheila I & II	Perris Blvd. / Sheila St.	\$ 6,233,407	08/10/2007 / 02/07/2008	16	16	56	16	Y
Perris Isle-Senior Project	Perris Blvd.	\$ 413,000	11/05/2009	189	148	56	148	Y
TOTALS- COMPLETED UNITS		\$ 23,962,423		769	722		671	



VIII. RDA REVENUE AND EXPENDITURE PROJECTIONS

In July of 2009, the California Legislature enacted ABX4-26 Section 33690(a)(1)(A) which provides for a Supplemental Educational Revenue Augmentation Funds (SERAF) to be established in a county treasury. California Redevelopment agencies are collectively mandated to shift \$1.7 billion into the SERAF in fiscal year 2009-2010. Due to claims that this requirement violates the State Constitution, the California Redevelopment Agency (CRA) and local cities sued the State to maintain these funds within their agencies. Unfortunately, the CRA did not prevail in this law suit and in May 2010 the Moreno Valley RDA paid \$5,258,237 for its FY 2009-2010 SERAF obligation. Further, for fiscal year 2010-2011, the RDA's share of SERAF take is another \$1,081,579. Fortunately, the RDA had fund balance available to pay the SERAF. Many other California redevelopment agencies were required to borrow from other funding sources to make their SERAF payments. Unfortunately, Moreno Valley's payment of the SERAF significantly diminishes the RDA fund balance and severely restricts the programs and projects that the RDA will be able to implement during the next five year period.

CITY OF MORENO VALLEY REDEVELOPMENT AGENCY							
2010 - 2015 REVENUE AND EXPENDITURES							
		1	2	3	4	5	
GENERAL TAX INCREMENT FUNDS	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	TOTAL
BEGINNING CASH BALANCE	\$ 10,645,115	\$ 3,748,115	\$ 1,635,238	\$ 1,100,102	\$ 609,867	\$ 256,276	\$ 10,645,115
REVENUES							
TAX INCREMENT REVENUE	\$ 20,633,115	\$ 18,345,902	\$ 17,959,340	\$ 17,959,340	\$ 18,318,527	\$ 18,868,083	\$ 112,084,307
OTHER REVENUE	\$ 1,924,100	\$ 1,722,525	\$ 1,746,950	\$ 1,771,965	\$ 1,797,584	\$ 1,823,822	\$ 10,786,946
TOTAL REVENUE	\$ 22,557,215	\$ 20,068,427	\$ 19,706,290	\$ 19,731,305	\$ 20,116,111	\$ 20,691,905	\$ 122,871,253
TOTAL FUNDS AVAILABLE	\$ 33,202,330	\$ 23,816,542	\$ 21,341,528	\$ 20,831,407	\$ 20,725,978	\$ 20,948,180	\$ 133,516,367
EXPENDITURES/FEES							
PASS THROUGHS	\$ 10,705,203	\$ 9,497,138	\$ 9,299,737	\$ 9,311,593	\$ 9,517,825	\$ 9,827,192	\$ 58,158,688
HOUSING SETASIDE (20%)	\$ 3,907,042	\$ 3,436,699	\$ 3,354,737	\$ 3,349,994	\$ 3,416,994	\$ 3,521,971	\$ 20,987,437
DEBT SERVICE	\$ 6,610,323	\$ 6,457,119	\$ 6,525,217	\$ 6,558,036	\$ 6,585,475	\$ 6,611,777	\$ 39,347,947
COUNTY ADMIN FEES	\$ 242,602	200,000	202,000	204,020	206,060	208,121	\$ 1,262,803
ADMIN AND PROF SVS	\$ 842,224	\$ 596,552	\$ 614,449	\$ 632,882	\$ 651,868	\$ 671,425	\$ 4,009,400
CAPITAL IMPRVMTS	\$ 1,888,584	\$ 912,217	\$ 245,286	\$ 165,015	\$ 91,480	\$ 38,441	\$ 3,341,023
SERAF	\$ 5,258,237	\$ 1,081,579					\$ 6,339,816
TOTAL EXPENDITURES	\$ 29,454,215	\$ 22,181,304	\$ 20,241,426	\$ 20,221,540	\$ 20,469,702	\$ 20,878,927	\$ 133,447,114
ENDING CASH BALANCE	\$ 3,748,115	\$ 1,635,238	\$ 1,100,102	\$ 609,867	\$ 256,276	\$ 69,253	\$ 69,253

IX. PLANNED RDA ACTIVITIES FOR 2010-2015 PLANNING PERIOD

Based on the funding projections for the five-year period described on the previous page, after allowing the obligations identified earlier, the RDA proposes to continue the general and housing programs and projects identified in the following discussion. Due to the differing regulations governing the use of RDA funds, the discussion is divided into programs and projects supported by the RDA's General Fund and the Housing Set-aside fund.

(a) Existing RDA Obligations

As described in Section VII "Activities Completed In The Previous Planning Period," the RDA has entered into a number of agreements to which provide long term financial assistance to certain projects. The following projects represent continuing obligations in the next Planning Period.

- *2007 Tax Allocation Bonds Debt Service*
- *County of Riverside Cooperation Agreement Passthrough*
- *Conference and Recreation Center Debt Service*
- *Moreno Valley Auto Mall Owner Participation Agreement*
- *Moreno Valley Mall Owner Participation Agreement*
- *Moreno Valley Unified School District Passthrough*
- *Price Company (Costco) Owner Participation Agreement*
- *Public Safety Financing Lease Revenue Bonds Debt Service*
- *Riverside County Flood Control and Water Conservation District Cooperation Agreement*
- *Sunnymead Blvd Lease Revenue Bonds Debt Service*
- *TownGate Specific Plan Owner Participation Agreement*

(b) Economic Development Activities

Supported by the RDA for a portion of staffing, the Economic Development Department will continue implementing the Business Attraction and Retention activities listed below (as previously described on pages 10-14):

Marketing

- Advertising
- Tradeshows/Event Sponsorships
- Website
- Shop Moreno Valley
- Development Sign Program

Business Attraction

Economic Development will continue to support the development of new business in the Project Area and throughout the City.

Business Retention

- Business Roundtable
- Business Visitation
- Chambers of Commerce

(c) Capital Projects

Unfortunately, due to the impact of making the Supplemental Educational Revenue Augmentation Fund payment to the State of California in FY 2009/10 and 2010/11, funding capital projects is extremely limited. However, progress will continue on the capital projects funded by the 2007 RDA Tax Allocation Bonds ("TABs" - for which RDA debt service payments will be made).

RDA Capital Projects – if revenues improve so that funds become available

- Storm Drain Line LL (Old 215 Rd. to Dracaea): This project provides for construction of storm drain line improvements along the Old 215 Rd. and Dracaea St., located on the most westerly end of the project area.

Projects Funded by the 2007 RDA Tax Allocation Bonds

- Fire Station 107 (Morrison Park): This new fire station will provide improved emergency response services to the new commercial and residential development in the Project Area. The estimated project cost is \$6.3 million.
- Ironwood Street Improvements (Day to Barclay): This project will construct curb, gutter, sidewalk, traffic signals, and storm drain improvements on the south side of Ironwood Avenue from Day St. to Barclay Dr. and include traffic signal and inter-related improvements on Day St. at the Canyon Springs Plaza entrance and on Ironwood at Athens. Total project cost is estimated at \$3 million.
- Day Street Improvements (Alessandro to Cottonwood): This project will widen the street and install sidewalk, curb, and gutter in the stretch of Day St. between Cottonwood Ave. and Alessandro Blvd. Total estimated project cost is \$3 million.
- Auto Mall Street Upgrades: Since its completion in 1996, the Moreno Valley Auto Mall has seen no major improvements. In line with the RDA goal to prevent the loss of commercial sales activity in the Project Area, the project will complete roadway improvements and a new comprehensive signage program upgrade. The total estimated project cost is \$2 million.
- Indian Basin Improvements: This project will upgrade a storm water detention basin on RDA property at the Festival Shopping Center. The basin is needed

to collect and slow flood waters thereby protecting the surrounding neighborhoods to the southeast. Improvements will include the installation of inlet and outlet storm drain facilities and some street improvements on the south side of Ironwood Avenue between Heacock St. and Nita Dr. The total estimated project cost is \$3.1 million.

- **Nason Bridge:** The project will replace the existing SR-60/Nason St. two-lane bridge with a four-lane bridge, complete the Nason St. improvements, install a sound wall along Elder Ave., and construct associated work. The estimated RDA costs for the project is \$18 million.
- **Edgemont Water Phase I:** If adequate savings are achieved in the construction of the projects listed above, this project will construct Phase I of the water system improvements in the Box Springs Mutual Water Company territory, including upgrading the water services, fire hydrants, and the inter-connection with Western Municipal Water District, plus approximately 11,300 linear feet of 12 inch and 16 inch main in the following segments:
Cottonwood Ave.: from 400 feet westerly of Old 215 Frontage Rd. to Day St.;
Old 215 Frontage Rd.: from Alessandro Blvd. to Dracaea Ave.;
Dracaea Ave.: from Old 215 Frontage Rd. to Day St.;
Easement from Dracaea Ave. to the existing reservoir; and
Alessandro Blvd: from Old 215 Frontage Rd. to Day St.
The total estimated project cost is \$2.4 million.

(d) Affordable Housing

- **Housing Set-Aside Fund**

State Redevelopment Law requires redevelopment agencies to dedicate 20% of tax increment revenues received annually to the development or retention of housing affordable to income-qualified residents. This allocation of funds is known as the Housing Set-aside program. No findings have been made to reduce or defer Moreno Valley’s Housing Set-aside amount.

When providing affordable housing units, State law defines different levels of affordability based on a household’s percentage of income in relation to the area median income for the region. For Moreno Valley, the region for which area median income is calculated includes Riverside and San Bernardino Counties. Below are definitions of the various affordability levels:

Definitions of Affordability Levels	
Extremely Low Income	30% and below of Area Median Income
Very Low Income	31%-50% of Area Median Income
Low Income	51%-80% of Area Median Income
Moderate Income	81%-120% of Area Median Income

The unaudited, estimated funding amount that will be available in the Housing Set-aside fund at the beginning of this plan on July 1, 2010 is \$5,838,907. Over the five-year term of the Plan, an additional \$17,441,125 in Housing Set-aside funds are projected to be allocated by the RDA General Fund. The RDA estimates the annual deposits to the fund as summarized below:

Estimated Amounts to be Deposited into the Housing Set-aside Fund 2010-2015	
Fiscal Year	Amount
FY 10/11	\$3,495,778
FY 11/12	\$3,412,639
FY 12/13	\$3,425,121
FY 13/14	\$3,498,023
FY 14/15	\$3,609,564
Total Funds Available	\$17,441,125

Source: FY 2009-2010 Redevelopment Agency Budget

- **Housing Set-aside Funds Distribution**

By Income Restrictions

Health and Safety Code Section 33334.4 requires the RDA to spend the monies in the Housing Set-aside fund to provide housing for persons of low and very low income in at least the same proportion as the total number of housing units needed for those income groups as indicated in the Regional Housing Needs Assessment for Moreno Valley.

According to the final Regional Housing Needs Assessment ("RHNA") allocation plan, the housing for very low and low income households represents 40.8% of the City's total housing need for the 2008-2014 RHNA planning period. The table on the following page shows the projected fair share allocation of RHNA units for the different income groups.



Income Category	Housing Need	Percentage of Total Housing Need	Percentage of Affordable Housing Need	Projected Expenditures by Income Category
Very Low Income	1,809	24%	41%	\$7,150,861
Low Income	1,241	17%	28%	\$4,883,515
Moderate Income	1,360	18%	31%	\$5,406,749
Total Affordable Housing Need	4,407	59%	100%	\$ 17,441,125
Above Moderate Income	3,064	41%		
Total Housing Need	7,474	100%		

As a result of the RHNA housing unit need distribution, the RDA is required to spend 41% of its Housing Set-aside funds on very low income households, plus 28% and 31% on low and moderate income households, respectively. The required RDA Housing Set-aside expenditures will occur through the promotion of existing programs, creation of new projects and investments in larger projects where several funding sources are required. The intent will be to assist very low, low, and moderate income families to attain affordable housing within the Project Area in accordance with the prescribed percent allocations, as described in the estimated Expenditure Projections below.

Projected Annual RDA Expenditures						
By Income Category						
<i>Implementation Plan Period: 2010-2015</i>						
Income	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	Total
Very Low	\$1,432,579	\$1,398,508	\$1,403,623	\$1,433,499	\$1,479,209	\$7,147,418
Low	\$982,816	\$959,442	\$962,951	\$983,447	\$1,014,806	\$4,903,461
Moderate	\$1,080,383	\$1,054,689	\$1,058,547	\$1,081,077	\$1,115,549	\$5,390,246
Total	\$3,495,778	\$3,412,639	\$3,425,121	\$3,498,023	\$3,609,564	\$17,441,125

By Age Restrictions

The RDA will comply with the requirements under Health and Safety Code Section 33334.4(b) to further ensure equitable distribution of Housing Set-

aside monies among the community. The code section requires each RDA to expend over the duration of each Redevelopment Plan, the monies in the Housing Set-aside fund to assist housing that is available to all persons *regardless of age* in at least the same proportion as the population under age 65 years bears to the total population of the community (as reported in the most recent U.S. Census).

According to Census 2000, 94.51% of the City's population is under the age of 65. To exercise proper proportionality, the RDA must ensure that 94.51% of the Housing Set-aside fund is dedicated to providing affordable housing that is not age restricted.

- **RDA Affordability Requirements**

In compliance with AB 701, all redevelopment agencies are required to describe how requirements related to housing affordability covenants and allowable uses for set-aside funds will be fulfilled.

Effective in 2002, to fulfill requirements under 33413(a) and 33413(b), State law extended the required covenant period to 55 years for rental projects and 45 years for ownership projects. In the past, the RDA entered into agreements with developers and non-profits that included units containing to affordability periods that range from 20-55 years, based on the existing statutes at the time of agreement and the amount of RDA assistance. The RDA now mandates 55-year covenants and has established a disclosure policy. The new affordability covenants are explained thoroughly as a state mandated requirement associated with affordable housing projects. The covenant period is explained verbally during negotiation meetings, re-explained as part of all acceptance documents, and spelled out clearly within the affordable housing agreement, once one is negotiated.

- **Planned Affordable Housing Programs and Projects**

The RDA's Housing Set-aside Fund is the primary local financial resource available for the community's affordable housing stock.

The projected costs for housing activities have been derived from the extensive data and analysis provided in the Strategy. The specific schedule for the implementation of the various housing programs and projects is included in the Annual Housing Program at the end of this report.

The following list includes programs and projects to be funded from the RDA's Housing Set-aside funds (some of which have been detailed earlier in this document). The programs and projects are intended to assist in the implementation of the RDA's Affordable Housing Strategy.

Home Improvement Loan Program (HILP): This program offers income-qualified owner-occupied Moreno Valley homeowners a \$40,000 maximum loan with a 3% annual interest rate. The program is intended to upgrade

existing deteriorated and dilapidated housing in the Project Area and surrounding community. Payments plus interest are deferred for twenty years or until the owner sells or ceases to occupy the property. In addition, the loans are deferred to ensure that the cost of property upgrades does not result in the displacement of existing owner-occupants. The loan is designed for homeowners who have equity in the property to provide collateral for the loan and have multiple repairs and improvements to make such as upgrading existing electrical and plumbing, paint, roof replacement and other interior and exterior repairs.

The loans are repaid, with interest, upon the sale or refinancing of the homes. Additional funding has been available from federal HOME grant monies.

Homeowner Assistance for Minor Repairs (HAMR): This program provides a \$7,500 maximum loan with a 3% to 5% annual interest rate for income-qualified owner-occupied Moreno Valley homeowners. Loan payments are amortized over ten years. This program is designed for homeowners who need minor repairs and for those that have less equity in the property.

Homebuyer Assistance Program (HAP): The HAP provides financial assistance to low and moderate-income families to use in purchasing their first home. The objective of the HAP is to promote neighborhood stabilization and revitalization within the City limits. Assistance is in the form of a 30-year, zero-interest, deferred payment loan and may be used for down payments associated with a home purchase. The amount of assistance depends on the buyers income and the purchase price of the home. Homebuyers are eligible to receive up to 20% of the purchase price in assistance, depending on the amount needed to complete the purchase.

Mobilehome Grant Program (MHGP): This program provides grants of up to \$10,000 for the rehabilitation of mobile homes owned and occupied by very low income households. Rehabilitation of health and safety code issues is prioritized. Limited general property improvements are also permitted. Additional funding for the program has been provided from federal HOME grant monies.

The program upgrade existing deteriorated and dilapidated manufactured housing in the Project Area and surrounding community. Rather than loans, grants are used due to the very low incomes of the households served and the difficulty in placing liens on mobilehomes.

Multi-family Rental Program: Through this program, the RDA partners with affordable housing developers to provide "gap" financing for the creation of new multi-family rental housing. Five specific multi-family rental projects (listed on page 32) are already anticipated for development and are scheduled for completion during the 2010 – 2015 Planning Period.

Ownership Housing Development: The project would continue the development of single family housing on one or more properties owned by the

RDA. Housing developed would be targeted for low and very low income households. The project is intended to increase the supply of affordable owner occupied housing available to under served segments of the community. Additional funding has been available from federal HOME grant monies.

Exterior Beautification Program – Marilyn Street Project: This project will address the exterior deferred maintenance of an entire neighborhood located in the Project Area, revitalizing the full neighborhood at once, eliminating blight and maximizing the visual impact gained by completing exterior improvements on several homes simultaneously. In 2007, Marilyn St. was selected as a suitable neighborhood. The project would repair such items as exterior paint, fencing, landscaping, irrigation systems, tree trimming and/or removal, etc.

▪ **Housing Replacement**

The RDA does not anticipate the removal or relocation of any low or moderate income housing units during the five-year Plan period in conjunction with redevelopment projects financially assisted or undertaken by the RDA. Should removal occur, within four years of the removal, the RDA will directly or through contractual means rehabilitate, develop, or construct an equal number of replacement housing units with the same or greater number of bedrooms as the removed units which shall be made available at an affordable housing cost, as defined in State law.

“Affordable housing cost” calculations are based on benchmark housing sizes. If the replacement housing is being leveraged strictly with RDA funding, the term adjusted for household size appropriate to the unit, is defined as one plus the number of bedrooms in the unit. Every effort will be made to ensure that the replacement housing units will be available at a cost affordable to the same income level as very low, low or moderate income households displaced from the removed units (Section 33413).

▪ **Inclusionary Housing Requirement**

State law (Health and Safety Code Section 33413) requires that the RDA ensure that a portion of all the housing developed and rehabilitated in the redevelopment area is available at an affordable housing cost to low and moderate income households. This requirement, also known as the redevelopment inclusionary requirement, applies to the total number of housing units developed and rehabilitated during the five-year Plan Period and not to each individual rehabilitation, development, or construction project. The inclusionary units must be available at an affordable housing cost for at least the remaining term of the redevelopment plan. The specific redevelopment inclusionary requirements are as follows:

- (1) Units developed by the RDA: At least 30 percent of all new or rehabilitated dwelling units developed by the RDA must be available at affordable housing cost to persons of low and moderate income. Also,

not less than 50 percent of those units are to be available at affordable cost to persons of very low income.

- (2) Units developed within the Project Area: For all new or rehabilitated dwelling units developed by public or private entities or persons other than the RDA within a 10-year period, at least 15 percent of those units are to be available at costs affordable to persons of very low, low or moderate income. Not less than 40 percent of those units are to be available to very low income households.

The inclusionary requirements must be met within each ten-year period of the Redevelopment Plan.

Current Production

Since the Project Area and Redevelopment Plan were first adopted in 1987, an estimated 3,797 residential units have been constructed or substantially rehabilitated in the Project Area. Based on the number of constructed and substantially rehabilitated units, the RDA's inclusionary housing obligation from plan adoption through the 2005-2010 Implementation Plan period is 570 units (3,797 x 15%) affordable to households earning very low, low, or moderate incomes. Of this amount, 228 units (570 x 40%) must be affordable for households earning at the very low income level.

The RDA has exceeded State requirements for inclusionary housing through the 2005-2010 Plan period. A total of 660 units with covenants that provide long-term affordability can be counted towards the RDA's production requirements. The table below summarizes the RDA's accomplishments in providing affordable housing.

Redevelopment Agency Affordable Housing Production with Covenants Through 2005-2010			
	Units In the Project Area	Units Outside the Project Area*	Total Production for Inclusionary Housing Requirement*
Extremely Low	6	9	15
Very Low	332	95	427
Low	162	16.5	178.5
Moderate	12	27.5	39.5
Totals	512	148	660

* Units outside the project area are counted as one half towards the inclusionary housing requirement

Projected Production

The RDA anticipates the creation of an additional 751 privately-funded units over the next five years, which would generate inclusionary requirements for 46 very low income units and an additional 68 very-low, low, or moderate

income RDA-funded units. Combined, the privately-funded housing development will generate the inclusionary housing requirement of 114 affordable units.

Over the next five years in the Project Area, the housing projects and programs identified in this plan are estimated to exceed this requirement by providing 610 new, substantially rehabilitated, or price restricted housing units (see below). Note that negotiations are underway regarding the mix of affordability levels for one project of 222 units located in the Project Area. Of the additional 388 units with established affordability levels, 60 will be available to households earning extremely low incomes, 137 will be occupied by very low income families, and 191 by low income families during the five-year term of the plan. These units will be located in the project area.

Redevelopment Agency Estimated Affordable Housing Construction with Covenants 2010-2015			
Affordability Level of Units	Units In the Project Area	Units Outside the Project Area*	Total Estimated Production for Inclusionary Housing Requirement*
Extremely Low	60	0	60
Very Low	137	0	137
Low	191	0	191
Moderate	0	0	0
Subtotals	388	0	388
Additional Units w/Affordability Level to be determined	222	0	222
Totals	610	0	610

* Units outside the project area are counted as one half towards the inclusionary housing requirement

Over the next ten years (2010-2020), it is anticipated that approximately 1,919 housing units will be constructed or substantially rehabilitated in the Project Area. This will create an inclusionary housing production requirement of 288 units (i.e. 1,919 x 15%). The RDA will ensure that a minimum of 40% (i.e. 116) of these units are affordable to very low income households.

Over the life of the Redevelopment Plan, which concludes on December 31, 2028, it is anticipated that approximately 7,585 housing units will be constructed or substantially rehabilitated in the Project Area (see the table on the next page). As a result, the RDA's total inclusionary affordable housing production requirement would be 1,138 units (7585 x 15% = 1,138). The RDA will ensure that a minimum of 40% of these units (456) are affordable to very low income households. The RDA does not anticipate the purchase or direct ownership of any housing units during the life of the Redevelopment Plan.



Number of New or Substantially Rehabilitated Housing Units Produced and Expected in the Redevelopment Project Area 1987-2028	
YRS 1987-2005	1,349
YRS 2005-2010	2,448
YRS 2010-2015	751
YRS 2015-2020	1,168
YRS 2020-2028	1,869
TOTAL	7,585

- **Annual Housing Plan**

The specific schedule for the implementation of the various housing programs and projects are outlined (by fiscal year) below:

Projected Schedule of Assisted Housing Units, by Program or Project <i>Implementation Plan Period: 2010-2015</i>						
PROGRAMS & PROJECTS	FY 10-11 (Year One)	FY 11-12 (Year Two)	FY 12-13 (Year Three)	FY 13-14 (Year Four)	FY 14-15 (Year Five)	TOTALS
Home Improvement Loan Program (HILP)	4	4	4	4	4	20
Homeowner Assistance for Minor Repairs (HAMR)	1	1	1	1	1	5
Homebuyer Assistance Program (HAP)	3	3	3	3	3	15
Mobilehome Rehabilitation Grant Program (MHGP)	10	10	10	10	10	50
Multi-family Housing Development						
Alessandro & Day			56	56	55	167
Oakwood Apts	240					240
Rancho Dorado North	70					70
Rancho Dorado South		78				78
FY TOTALS	328	96	74	74	73	645

X. IMPLEMENTATION PLAN ADMINISTRATION

This Implementation Plan covers the RDA activities in the Project Area from July 1, 2010 through June 30, 2015.

The RDA will be responsible for conducting the projects and programs described in this Implementation Plan. Administration of the Implementation Plan will be performed by the Neighborhood Preservation Division of the City's Economic Development Department.

(a) Implementation Plan Review

The RDA will conduct a public hearing and accept public comments from all interested parties regarding the adopted Redevelopment Plan and the five-year Implementation Plan. The public hearing will be conducted no sooner than two years and no later than three years from the adoption of this Implementation Plan. Notice of the public hearing to review the Redevelopment and Implementation Plans will be published pursuant to Section 6063 of the Government Code and posted in at least four permanent places within the Project Area for a period of at least three weeks. Publication and posting of the notice will be completed not less than 10 days prior to the date set for the hearing.

(b) Implementation Plan Amendment

This Implementation Plan may be amended from time to time after holding a public hearing on the proposed amendment.

(c) Financial Commitments are Subject to the Availability of Funds

The RDA and the City use a variety of funding sources for implementing each Redevelopment Plan. Although the sources of revenue to be utilized by the RDA are generally reliable from year to year, such funds are subject to legislative, program, or policy changes that could reduce the amount or availability of the funding sources upon which the RDA relies.

(d) Monitoring of Affordable Housing

The RDA is required to monitor any housing made affordable to individuals and families of low or moderate-income. As part of this monitoring, the RDA will require owners or managers of affordable housing units to submit an annual report to the RDA. The annual reports will include the rental rate, the income, and the family size for each unit's tenants/owners.

Section 33418(b) of the Redevelopment Law requires information obtained by the RDA from owners and managers of affordable housing must be included in any reports required by law to be submitted to the California Housing and Community Development Department ("HCD") or the State Controller. In addition, Section 33418(c) required the RDA to adequately fund its monitoring activities as needed to ensure compliance with applicable laws and agreements related to affordable units.



(e) Redevelopment Plan / Conflicts

If there is a conflict between this Implementation Plan and any other City or RDA plan or policy, the Redevelopment Plan shall control.



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rut</i>
CITY MANAGER	<i>WLB</i>

Report to City Council

TO: Chairperson and Members of the Community Redevelopment Agency Board of the City of Moreno Valley

FROM: Barry Foster, Economic Development Director

AGENDA DATE: July 13, 2010

TITLE: THIRD AMENDED AND RESTATED NEGOTIATION AGREEMENT FOR AN AFFORDABLE HOUSING DEVELOPMENT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET

RECOMMENDED ACTION

Staff recommends that the Redevelopment Agency Board approve the Third Amended and Restated Negotiation Agreement to extend the term of the existing Negotiation Agreement between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

BACKGROUND

The Redevelopment Agency (RDA) acquired approximately eight acres of property at the northeast corner of Alessandro Boulevard and Day Street for the purpose of developing an affordable housing project and childcare facility. The blighted property is situated at the gateway to the City and was considered suitable for redevelopment into a quality affordable housing project.

After a thorough selection process, PDDC was selected by the RDA Board as the affordable housing developer. On May 26, 2009, the RDA Board of Directors approved a Negotiation Agreement (Agreement) to assist with formulating the partnership for a future project, to refine conceptual plans, and to establish an exclusive period of time for PDDC and the RDA to finalize the major business points for the development of the affordable housing project for the purposes of drafting the Disposition and Development Agreement (DDA).

DISCUSSION

PDDC and City staff have been engaged in ongoing negotiations in the efforts to draft a DDA for the proposed project. While the negotiations have been continual, it will be necessary to extend the current term of the Negotiation Agreement which expires August 11, 2010 and the new effective of the Negotiation Agreement date shall be August 12, 2010. The current economy, reduced tax credit availability, and an increased difficulty in securing tax credit financing for affordable housing projects, has prompted PDDC to re-evaluate the project. As a result of competitive tax credit environment, the project phasing shall be modified from a 225-unit, two phase project to a 225-unit, four phase project. Since changes are being proposed to the project, an extension is required to provide the additional time needed to finalize the drafting of the DDA.

Given PDDC's experience and expertise with securing tax credits, along with the current tax credit environment, PDDC suggests that a smaller number of units per phase will enhance the project's scoring and ability to secure a tax credit allocation in the extremely competitive tax credit market that currently exists.

The project changes as proposed by PDDC will require additional time for a new phasing plan and financial review. To properly assess the fiscal feasibility of the project, an analysis of the revised project pro forma reflecting the four phases will have to be obtained from an independent economist. The analysis will be used by staff to evaluate the overall viability of the development as a four phase project.

Upon completion of the pro forma analysis and further evaluation, the drafting of the DDA will be finalized. Staff recommends the extension of the Negotiation Agreement an additional sixty days through October 11 to provide the time for the additional work.

ALTERNATIVES

1. Approve the Third Amended and Restated Negotiation Agreement between the Community Redevelopment Agency of the City of Moreno Valley and Palm Desert Development Company.

Staff recommends this alternative as it extends the time allowed to finalize the drafting of the Development and Disposition Agreement.

2. Decline to approve the extension of time for the Negotiation Agreement between the Community Redevelopment Agency of the City of Moreno Valley and Palm Desert Development Company.

Staff does not recommend this alternative because it would not provide the time needed to finalize the DDA and would hinder the planning for the future affordable housing project.

FISCAL IMPACT

This action does not impose any fiscal impact to the City. The terms and financial considerations for the project would be part of a future Disposition and Development Agreement and subject to full and complete consideration of the RDA Board at a later time.

SUMMARY

The RDA acquired approximately eight acres of undeveloped property at the northeast corner of Alessandro Boulevard and Day Street for the development of a future affordable housing project and childcare facility. Palm Desert Development Company was selected as the affordable housing developer and the RDA Board of Directors approved a Negotiation Agreement with PDDC for the project. Given the climate of the tax credit financing market and other extenuating factors additional time is needed to continue the negotiation of the terms of the project and drafting a Disposition and Development Agreement. Staff is recommending the approval of a Third Amended and Restated Negotiation Agreement.

NOTIFICATION

Publication of the agenda.

ATTACHMENTS/EXHIBITS

ATTACHMENT A: Draft Third Amended Negotiation Agreement

Prepared By:
Shaniqua Freeman
Housing Program Coordinator

Department Head Approval:
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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THIRD AMENDED AND RESTATED NEGOTIATION AGREEMENT

THIS THIRD AMENDED AND RESTATED NEGOTIATION AGREEMENT (the “Agreement”) is made and entered into as of August 12, 2010 (the “Date of Agreement”), by and between the **COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY**, a public agency corporate and politic (“Agency”) and **PALM DESERT DEVELOPMENT COMPANY**, a California corporation (the “Developer”) (the Developer and the Agency are collectively referred to herein as the “Parties”).

RECITALS

The following recitals are a substantive part of this Agreement.

A. The Developer previously informed the Agency that the Developer is interested in developing a housing project, to include: approximately 200-225 rental dwelling units available at affordable rents, weighted to very low income households and without age restrictions (the “Basic Development Concept”) on certain property (the “Property”) as shown on the Map which is attached hereto as Exhibit “A” and incorporated herein.

B. In connection therewith, the Parties previously entered into an agreement, entitled “Negotiation Agreement”, dated as of May 26, 2009 (herein, the “May Agreement”), an “Amended and Restated Negotiation Agreement” of the May Agreement, dated November 23, 2009, (herein, the “November Agreement”) and a “Second Amended and Restated Negotiation Agreement, of the November Agreement, dated April 13, 2010, (herein, the “April Agreement”).

C. As of the Date of Agreement, title to the Property is held by the Agency.

D. Based upon its review to date, and although design, price, rent and financial structure have not been determined, the Developer believes that development of the Basic Development Concept is probably feasible and that any financing proposed to be obtained by the Developer is obtainable. Accordingly, the Agency is entering into this Agreement and is thereby affording the Developer the valuable opportunity to negotiate for development of the Property for a limited period of time as set forth herein.

E. Based partly upon (i) the interest of the Developer, (ii) assurances by the Developer that the Developer and/or its joint venturers are experienced in the development and operation of high quality affordable residential projects, (iii) the desirability of accomplishing the development, if feasible, of affordable rental housing and other new facilities (together, the “Facilities”), and (iv) the contention of the Developer that the proposed development can be accomplished on a basis that provides a fair and reasonable return to both Parties, the Parties mutually desire to enter into discussions concerning possible development of the Property generally consistent with the Basic Development Concept.

F. The Parties intend that during and for the period of negotiations set forth herein (the “Negotiation Period”) each will perform certain actions and responsibilities under this Agreement.

NOW, THEREFORE, the Parties mutually agree as follows:

ATTACHMENT A

1. Agreement to Negotiate.

(a) Required Actions.

(1) Within sixty (60) days from the Date of Agreement, Developer shall submit to the Agency a “Final Development Concept Package,” consisting of the following:

(a) a well-articulated development proposal describing with specificity the Facilities, including all development activities proposed to be undertaken (the “Proposed Development”);

(b) a statement of qualifications of the Developer and its joint venture partners (if not earlier submitted), including experience as developer and operator of affordable housing communities;

(c) a detailed enumeration of estimated development costs, including construction and non-construction costs. This shall include a detailed estimate of project income (using rents conforming to Health and Safety Code Sections 33334.2 and 50053) and a financial statement and pro forma statement of project return, including both construction and operating pro formas. A detailed estimate of development costs, including construction and non-construction costs, shall be included;

(d) a detailed description of the proposed method of construction and permanent financing and proposed credit enhancement, including a description of the terms and conditions of all such financing, and the identification of and terms of provision of any credit enhancement. It is contemplated that all there will be private financing of the facilities to be developed on the Property. If any economic participation toward the project is proposed to be borne by the Agency and/or the City of Moreno Valley (the “City”), this shall be clearly delineated in the proposal. Included in the submittal by the Developer shall be a copy of any materials proposed to be submitted to any agency involved in the allocation of tax credits and/or bonds;

(e) a list of financial references;

(f) final identification of the proposed property manager and proposed architect;

(g) a proposed construction and operating pro forma which identifies all sources and uses of funds including without limitation design of the Facilities and supporting infrastructure and which uses rents conforming to Sections 33334.2 and 50053 of the California Health and Safety Code;

(h) a proposed timeline which includes the submittal for any required allocation for tax credits and/or bonds;

(i) a well-defined development proposal and site plan describing the Proposed Development using schematic drawings, and which depicts in detail the proposed design and configuration of the Facilities and which includes a description of how the Developer intends to coordinate operations, development and access with a child care facility anticipated to be developed by a third party on land adjacent to the Property; and

(j) a timeline which includes a proposed construction schedule of development.

(2) The Developer shall bear the cost for its performance under this Agreement.

(3) The Agency and the Developer will continue to negotiate toward the execution within such period of a DDA for the sale or lease of the Property and with respect to the development (the "Development") and use of the Property. If a DDA is signed, it shall supersede this Negotiation Agreement.

(b) Term. The term of the Negotiation Period shall be for sixty (60) days. As of the sixtieth (60th) day after the Date of Agreement, this Agreement shall automatically terminate unless this Agreement has been mutually extended by the Agency and the Developer. The Executive Director is authorized to administratively extend the Negotiation Period once only for a period of his discretion not to exceed sixty (60) days; any such extension shall be made in writing prior to expiration of the Negotiation Period to be effective. If such an administrative is granted, then the Negotiation Period shall end and this agreement shall automatically terminate, unless extended by action by the Agency Board.

(c) Agreement to Negotiate. The Agency (by and through its staff and consultants) and Developer agree that for the term of the Negotiation Period (whether said period expires or is earlier terminated by the provisions herein) each party shall negotiate diligently and in good faith to carry out its obligations under this Agreement. The Developer acknowledges that the Agency holds title to the Property. The Developer expressly agrees and acknowledges that its rights pursuant to this Agreement are subject to and based upon compliance by the Developer with this Agreement (including without limitation the making of all submittals required pursuant to this Agreement, in short conformity with this Agreement).

(d) Supplemental Progress Reports. In addition to the information required in Section 1 above, for so long as this Agreement remains in effect Developer agrees to make weekly oral progress reports and monthly written reports to the Executive Director or his designated representative of the Agency advising the Agency on all matters and all studies being made.

2. No Predetermination of Agency or City Discretion. The Parties agree and acknowledge that nothing in this Agreement in any respect does or shall be construed to affect or prejudice the exercise of the Agency's or the City's discretion. The Developer acknowledges in this regard that the feasibility of the Developer's proposal has not been determined, and further that, at the discretion of the City's Planning Director, an environmental impact report will be prepared and circulated for comment by the City in connection with the consideration of the sale and development of the Property. Further, nothing in this Agreement in any respect does or shall be construed to affect or prejudice the Agency's or the City's discretion to consider, negotiate, or undertake the disposition and/or development of any portion of the Property, or shall affect the Agency's or the City's compliance with the laws, rules, and regulations governing land uses, environmental review, or disposition of the Property.

3. Environmental and Other Requirements. Certain state and local environmental requirements (including, but without limitation, the California Environmental Quality Act of 1970, Public Resources Code Section 21000, *et seq.*) may be applicable to the Proposed Development.

ATTACHMENT A

Pursuant to such requirements, certain environmental documents may be required to be prepared and certified for the Proposed Development. The Agency, by this Agreement, undertakes no obligation to pay any costs associated with such environmental documents and to supply data and information both to determine the impact of the development on the environment and to assist in the preparation of any necessary environmental documents.

4. Costs and Expenses. Except as otherwise provided in this Agreement, each party shall be responsible for its own costs and expenses in connection with any activities and negotiations undertaken in connection with the performance of its obligations under this Agreement.

5. No Change in Developer or its Constituent Members. The Developer shall within sixty (60) days of this Agreement make full disclosure to the Agency of all pertinent information concerning the Developer, including any joint venture partners. The qualifications of the Developer are of particular interest to the Agency. Consequently, no person or entity, whether a voluntary or involuntary successor of Developer, shall acquire any rights or powers under this Agreement nor shall the Developer assign all or any part of this Agreement without the prior written approval of the Agency, which approval the Agency may grant, withhold, condition, or deny at its sole and absolute discretion. Any other purported transfer, voluntarily or by operation of law, shall be absolutely null and void and shall confer no rights whatsoever upon any purported assignee or transferee.

6. Lead Negotiators. The Executive Director, or his designee, shall be the lead negotiator for the Agency with respect to the subject matter of this Agreement; provided, however, that the Agency, reserves its rights to consider and approve or disapprove the proposed DDA. Danavon L. Horn and James Jernigan shall be the lead negotiator(s) for the Developer with respect to the subject matter of this Agreement.

7. Non-Discrimination. Developer shall not discriminate against nor segregate, any person, or group of persons on account of sex, race, color, marital status, religion, creed, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Property, nor shall the Developer establish or permit any such practice or practices of discrimination or segregation in the selection, location, number, use, or occupancy of tenants, lessees, subtenants, sublessees or vendees of the land.

8. Address for Notices. Any notices pursuant to this Agreement shall be in writing and sent (i) by Federal Express (or other established express delivery service which maintains delivery records), (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the following addresses:

To Agency: COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
14177 Frederick Street
Moreno Valley, California 92552-0805
Attention: Economic Development Director

To Developer: PALM DESERT DEVELOPMENT COMPANY
Attention: Danavon L. Horn, President
P.O. Box 3958
Palm Desert, California 92261

ATTACHMENT A

9. Default. Failure by either party to perform one or more of its duties as provided in this Agreement shall constitute an event of default under this Agreement. The non-defaulting party shall give written notice of a default to the defaulting party, specifying the nature of the default and the action required to cure the default.

10. Remedies for Breach of Agreement. In the event of an uncured default under this Agreement, the sole remedy of the nondefaulting party shall be to terminate this Agreement. Following such termination, neither party shall have any further rights, remedies or obligations under this Agreement. Neither party shall have any liability to the other for monetary damages or specific performance for the breach of this Agreement, or failure to reach agreement on a DDA, and each party hereby waives and releases any such rights or claims it may otherwise have at law or at equity. Furthermore, the Developer knowingly agrees that it shall have no right to specific performance for conveyance of, nor to claim any right of title or interest in the Property or any portion thereof.

11. Termination. This Agreement shall: (i) automatically terminate at the time(s) set forth in Section 1(b) above, and (ii) terminate prior to the time(s) set forth in Section 1(b) above in the event the Developer shall fail to perform its obligations hereunder to the reasonable satisfaction of the Executive Director; provided that prior to termination under part (ii) of this paragraph 11, the Agency shall provide the Developer with notice of any failure to perform and ten (10) days in which to cure. In addition, the parties agree that if either party shall determine that it is infeasible to proceed with the Basic Development Concept or if the development of the Property, consistent with such Basic Development Concept, does not appear to either party to be economically sound and feasible, either party may, upon ten (10) days' written notice to the other party, terminate this Agreement. Upon termination of this Agreement, whether upon expiration of the Negotiation Period or otherwise, both Parties knowingly agree that neither Party shall have any further rights or remedies to the other and the Developer shall have no rights in respect to the Property.

12. Time of Essence. Time is of the essence of every portion of this Agreement in which time is a material part. During the Negotiation Period the time periods set forth in this Agreement for the performance obligations hereunder shall apply and commence upon a complete submittal of the applicable information or occurrence of an applicable event. In no event shall an incomplete submittal by the Developer trigger any of the Agency's obligations of review, approval and/or performance hereunder; provided, however that the Agency shall notify the Developer of an incomplete submittal as soon as is practicable and in no event later than the applicable time set forth for the Agency's action on the particular item in question. Thus, the parties agree that the requirements hereunder may occur and be completed in a shorter time frame than set forth herein.

13. Real Estate Commissions. The Agency shall not be liable for any real estate commission or brokerage fees which may arise with respect to this Agreement or the Property.

14. Developer Not an Agent. The Developer is not an agent of the Agency or the City.

15. Press Releases. The Developer agrees to discuss any press releases with the Executive Director prior to disclosure in order to assure accuracy and consistency of the information.

16. Entire Agreement. This Agreement constitutes the entire understanding and agreement of the parties, integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties or their

predecessors in interest with respect to all or any part of the subject matter hereof (including without limitation the May Agreement, November Agreement and April Agreement).

17. Agreement Does Not Constitute Development Approval. The Agency reserves final discretion and approval as to any DDA and all proceedings and decisions in connection therewith. This Agreement shall not be construed as a grant of development rights or land use entitlements to construct the Proposed Development or any other project. All design, architectural, and building plans for the Proposed Development shall be subject to the review and approval of the Agency and the City. By its execution of this Agreement, the Agency is not committing itself to or agreeing to undertake the disposition of the Property or other real property to the Developer, or any other acts or activities requiring the subsequent independent exercise of discretion by the Agency, the City, or any agency or department thereof.

18. Governing Law. This Agreement shall be construed in accordance with the laws of the State of California.

19. Implementation of Agreement. The Agency shall maintain authority to implement this Agreement through the Executive Director (or his or her duly authorized representative). The Executive Director shall have the authority to issue interpretations, waive provisions, and/or enter into certain amendments of this Agreement on behalf of the Agency so long as such actions do not materially or substantially change the uses or concept of the Proposed Development, or add to the costs or risks incurred or to be incurred by the Agency as specified herein, and such interpretations, waivers and/or amendments may include extensions of time to perform. All other materials and/or substantive interpretations, waivers, or amendments shall require the collective consideration, action and written consent of the governing board of the Agency.

NOW THEREFORE, the Parties have executed this Negotiation Agreement as of the date and year first set forth above.

AGENCY:

**THE COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF MORENO
VALLEY**, a public body corporate and politic

By: _____
William L. Bopf
Its: Interim Executive Director

APPROVED AS TO FORM:

City Attorney

DEVELOPER:

PALM DESERT DEVELOPMENT COMPANY, a
California corporation

By: _____
Danavan L. Horn
Its: CEO

EXHIBIT "A"

MAP





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

Report to City Council

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

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: July 13, 2010

TITLE: Amendments to Chapter 11.40 of the City of Moreno Valley
 Municipal Code, Ordinance No. 741 and Ordinance No. CSD 52,
 Relating to the Carrying of Blank Shooting Pistols and the Shooting
 of Blanks at the Moreno Valley Equestrian Center

RECOMMENDED ACTION

Staff recommends:

1. That the City Council introduce Ordinance No. 814, an Ordinance of the City of Moreno Valley amending, Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center, and
2. That the Board of Directors for the Moreno Valley Community Services District introduce Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Parks and Recreation Commission took action to recommend amendment of Chapter 11.40, Ordinance No. 741 and Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center, at their special meeting of June 3, 2010 (5 Ayes, 2 Noes, 0 Absent).

BACKGROUND

Chapter 11.40 of the Moreno Valley Municipal Code establishing rules for the use of parks and recreation facilities, was enacted by ordinance on March 15, 1988, and amended in July 1990, January 2004 and April, 2007. Similar ordinances were adopted simultaneously by the Moreno Valley Community Services District. Staff is proposing that these codes be further amended to allow the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

At a special meeting on May 13, 2010, the Parks and Recreation Commissioners were presented the proposed amendment to the ordinance and were asked to consider a motion on the amendment. Upon review and discussion, a motion was made and recommended by the Commission to continue the item so additional revisions to the wording based upon the City Attorney's review and approval could be made. The revisions were completed and approved by the City Attorney and the item was placed on the agenda for a Parks and Recreation Commission special meeting on June 3, 2010.

At the special meeting on June 3, 2010, the Parks and Recreation Commissioners concurred with the proposed amendment, asking staff to accept their recommendation to allow the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center. Staff has prepared the attached amendments to Ordinance Chapter 11.40, Ordinance No. 741 and Ordinance No. CSD 52, to allow the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

DISCUSSION

Although the Moreno Valley Equestrian Center (MVEC) is used daily by local equestrians and dog park patrons on a walk-in basis, reserved use including the receipt of reservation fees, needs to increase. In essence, the City simply cannot continue to subsidize facilities that, at a minimum, should be raising enough funds to maintain the facility. As such, staff has been encouraged to reach out to any organization that may wish to utilize the MVEC. One such organization is the Roy Rogers Rangers (RRR).

RRR was formed in 2001 to promote the sport of mounted shooting. Mounted shooting is one of the nation's fastest-growing equestrian sports. The sport combines the elements of exhibition shooting, barrel racing, pole bending, and reining; all done while using two .45 caliber single-action revolvers, loaded with 5 rounds each of specially prepared black powder blanks to shoot 10 balloon targets set in a random pattern called a "stage." Mounted shooters are timed through the stage determining raw time plus any penalties incurred. The contestant with the fastest overall time wins.

The following bullet points summarize the desired use of the MVEC by the RRR. The bullet points are from the attached information sheet of desired activities from the RRR:

- 20 events per year (schedule as follows)
- Set up: 8:00 a.m.
- Begin shooting: 9:00 a.m.
- End shooting: 5:00 p.m.
- Tear down: 5:00 p.m. to 7:00 p.m.
- 5 beginner practices held on Saturdays. 10-12 participants. 350 blanks per practice.
- 12 monthly practices held on Sundays. 25-40 participants. 1600 blanks per practice.
- 3 competition events held Fridays, Saturdays and Sundays. 25-60 participants each day. Fridays: 400 blanks per event. Saturdays: 2,400 blanks per event. Sundays: 2,400 blanks per event.

The proposed amendment incorporates regulations that are applicable to the City of Moreno Valley, specifically Section 11.40.050(D) of the City Municipal Code that allows the Parks and Community Services Director to approve, disapprove or modify each requested use at the departmental level using existing reservation forms. In addition, the type of use that will be allowed by the proposed amendment falls under City's Municipal Code in Chapter 11.80 Noise Regulation, Section E. Exemptions, Item No. 7: *"Sounds produced at otherwise lawful and permitted city-sponsored events, organized sporting events, school assemblies, school playground activities, by permitted fireworks, and by permitted parades on public right-of-way, public space or other publicly owned property."* The RRR event is an organized sporting event and therefore the event is exempt from the City's noise ordinance. Other non sporting event shooting would still be subject to the City's noise ordinance.

ALTERNATIVES

The City Council may consider the following alternatives:

1. Introduce the new ordinances for adoption. The ordinances would take effect thirty one days after adoption.
2. Direct staff to make changes to ordinances and return to City Council on a later date with revised ordinances.
3. Take no action.

FISCAL IMPACT

The impact to expenditures will be minimal. The cost to change the park rules signage at the MVEC along with installation is anticipated to be under \$300. The impact to revenue will be an increase of revenue for each reserved use. Per the adopted fee schedule, the fees for these types of events would be \$125 per day with a \$25 water

key deposit and a refundable \$300 security deposit. Total annual revenue will vary depending on paid reservations received.

CITY COUNCIL GOALS

1. Revenue Diversification and Preservation
2. Positive Environment

SUMMARY

Reserved use including the receipt of reservation fees needs to increase at the Moreno Valley Equestrian Center. By encouraging reserved usage, staff believes City subsidy of this facility may be eliminated, the area will be utilized by many more people, and non-resident users will bring additional revenue to the City in other ways. The proposed amendment relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center should allow the Parks and Community Services Director to approve, disapprove or modify each requested use at the departmental level using existing reservation forms. The impact to revenue will be an increase of revenue for each reserved use. Total annual revenue will vary depending on paid reservations received.

NOTIFICATION

Posting of the Agenda

ATTACHMENTS/EXHIBITS

- Attachment 1: Proposed City Council Ordinance
- Attachment 2: Proposed CSD Ordinance
- Attachment 3: Information Regarding the Roy Rogers Rangers Program

Prepared By:
Steve Kupsak
Parks Maintenance Division Manager

Department Head Approval:
Michael McCarty, Director
Parks and Community Services

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

ORDINANCE NO. 814

AN ORDINANCE OF THE CITY OF MORENO VALLEY AMENDING, SECTION 11.40.040 OF CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER

The City Council of the City of Moreno Valley ordains as follows:

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code is amended in its entirety to read as follows:

“11.40.040 Regulations. Unless specifically provided otherwise in this Chapter, the following regulations shall apply in all parks and recreation facilities:

a. Operation of Vehicles and Bicycles.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable in all parks upon any way or place, which is publicly maintained and open to the use of the public for vehicular travel. Violations of said vehicle code within a park shall be enforced and prosecuted in accordance with the provisions thereof. The City Traffic Engineer is hereby authorized and directed, on the account of the District, to post appropriate signs advising of the vehicular travel restrictions in force within a particular park when duly authorized to do so by action of the City Council.

2. Operation of Vehicles and Bicycles. No person shall drive or otherwise operate a vehicle in a park, and no person shall ride a bicycle (as defined in the California Vehicle Code) in a park, upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking. Vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time by the Director. This provision does not apply to any vehicle being used for authorized District business, or to any police or other emergency vehicles performing an authorized mission, nor to a vehicle, which is within a park pursuant to written permission of the Director. Neither does this provision apply to any electrically driven wheelchair carrying a physically incapacitated person.

b. Solicitation Prohibited. No person shall practice, carry on, conduct, or solicit for, any trade, service, occupation, business, or profession in any park, or sell or offer for sale therein or thereon any merchandise, article, or anything whatsoever. This Section shall not apply to any person acting pursuant to a contract with the District or under an authorization duly granted by the Director pursuant to standards and criteria approved by the City Council.

c. Prohibition of Animals in Parks. No person shall cause, permit, or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;

2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

3. Dogs or cats when caged, or when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle;

4. Service animals which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;

5. Small pets which are kept on the person of the possessor at all times;

6. In connection with activities authorized by the Director and when in accordance with all conditions attached to such authorization;

7. Fowl or animals turned loose at the direction or with the written permission of the Director.

8. Exceptions. The requirement for a dog to be on-leash while in a public park shall not apply to the following:

(a) Any dog used by a law enforcement agency.

(b) A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.

(c) A dog within a posted "leash optional" area of the park as designated by the Director, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to maintain proper control over such dog nor shall this Subsection be construed as relieving such person from liability for any damages arising out of his or her dog's action while using the leash optional area.

d. Responsibility of Animal Owner.

1. Each person who owns, or who has custody, possession, or control of an animal within a park shall collect, pick up, and remove all fecal matter and debris

promptly after it has been deposited or left behind by said animal in or upon a park. This Subsection shall not apply to guide dogs for blind or disabled persons.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area, which is not over the age of four months, vaccinated for rabies and wearing a currently valid issued dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog of any breed in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided herein and his or her agreement to protect, indemnify, defend, and hold harmless the District/City and its officers and employees from any claim, injury or damage arising from or in connection with use.

e. Prohibition of Firearms, Weapons, and Fireworks.

1. No person shall carry or discharge any firecracker, rocket, torpedo, or other type of explosive, or carry or discharge any air gun, rifle, pistol, sling shot, bow and arrow, or any similar device or weapon including firearm, knife (as defined in the Penal Code as a illegal weapon), etc., within or into a park; nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise.

2. This prohibition shall not apply to the engaging in or traveling to target practice conducted in accordance with appropriate standards of safety at an archery, skeet, or target range authorized and provided by the district for such purpose; nor shall this prohibition apply to law enforcement personnel acting within the scope of their official duties.

3. This prohibition shall not apply to the use of non-projectile firearms at the Moreno Valley Equestrian Center for practice, exhibition, or competition related to re-enactment programs or events authorized through the issuance of a formal permit pursuant to Section 11.40.050(D) of this Code.

4. Any device carried into or used within a park in violation of this provision is subject to confiscation by any law enforcement officer or duly authorized district employee and, in the event thereof, shall be thereafter disposed of in accordance with law, including without limitation any applicable district regulations.

f. Damaging Property Prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any matter any building, monument, fence, bench, or other structure within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment or contract.

g. Damaging Land Prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment of contract.

h. Water. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, or stream within or into a park, except at such place or places authorized and provided by the District for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a foundation, pond, lake, stream, or reservoir within a park.

i. Hazardous Waste: No person shall discharge any form of hazardous waste including flammable liquids, toxic chemicals, caustic substances, poisons, motor oil, lye, benzine, chloride, or any other material that could be a hazard to a person, animal or property, in any park.

j. Fires. No person shall make or kindle a fire within a park except in stoves or other facilities specifically provided for such purpose. No fire shall be lit or maintained within a park between the hours of 10:00 p.m. and 8:00 a.m. of the next succeeding day, except by written permission of the Director.

k. Prohibited Presence. No person shall tent, camp, lodge, or otherwise be present in any park after 10:00 p.m. or before 8:00 a.m. except when lawfully in attendance at an event approved by the Director.

l. Littering, Waste Liquids and Refuse. No person shall dispose of dishwater or other waste liquids or dispose of any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal.

m. Gambling. No person shall play or bet at or against any game in a park, which game is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instruments of gambling or gaming within a park. This prohibition shall not apply to simulated gambling games or to bingo games when conducted by a non-profit organization during fund-raising events pursuant to a permit issued by the Director pursuant to Section 5 of this Ordinance and in compliance with all other applicable law.

n. Prohibited Activities. No person shall play or engage in model airplane flying, driving of golf balls, or any activity of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose.

o. Disturbing the Peace. No person shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of such park or of nearby properties by any other person who is lawfully present.

p. Advertising Matter. Except as authorized in writing by the Director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park.

q. Meetings. No person shall hold any meeting, service, concert, exercise, parade or exhibition requiring a Special Events permit under Chapter 11.38 of this Code without obtaining and complying with such permit. This Subsection shall not be construed to deprive any person of a right protected by state or federal law or constitution.

r. Protection of Animals. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, animal control officers, District employees, or District contractors acting

within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

s. Use of Restroom. No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. This Subsection shall not apply to children accompanied by their parent or guardian.

t. Use of Bicycles in Parks.

1. Except as set forth in Section 2, no person shall ride any bicycle within a park except at or on a place specifically authorized and provided for such purpose. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place.

2. If bicycle riding is authorized, users are required to wear safety gear such as helmet, kneepads, wrist guards, elbow pads or other required equipment for the authorized use of such activity as required by law.

u. Use of Skate Park.

1. No person shall use the skate park at times other than those established by the District as the hours of operation;

2. No person shall use the skate park areas for uses other than skateboarding, skating and BMX bike riding;

3. No person shall use the skate park without wearing the required safety equipment, including a helmet, elbow pads, and knee pads;

4. No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle provided, and failure to do so shall be grounds for expulsion from the skate park;

5. No person shall skate or ride on the curbs, sidewalks, fences, railings and/or driveways of the District/City-owned areas surrounding the skateboarding/skating surface;

6. No person shall skate or ride in a reckless manner with disregard for the safety of persons or property in the skate park;

7. No glass containers are allowed in the designated skateboarding/skating areas. Food and drink are allowed in designated areas only;

8. No additional obstacles may be placed in the designated skateboarding/skating areas;

9. No person shall use the skate park if a hazardous condition exists, including, but not limited to, inclement weather conditions, or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating areas;

10. BMX bikes will be permitted only during designated sessions under supervision of concessionaire or District staff.

v. Amplified Sound in Parks. No person shall cause the amplification of sound within a park if the noise level caused thereby exceeds 60 decibels from all channels of equipment used, except pursuant to a permit issued by the Director, and in compliance with the following conditions:

1. The location of each grandstand and gathering, and the position of each loudspeaker shall be as specified in writing by the Director so as to cause the least amount of disturbance to other persons, both within and without the park;

2. Amplified sounds shall not exceed 60 decibels at a point 50 feet in front of the midpoint of a straight line between any two-loudspeaker installations.

w. Use of Alcohol in Parks. No person shall enter, be in or remain in a park owned, operated or controlled by the City or District, while under the influence of any alcoholic beverage or while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverage, unless a formal permit is granted by the City Manager pursuant to Ordinance CSD-8. Such permit shall be obtained, and the fee as established by resolution of the City Council therefor paid, regardless of the size of the gathering or assembly which desires the privilege of using park area to drink beer, wine or other intoxicating beverage.

x. Use or Sale of Narcotics and Illegal Drugs in Parks. No person shall enter, be in or remain in any park owned, operated or controlled by the City or District, while in possession of, transporting, purchasing, selling, giving away or consuming any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

y. Washing or Repairing Cars. No person shall engage in the washing, cleaning, repairing, renovating or painting of any vehicle within a park, except those emergency repairs immediately necessary to render such vehicle safe may be made.

z. Speed Limits. No person shall drive a vehicle within a park other than in a reasonable and prudent manner but in no case to exceed 15 miles per hour.

aa. Parking. No person shall park any vehicle within a park except for the duration of his or her visit to such park. No person shall leave or park any motor vehicle, on any driveway, or at any other place, except at such place or places as are designated for vehicle parking.

bb. Smoking in Parks.

1. No person shall smoke within a park owned, operated or controlled by the City or District except in an area designated and posted as available for smoking at or on the grounds of a recreation center by direction of the Parks and Community Services Director.

2. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof in a park except in a designated waste disposal container.

3. Violations and Penalties. Any person who violates any provision of this section by smoking in a park is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 Civil Citations, of the Moreno Valley Municipal Code.”

SECTION 2. EFFECT OF ENACTMENT:

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

SECTION 3. NOTICE OF ADOPTION:

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

SECTION 4. EFFECTIVE DATE:

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

APPROVED AND ADOPTED this _____ day of _____, 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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ORDINANCE NO. CSD 54

AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 5e OF ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER

The City Council of the City of Moreno Valley, acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, does ordain as follows:

1.1 AMENDMENT: Section 5. Regulations of CSD Ordinance No. CSD 52 is amended in its entirety to read as follows:

SECTION 5. REGULATIONS:

Unless specifically provided otherwise in this Ordinance, the following regulations shall apply in all parks and recreation facilities:

a. Operation of Vehicles and Bicycles.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable in all parks upon any way or place, which is publicly maintained and open to the use of the public for vehicular travel. Violations of said vehicle code within a park shall be enforced and prosecuted in accordance with the provisions thereof. The City Traffic Engineer is hereby authorized and directed, on the account of the District, to post appropriate signs advising of the vehicular travel restrictions in force within a particular park when duly authorized to do so by action of the Board of Directors.

2. Operation of Vehicles and Bicycles. No person shall drive or otherwise operate a vehicle in a park, and no person shall ride a bicycle (as defined in the California Vehicle Code) in a park, upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking. Vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time by the Director. This provision does not apply to any vehicle being used for authorized District business, or to any police or other emergency vehicles performing an authorized mission, nor to a vehicle, which is within a park pursuant to written permission of the Director. Neither does this provision apply to any electrically driven wheelchair carrying a physically incapacitated person.

b. Solicitation Prohibited. No person shall practice, carry on, conduct, or solicit for, any trade, service, occupation, business, or profession in any park, or sell or offer for sale therein or thereon any merchandise, article, or anything whatsoever. This Section shall not apply to any person acting pursuant to a contract with the District or under an authorization duly granted by the Director pursuant to standards and criteria approved by the Board of Directors.

c. Prohibition of Animals in Parks. No person shall cause, permit, or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;

2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

3. Dogs or cats when caged, or when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle;

4. Service animals which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;

5. Small pets which are kept on the person of the possessor at all times;

6. In connection with activities authorized by the Director and when in accordance with all conditions attached to such authorization;

7. Fowl or animals turned loose at the direction or with the written permission of the Director.

8. Exceptions. The requirement for a dog to be on-leash while in a public park shall not apply to the following:

(a) Any dog used by a law enforcement agency.

(b) A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.

(c) A dog within a posted "leash optional" area of the park as designated by the Director, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to

maintain proper control over such dog nor shall this Subsection be construed as relieving such person from liability for any damages arising out of his or her dog's action while using the leash optional area.

d. Responsibility of Animal Owner.

1. Each person who owns, or who has custody, possession, or control of an animal within a park shall collect, pick up, and remove all fecal matter and debris promptly after it has been deposited or left behind by said animal in or upon a park. This Subsection shall not apply to guide dogs for blind or disabled persons.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area, which is not over the age of four months, vaccinated for rabies and wearing a currently valid issued dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog of any breed in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided herein and his or her agreement to protect, indemnify, defend, and hold harmless the District/City and its officers and employees from any claim, injury or damage arising from or in connection with use.

e. Prohibition of Firearms, Weapons, and Fireworks.

1. No person shall carry or discharge any firecracker, rocket, torpedo, or other type of explosive, or carry or discharge any air gun, rifle, pistol, sling shot, bow and arrow, or any similar device or weapon including firearm, knife (as defined in the Penal Code as a illegal weapon), etc., within or into a park; nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise.

2. This prohibition shall not apply to the engaging in or traveling to target practice conducted in accordance with appropriate standards of safety at an archery, skeet, or target range authorized and provided by the district for such purpose; nor shall this prohibition apply to law enforcement personnel acting within the scope of their official duties.

3. This prohibition shall not apply to the use of non-projectile firearms at the Moreno Valley Equestrian Center for practice, exhibition, or competition related to re-enactment programs or events authorized through the issuance of a formal permit pursuant to Section 11.40.050(D) of this Code.

4. Any device carried into or used within a park in violation of this provision is subject to confiscation by any law enforcement officer or duly authorized district employee and, in the event thereof, shall be thereafter disposed of in accordance with law, including without limitation any applicable district regulations.

f. Damaging Property Prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any matter any building, monument, fence, bench, or other structure within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment or contract.

g. Damaging Land Prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment of contract.

h. Water. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, or stream within or into a park, except at such place or places authorized and provided by the District for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a foundation, pond, lake, stream, or reservoir within a park.

i. Hazardous Waste: No person shall discharge any form of hazardous waste including flammable liquids, toxic chemicals, caustic substances, poisons, motor oil, lye, benzene, chloride, or any other material that could be a hazard to a person, animal or property, in any park-

j. Fires. No person shall make or kindle a fire within a park except in stoves or other facilities specifically provided for such purpose. No fire shall be lit or maintained within a park between the hours of 10:00 p.m. and 8:00 a.m. of the next succeeding day, except by written permission of the Director.

k. Prohibited Presence. No person shall tent, camp, lodge, or otherwise be present in any park after 10:00 p.m. or before 8:00 a.m. except when lawfully in attendance at an event approved by the Director.

l. Littering, Waste Liquids and Refuse. No person shall dispose of dishwater or other waste liquids or dispose of any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal.

m. Gambling. No person shall play or bet at or against any game in a park, which game is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instruments of gambling or gaming within a park. This prohibition shall not apply to simulated gambling games or to bingo games when conducted by a non-profit organization during fund-raising events pursuant to a permit issued by the Director pursuant to Section 5 of this Ordinance and in compliance with all other applicable law.

n. Prohibited Activities. No person shall play or engage in model airplane flying, driving of golf balls, or any activity of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose.

o. Disturbing the Peace. No person shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of such park or of nearby properties by any other person who is lawfully present.

p. Advertising Matter. Except as authorized in writing by the Director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park.

q. Meetings. No person shall hold any meeting, service, concert, exercise, parade or exhibition requiring a Special Events permit under Chapter 11.38 of this Code

without obtaining and complying with such permit. This Subsection shall not be construed to deprive any person of a right protected by state or federal law or constitution.

r. Protection of Animals. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, animal control officers, District employees, or District contractors acting within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

s. Use of Restroom. No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. This Subsection shall not apply to children accompanied by their parent or guardian.

t. Use of Bicycles in Parks.

1. Except as set forth in Section 2, no person shall ride any bicycle within a park except at or on a place specifically authorized and provided for such purpose. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place.

2. If bicycle riding is authorized, users are required to wear safety gear such as helmet, kneepads, wrist guards, elbow pads or other required equipment for the authorized use of such activity as required by law.

u. Use of Skate Park.

1. No person shall use the skate park at times other than those established by the District as the hours of operation;

2. No person shall use the skate park areas for uses other than skateboarding, skating and BMX bike riding;

3. No person shall use the skate park without wearing the required safety equipment, including a helmet, elbow pads, and knee pads;

4. No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle provided, and failure to do so shall be grounds for expulsion from the skate park;

5. No person shall skate or ride on the curbs, sidewalks, fences, railings and/or driveways of the District/City-owned areas surrounding the skateboarding/skating surface;

6. No person shall skate or ride in a reckless manner with disregard for the safety of persons or property in the skate park;

7. No glass containers are allowed in the designated skateboarding/skating areas. Food and drink are allowed in designated areas only;

8. No additional obstacles may be placed in the designated skateboarding/skating areas;

9. No person shall use the skate park if a hazardous condition exists, including, but not limited to, inclement weather conditions, or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating areas;

10. BMX bikes will be permitted only during designated sessions under supervision of concessionaire or District staff.

v. Amplified Sound in Parks. No person shall cause the amplification of sound within a park if the noise level caused thereby exceeds 60 decibels from all channels of equipment used, except pursuant to a permit issued by the Director, and in compliance with the following conditions:

1. The location of each grandstand and gathering, and the position of each loudspeaker shall be as specified in writing by the Director so as to cause the least amount of disturbance to other persons, both within and without the park;

2. Amplified sounds shall not exceed 60 decibels at a point 50 feet in front of the midpoint of a straight line between any two-loudspeaker installations.

w. Use of Alcohol in Parks. No person shall enter, be in or remain in a park owned, operated or controlled by the City or District, while under the influence of any alcoholic beverage or while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverage, unless a formal permit is granted by the City Manager pursuant to Ordinance CSD-8. Such permit shall be obtained, and the fee as established by resolution of the City Council therefor paid, regardless of the size of the gathering or assembly which desires the privilege of using park area to drink beer, wine or other intoxicating beverage.

x. Use or Sale of Narcotics and Illegal Drugs in Parks. No person shall enter, be in or remain in any park owned, operated or controlled by the City or District, while in possession of, transporting, purchasing, selling, giving away or consuming any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

y. Washing or Repairing Cars. No person shall engage in the washing, cleaning, repairing, renovating or painting of any vehicle within a park, except those emergency repairs immediately necessary to render such vehicle safe may be made.

z. Speed Limits. No person shall drive a vehicle within a park other than in a reasonable and prudent manner but in no case to exceed 15 miles per hour.

aa. Parking. No person shall park any vehicle within a park except for the duration of his or her visit to such park. No person shall leave or park any motor vehicle, on any driveway, or at any other place, except at such place or places as are designated for vehicle parking.

bb. Smoking in Parks.

1. No person shall smoke within a park owned, operated or controlled by the City or District except in an area designated and posted as available for smoking at or on the grounds of a recreation center by direction of the Parks and Community Services Director.

2. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof in a park except in a designated waste disposal container.

3. Violations and Penalties. Any person who violates any provision of this section by smoking in a park is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 Civil Citations, of the Moreno Valley Municipal Code.”

2.1 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 Board of Directors which addresses the same subject addressed herein.

3.1 NOTICE OF ADOPTION:

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

4.1 EFFECTIVE DATE:

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

APPROVED AND ADOPTED this ____ day of _____, 2010.

Mayor of the City of Moreno Valley, acting in
the capacity as the President of the Moreno
Valley Community Services District

ATTEST:

City Clerk of the City of Moreno Valley
acting in the capacity as Secretary of
the Moreno Valley Community Services
District

APPROVED AS TO FORM:

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

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**ROY ROGER RANGERS - PRACTICES, EVENTS, CLINICS
PROPOSED HOURS OF OPERATION FOR ALL EVENTS:**

SET UP – 8AM
BEGIN SHOOTING – 9AM
END SHOOTING – 5PM
TEAR DOWN 5-7PM

NUMBER OF EVENTS:

**5 BEGINNERS TRAINING CLINICS ANNUALLY (SATURDAY) –
10-12 IN ATTENDANCE – CLINIC IS USUALLY HELD ON SATURDAY –
FOLLOWED BY A MONTHLY PRACTICE THE NEXT DAY**
Usually 350 rounds fired; total of 15 minutes of shooting accomplished randomly over the hours
of operation

12 MONTHLY PRACTICES (SUNDAY) – 25-40 IN ATTENDANCE; 4 turns each

Riders shoot 10 rounds each 20 second turn X 4 turns = 80 seconds X 40 riders = 3200
seconds or 54 minutes of shooting over the hours of operation.
A rider goes every 2 minutes and we take breaks.

If we have 40 riders shooting 40 rounds each = 1600 rounds
Total of 54 minutes total shooting done in 20 second increments during the eight hours of
operation.

3 COMPETITION EVENTS (Friday, Saturday, Sunday) – 25-60 IN ATTENDANCE

Friday – warm up day – 20 riders shoot 10 rounds each 20 second turn X 2 turns = 40
seconds X 20 riders = 800 seconds or 14 minutes shooting over hours of operation.

20 riders shooting 20 rounds each = 400 rounds shot in 20 second increments during the
hours of operation; total of 14 minutes of shooting

Saturday – competition day – 60 Riders shoot 10 rounds each 20 second turn X 4 turns =
80 seconds X 60 riders = 4800 seconds or 80 minutes of shooting over the hours of
operation A rider goes every 2 minutes and we take breaks.

60 riders shooting 4 rounds each = 2400 rounds shot in 20 second increments during the
hours of operation; total of 80 minutes of shooting

Sunday – competition day – 60 Riders shoot 10 rounds each 20 second turn X 4 turns =
80 seconds X 60 riders = 4800 seconds or 80 minutes of shooting over the hours of
operation A rider goes every 2 minutes and we take breaks.

60 riders shooting 4 rounds each = 2400 rounds shot in 20 second increments during the
hours of operation; total of 80 minutes of shooting

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rut</i>
CITY MANAGER	<i>wrb</i>

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: July 13, 2010

TITLE: PARTICIPATION AGREEMENT WITH PACIFIC WINGS INC.

RECOMMENDED ACTION

Staff recommends approval of a Participation Agreement with Pacific Wings Inc. to assist in the development of a Buffalo Wild Wings Grill & Bar as part of the CDBG-Recovery program.

BACKGROUND

The economy has been in a down cycle for the last few years and it has created challenges for shopping center owners with vacancies of anchor retail and key restaurant locations. The TownGate area is an important retail and restaurant business area for the City of Moreno Valley. City staff is committed to addressing vacancies and creating new employment opportunities in the TownGate shopping areas with available stimulus funding from the Federal government. The City's adopted CDBG-Recovery (CDBG-R) program has earmarked \$107,841 in available funding for the start-up of a new restaurant operation in the TownGate area.

Buffalo Wild Wings Grill & Bar (BWW's) is a restaurant company, based in Minneapolis Minnesota that has proven successful with its popular restaurant concept that combines a full menu experience— including its famous buffalo chicken wings with 14 signature sauces, along with providing a relaxed entertainment environment through its popular sports bar theme. During the past 29 years, BWW's has developed over 650 restaurant locations in 43 states. In California, BWW's is expanding through owner-operator Franchise Agreements. Presently, there are nearby Buffalo Wild Wings locations in Rancho Cucamonga, Murrieta, Eastvale-Mira Loma and a soon to open restaurant in Corona. Moreno Valley staff has pursued a BWW's location for the past few years and believe it will be a great addition to the local restaurant scene.

DISCUSSION

The Buffalo Wild Wings Franchisee for the Moreno Valley/Redlands/San Bernardino area is Pacific Wings Inc., which is a partnership of two individuals with restaurant experience in the Chicago area and now residing part-time in Southern California. Pacific Wings Inc. will develop a number of BWW's locations in the next few years, but have selected Moreno Valley as their first BWW's restaurant in Southern California.

Pacific Wings Inc. has chosen a location in Moreno Valley-- next to Sports Authority store in the TownGate Crossing center as their initial BWW's restaurant. BWW's Corporation has approved the location, along with conceptual plans for the Moreno Valley restaurant in TownGate Crossing. A Letter of Intent (LOI) has been executed between Pacific Wings Inc. and the Fritz Duda Co.—the owner of TownGate Crossing. With the LOI executed, the parties have negotiated and drafted a lease document with execution expected by mid July. An application and supporting documents have been submitted to the City's Planning staff for the processing of an Amended Plot Plan of the new BWW's restaurant operation. The new 5,126 S.F., BWW's restaurant will also include two patio spaces totaling 1,250 S.F., along with constructing new refrigeration cooler/storage space at the rear of the restaurant. The new BWW's restaurant will offer total seating for 280 in the restaurant, bar and patio areas. Everyone hopes for a late 2010 opening of the new BWW's restaurant in Moreno Valley.

A Participation Agreement has been drafted to spell out the contractual requirements for the CDBG-R funding assistance. The major terms and conditions of the Participation Agreement include the following:

- Pacific Wings Inc. shall execute a binding lease and open a new Buffalo Wild Wings Grill & Bar in TownGate Crossing.
- Pacific Wings Inc. shall establish Moreno Valley as the point of sale per California Board of Equalization requirements for the operation of the new Buffalo Wild Wing's restaurant.
- Pacific Wings Inc. shall agree to create employment opportunities for low and moderate income persons consistent with CDBG requirements, including creating 4 new full-time (or part-time equivalent) jobs at the new restaurant operation.
- Pacific Wings Inc. shall agree to a one-year covenant period of operating the new restaurant in Moreno Valley.
- Upon satisfaction of the conditions stated above, the City shall provide Pacific Wings Inc. with a payment of \$107,841 from the CDBG-R program.

ALTERNATIVES

1. Approve the Participation Agreement with Pacific Wings Inc, thereby supporting the City's assistance in the development of the new Buffalo Wild Wings restaurant.

2. Reject or pursue modification of the terms of the Participation Agreement. Supporting this alternative would hinder the timing or ability to open the new restaurant in TownGate.

FISCAL IMPACT

Funding for the Participation Agreement in the amount of \$107,841 shall be from the City’s CDBG-R program.

<u>Fund</u>	<u>Business Unit Name</u>	<u>Amount</u>
199	19910.6849.003 CDBG-R Economic Incentive for Restaurant Development	\$107,841

Funding for the Participation Agreement will have NO impact on the City’s General Fund. Sales tax for the City from the new Buffalo Wild Wings restaurant is estimated at \$30,000 to \$40,000 annually and the new restaurant operation is expected to employ 100 to 110 people.

SUMMARY

The City’s CDBG-R program contains a funding allocation of \$107,841 for the creation of new restaurants in the TownGate area. The new Buffalo Wild Wings (BWW’s) restaurant, to be situated in TownGate Crossing qualifies for funding through the CDBG-R program. The new BWW’s restaurant will not only create a new and popular restaurant concept for the area, but also help stimulate the local economy by filling a building vacancy, producing new sales tax revenue for the City, and most importantly creating new employment opportunities.

ATTACHMENTS/EXHIBITS

ATTACHMENT 1: Participation Agreement

Prepared By:
Barry Foster
Economic Development Director

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

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PARTICIPATION AGREEMENT

By and Between the

CITY OF MORENO VALLEY

and

PACIFIC WINGS, INC.
a California corporation

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ATTACHMENTS

Attachment No. 1	Site Plan of the Buffalo Wild Wings Facility
Attachment No. 2	Annual Compliance Report
Attachment No. 3	Roles to Ensure Low to Moderate Income Benefit
Attachment No. 4	Summary of HUD Requirements for CDBG Economic Development Activities
Attachment No. 5	Operator Certificate
Attachment No. 6	Schedule of Performance

PARTICIPATION AGREEMENT

This **PARTICIPATION AGREEMENT** (the “Agreement”) is entered into as of July 13, 2010, by and between the **CITY OF MORENO VALLEY**, a municipal corporation (the “City”), and **PACIFIC WINGS, INC.**, a California corporation (the “Operator”).

RECITALS

The following recitals are a substantive part of this Agreement:

A. In furtherance of the objectives of the Housing and Community Development Act of 1974, as amended (the “Act”) as well as regulations promulgated thereunder, the Operator and the City desire that the Operator open a sports bar and restaurant facility within the TownGate Area (the “TownGate Area”) operating under the trade name Buffalo Wild Wings Grill and Bar and that, as part of Operator’s activities, a minimum number of full time (or composite full time) jobs, starting at not less than four (4) employees, be created within the City to be held by or made available to low- or moderate-income persons.

B. Operator through the operation of the operation of a sports bar and restaurant in a Conforming Facility under the trade name Buffalo Wild Wings Grill and Bar, which is a sit-down restaurant facility improved in a manner usual and customary for restaurants doing business under the trade name Buffalo Wild Wings Grill and Bar within the TownGate Area will help stimulate the local economy and address the goals and obligations of the City’s CDBG-Recovery Program as approved by the Department of Housing and Urban Development (“HUD”).

C. Operator has determined a suitable location within the TownGate Area for a sports bar and restaurant facility to be operated under the trade name Buffalo Wild Wings Grill and Bar.

D. Operator has been provided with, has reviewed and agreed that its receipt of payments from the City under this Agreement is subject to the “Annual Compliance Report” (Attachment No. 2 to this Agreement), the “CDBG Regulations”, as defined below and as amplified by the “Roles to Ensure Low and Moderate Income Benefit” (Attachment No. 3 to this Agreement) and “Summary of HUD Requirements for CDBG Economic Development Activities” (Attachment No. 4 to this Agreement), and the remainder of this Agreement.

E. The City is authorized to undertake activities and expend moneys pursuant to and in implementation of the CDBG Regulations.

F. The operations as required to be accomplished under this Agreement are in the vital and best interest of the City and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws.

NOW, THEREFORE, the City and the Operator hereby agree as follows:

100. DEFINITIONS.

“*Adverse Litigation*” means any litigation (including without limitation the filing of a claim) concerning (i) the Agreement, (ii) the subject matter of the Agreement, or (iii) the land use approvals, zoning classifications, or environmental process with respect to the Designated Site, the Agreement, or the activities to be undertaken by the Operator under the Agreement, which, in the opinion of

Operator or City, will have a material adverse effect on the ability of either party to perform its obligations under this Agreement or to realize the intended benefits of this Agreement.

“*Agreement*” means this Participation Agreement by and between the City and the Operator.

“*Annual Compliance Report*” means a report to be provided once a year by the Operator (as of March 1, commencing March 1, 2011, for the preceding calendar year or portion thereof) in the form of Attachment No. 2.

“*Annual Period*” means that three hundred sixty five (365) day period commencing as of the Opening and ending the day prior to the anniversary of the Opening, and each succeeding three hundred sixty five (365) day period (or for a leap year, a three hundred sixty six (366) day period).

“*Authorizing Business Entity*” means The Fritz Duda Company, a California corporation.

“*Best Knowledge*” is defined in Section 208.1 hereof.

“*Certificate Condition*” is defined in Section 401.2 hereof.

“*City*” means the City of Moreno Valley, a municipal corporation.

“*City Manager*” means the City Manager of the City or his designee.

“*City Payment*” means the payment of the Payment Amount by the City in accordance with the terms of this Agreement.

“*CDBG Regulations*” means those regulations (concerning Community Development Block Grants) set forth at 24 CFR 570, including without limitation those regulations referenced therein.

“*Conditions Precedent to Payment*” is defined in Section 403 hereof.

“*Conforming Activities*” means the operation of a sports bar and restaurant in a Conforming Facility under the trade name Buffalo Wild Wings Grill and Bar, which is a sit-down restaurant facility improved in a manner usual and customary for restaurants doing business under the trade name Buffalo Wild Wings Grill and Bar.

“*Conforming Facility*” means a building consisting of not less than five thousand one hundred (5,100) square feet gross leasable area and adjacent parking spaces (or rights to use such spaces) as required by the City in connection with its customary planning process which includes improvements sufficient for the conduct of Conforming Activities, which improvements are to be located at the Designated Site in conformity with the Site Plan of the Buffalo Wild Wings Facility.

“*Continuous Operation Condition*” is defined in Section 401.2 hereof.

“*County*” shall mean the County of Riverside, California.

“*Date of Agreement*” means July 13, 2010.

“*Deadline*” means the ninetieth (90th) day following the Date of Agreement.

“*Default*” means the failure of a party to perform any action or covenant required by this Agreement within the time periods provided herein following notice and opportunity to cure, as set forth in Section 601 hereof.

“*Designated Site*” means a parcel of land within the TownGate Area to be designated by Operator as provided in Section 401 of this Agreement.

“*Designated Trade Name*” means “Buffalo Wild Wings Grill and Bar” or another trade name that is approved by the City in its discretion.

“*Fee Condition*” is defined in Section 401.2.

“*Governmental Requirements*” means each and every law, ordinance, statute, code, rule, regulation, order, and decree of the United States, the state, the County, the City, or any other political subdivision in which the Designated Site is located, and of any other political subdivision, agency, or instrumentality exercising jurisdiction over the Operator or the Designated Site.

“*Improvements*” means all improvements present on the Designated Site as of the Date of Agreement or thereafter undertaken on the Designated Site.

“*Municipal Code*” means the City of Moreno Valley Municipal Code.

“*Notice*” shall mean a notice in the form prescribed by Section 601 hereof.

“*Opening*” means the opening for business of a sports bar and restaurant facility consisting of not less than five thousand one hundred (5,100) square feet gross leasable area operating under the Designated Trade Name.

“*Operating Covenant Period*” means a twelve (12) month period commencing with the later of (i) the Opening or (ii) the time set forth in the Schedule of Performance for the scheduled Opening.

“*Operator*” means Pacific Wings, Inc., a California corporation.

“*Operator Certificate*” means Attachment No. 5 to this Agreement.

“*Payment Amount*” or “*Maximum Payment Amount*” means the sum of One Hundred Seven Thousand Eight Hundred Forty One Dollars (\$107,841.00).

“*Performance Conditions*” means all of the following: the Fee Condition; the Indemnification Condition; the Certificate Condition; the Continuous Operation Condition; and the Annual Report Condition. Each of the foregoing “Conditions” as so enumerated within this definition of Performance Conditions is defined in Section 401.2 hereof.

“*Qualifying Employee(s)*” is defined as follows: the number of persons constituting Qualifying Employees during any Annual Period shall equal the sum of (i) the number of “Full Time Employees” for such Annual Period plus (ii) the number of “Composite Full Time Employees” for such Annual Period, calculated in accordance with the following:

(a) In order to qualify as a Full Time Employee of Operator for the applicable Annual Period, a person must be a salaried or hourly employee who is employed at the Designated Site not less than forty (40) hours per week for not less than fifty (50) weeks, with such fifty two (52) week calculation to be inclusive of vacations, holidays, disability leaves required pursuant to state law, sick leave and similar benefits generally afforded employees generally deemed to be full time employees by prevailing community standards during the corresponding Annual Period. An employee who is terminated during any Annual Period, and the employee who replaces such terminated employee in such position, shall be aggregated for purposes of the foregoing calculation. The Operator shall provide substantiation to the City Manager (or his designee) as to replacement of terminated employees, and the City Manager (or his designee) shall in good faith review whether the employees involved are countable for purpose of the foregoing calculation.

(b) For purposes of this Agreement, one Composite Full Time Employee shall be deemed to exist for each two thousand (2,000) hours worked per Annual Period, not inclusive of vacations, holidays, disability leaves, sick leaves, or similar benefits, performed by part time employees (other than qualifying Full Time Employees), contract employees, independent contractors, or temporary personnel (collectively, "Part Time Employees") at the Designated Site.

Hours worked in one Annual Period shall be countable only with respect to that Annual Period and cannot be carried forward or carried back to be applied as to a different Annual Period.

"*Required Period*" means that period commencing as of the Date of Agreement and continuing until the first (1st) anniversary of the Opening.

"*Schedule of Performance*" means that Schedule setting forth the times by which each action must be completed pursuant to this Agreement, as set forth in Attachment No. 6, attached hereto and incorporated herein.

"*Site Plan of the Buffalo Wild Wings Facility*" means Attachment No. 1.

"*Special Fund*" means a fund or account that City will maintain and which will be funded only with moneys granted by the United States Government under the Act (and, particularly, under the CDBG program).

"*Targeted Income Groups*" means very low-, low- and moderate-income households (as defined under Health and Safety Code Sections 50105, 50079.5 and 50093) residing in the City. Data changes annually concerning the income limits for such households; figures will be available from the City within a reasonable time following receipt of request therefor from the Operator.

200. REPRESENTATIONS AND WARRANTIES.

201. **City Representations.** City represents and warrants to Operator as follows:

(a) **Authority.** City is a municipal corporation organized and existing under the laws of the State of California, which has been authorized to transact business pursuant to action of the City Council. The City has full right, power and lawful authority to execute, perform, and deliver this Agreement, and the execution, performance, and delivery of this Agreement by City has been fully authorized by all requisite actions on the part of City. The parties who have executed this Agreement on behalf of City are authorized to bind City by their signatures hereto.

(b) **No Conflict.** To the best of City’s knowledge, City’s execution, delivery, and performance of its obligations under this Agreement will not constitute a default or a breach under any contract, agreement or order to which City is a party or by which it is bound.

(c) **No City Bankruptcy.** City is not the subject of a bankruptcy proceeding.

202. **Operator Representations.** Operator represents and warrants to City as follows:

(a) **Authority.** Operator is a duly organized California corporation that is authorized to do business in California and is in good standing under the laws of the State of California. Operator has full right, power and lawful authority to purchase or lease and accept possession of property within the TownGate Area, including the Designated Site and undertake all obligations as provided herein and the execution, performance and delivery of this Agreement by Operator has been fully authorized by all requisite actions on the part of the Operator in conformance with the Governmental Requirements. The parties who have executed this Agreement on behalf of Operator are authorized to bind Operator by their signatures hereto.

(b) **Litigation.** To the best of Operator’s knowledge, there are no actions, suits, material claims, legal proceedings, or any other proceedings pending against Operator, or affecting its ability to acquire ownership of or a leasehold interest as to the Designated Site or any portion thereof, at law or in equity before any court or governmental agency, domestic or foreign, which in any way would have a material effect on Operator’s ability to perform its obligations under this Agreement.

(c) **No Conflict.** To the best of Operator’s knowledge, Operator’s execution, delivery, and performance of its obligations under this Agreement will not constitute a default or a breach under any contract, agreement or order to which Operator is a party or by which it is bound.

(d) **No Operator Bankruptcy.** Operator is not the subject of a bankruptcy proceeding.

(e) **Operator Experience; Sophisticated Party.** The Operator is a sophisticated party, with substantial experience in the acquisition, development, obtaining financing for, and the operation of franchised restaurant facilities, and with the negotiation, review, and preparation of agreements and other documents in connection with such activities. The Operator is familiar with and has reviewed all laws and regulations pertaining to the operation of a Conforming Facility under this Agreement, as well as the Summary of HUD Basic Requirements for CDBG Economic Development Activities.

300. OPERATION IN CONFORMITY WITH LAW; INSURANCE AND INDEMNITY.

301. **Indemnity.** The Operator shall defend (by counsel satisfactory to City), indemnify and save and hold harmless City and its officers, contractors, agents and employees from and against all claims, damages, demands, actions, losses, liabilities, costs and expenses including, without limitation, attorneys’ fees and court costs (all of the foregoing are collectively, “Claims”) to the extent arising from or relating to: (i) Operator’s breach of this Agreement; (ii) a Claim, demand or cause of action that any person has or asserts against Operator; (iii) any act or omission of Operator, any contractor, subcontractor or material supplier, engineer, architect or other person retained or

employed by Operator with respect to the Designated Site; or (v) Operator's ownership, occupancy or use of the Designated Site; provided, however, that the indemnification obligations provided in this Section 301 shall not apply to any claim to the extent arising out of the negligent acts or omissions of City and not caused or contributed to by the Operator. Operator's obligations under this Section 304 shall survive the termination of this Agreement.

If the Operator defaults under the terms of this Agreement and such default remains uncured after the City has given Operator written notice thereof as set forth in Section 500, the Operator agrees to reimburse the City immediately upon written demand for all costs reasonably incurred by the City (including the reasonable fees and expenses of attorneys, accountants, appraisers and other consultants, whether the same are independent contractors or employees of City) in connection with the enforcement of the Agreement, including the attachments thereto, and all related matters including the following: (a) the City's commencement of, appearance in, or defense of any action or proceeding purporting to affect the rights or obligations of the parties to this Agreement, and (b) all claims, demands, causes of action, liabilities, losses, commissions and other costs against which the City is indemnified under this Agreement.

The Operator shall indemnify the City from any real estate commissions or brokerage fees which may arise from this Agreement or the Designated Site. The Operator agrees to hold the City harmless from any claim by any broker, agent or finder in connection with this Agreement, the activities by the Operator and/or the Designated Site.

Operator agrees that no displacement of another person or business shall be effected in connection with the selection of a Designated Site by the Operator or Operator's siting of a store at the Designated Site. Operator agrees to and shall defend, indemnify and hold harmless City from and against any claim, loss, suit or demand in connection with any claim for relocation assistance based upon the displacement of a person or business from the Designated Site occurring prior to and in connection with the selection of the Designated Site by the Operator.

302. **Compliance With Laws.** Operator shall carry out the design, construction and development of improvements, if any, and the conduct of uses on the Designated Site in conformity with all applicable laws, including without limitation the Act, City zoning and development standards, building, plumbing, mechanical and electrical codes, and all applicable disabled and handicapped access requirements, including without limitation the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, and the Unruh Civil Rights Act, and Civil Code Section 51, *et seq.*, and, to the extent applicable, Labor Code Section 1720(b)(3) and all Governmental Requirements. The City makes no representations or warranties whatsoever with respect to the applicability of the foregoing prevailing wage and public works requirements, and the Operator shall make its own determination as to such applicability. Operator shall indemnify City for any liability associated with the payment of prevailing wages for any work on the Designated Site.

The Operator does hereby and shall indemnify and hold City harmless from and against any and all claims, demands, causes of action, obligations, damages, liabilities, costs and expenses, including reasonable attorneys' fees, that may be asserted against or incurred by City to the extent arising out of Operator's compliance with or failure to comply with applicable laws, including all applicable federal and state labor standards including without limitation the requirements of Labor Code Section 1720; provided, however, that the indemnification obligations provided in this

Section 302 shall not apply to any claim to the extent arising out of the negligent acts or omissions of City and not caused or contributed to by the Operator.

Before commencement of construction of any improvement upon the Designated Site or otherwise within the corporate limits of the City, Operator shall, at its own expense, secure or cause to be secured any and all land use and other entitlements, permits, and approvals which may be required for such improvements by the City or any other governmental agency affected by or having jurisdiction over such construction or work. Operator shall, without limitation, apply for and secure, and pay when due all costs, charges and fees associated therewith, all permits and fees required by the City, County of Riverside, and other governmental agencies with jurisdiction over such improvements. Execution of this Agreement does not constitute the granting of or a commitment to obtain or to assist in obtaining any required land use entitlements, or approvals required by the City. Operator's obligations under this Agreement including without limitation acquisition (by purchase or lease) and, if applicable, the making of improvements at the Designated Site is expressly conditioned upon the issuance of each permit required by the City, County of Riverside or other governmental agencies and the grant of all approvals and entitlements required for development of the Designated Site as contemplated under this Agreement.

303. **Insurance.** Prior to the disbursement of any moneys by the City to the Operator and continuing throughout the Operating Covenant Period, the Operator shall maintain at Operator's sole expense (or, if Operator is leasing the Designated Site, the lessor may provide) the following policies of insurance in form and substance reasonably satisfactory to the City:

(i) workers' compensation insurance and any other insurance required by law in connection with construction, if any, performed on the Designated Site (to be in effect only while work is being performed on the Designated Site);

(ii) fire and hazard "all risk" insurance covering 100% of the replacement cost of the improvements at the Designated Site in the event of fire, lightning, windstorm, vandalism, earthquake, malicious mischief and all other risks normally covered by "all risk" coverage policies in the area where the Designated Site is located (including loss by flood if the Designated Site is in an area designated as subject to the danger of flood);

(iii) public liability insurance in no event less than \$2,000,000 for "single occurrence;"

(iv) property damage insurance in no event less than \$2,000,000;
and

All such insurance shall provide that it may not be canceled or materially modified without 30 days prior written notice to City. The policies required under subparagraph (b) shall designate City as an additional insured and loss payee. City shall be an additional insured in the policies required under subparagraph (d). Certificates of insurance for the above policies (and/or original policies, if required by City) and endorsements shall be delivered to City from time to time within 10 days after demand therefor. No less than thirty (30) days prior to the expiration of each policy, Operator shall deliver to City evidence of renewal or replacement of such policy reasonably satisfactory to the City Manager.

(b) Coverage provided hereunder by Operator shall be primary insurance and not be contributing with any insurance maintained by City, and the policy shall contain such an endorsement. The insurance policy or the endorsement shall contain a waiver of subrogation for the benefit of the City. All policies shall be written by good and solvent insurers qualified to do business in California and shall have a policyholder's rating of A or better in the most recent edition of "Best's Key Rating Guide -- Property and Casualty." The required certificate shall be furnished by Operator at the time set forth herein. The Operator's obligation to maintain insurance under this Section 303 may be satisfied by appropriate amendment, rider or endorsement to any blanket policy or policies carried by the Operator (or policies or amendments, riders or endorsements by a lessor, if the Operator is leasing the Designated Site), and the Operator shall have the option to include a self-insured deductible for which it shall assume full responsibility so long as the Operator maintains a combined net worth of Fifty Million Dollars (\$50,000,000.00).

(c) The Operator hereby waives all rights to recover against City (or any officer, employee, agent or representative of City) for any loss incurred by Operator from any cause insured against or required by this Agreement to be insured against; provided, however, that this waiver of subrogation shall not be effective with respect to any insurance policy if the coverage thereunder would be materially reduced or impaired as a result. Operator shall use its best efforts to obtain only policies which permit the foregoing waiver of subrogation.

304. **Nondiscrimination in Employment; Efforts to Employ Persons of Targeted Income Groups.** The Operator certifies and agrees that all persons employed or applying for employment by it, its affiliates, subsidiaries, or holding companies are and will be treated equally by it without regard to, or because of race, color, religion, ancestry, national origin, sex, sexual orientation, age, pregnancy, childbirth or related medical condition, medical condition (cancer related) or physical or mental disability.

Operator shall recruit and use best efforts to maximize the hiring of personnel for its sports bar and restaurant facility to be established under this Agreement in the TownGate Area from members of the Targeted Income Groups.

305. **Taxes and Assessments.** Throughout the Operating Covenant Period, Operator shall pay (or the Authorizing Business Entity or lessor shall pay) prior to delinquency all ad valorem real estate taxes and assessments on the Designated Site. Operator shall remove or shall have caused to be removed any levy or attachment made on the Designated Site or any part thereof which is owned or leased by Operator, or assure the satisfaction thereof within a reasonable time, but in no event to exceed sixty (60) days. The Operator shall additionally defend, indemnify, and hold harmless the City from and against any taxes, assessments, mechanic's liens, claims of materialmen and suppliers, or other claims by private parties to the extent arising out of (a) activities undertaken by the Operator or (b) the Designated Site.

400. CONSIDERATION FOR AGREEMENT; CITY CONTINGENT PAYMENTS.

401. Operator Consideration.

401.1 **Timing for Satisfaction of Conditions.** As consideration for the City to enter into this Agreement, the Operator agrees to satisfy the Conditions Precedent to Payment by the time established therefor in the Schedule of Performance, and to annually thereafter satisfy the Performance Conditions on a continuous basis throughout the Operating Covenant Period. The

Operator further agrees to operate, maintain and use the Designated Site in conformity with this Agreement. The Operator assumes all responsibility for any costs to perform under this Agreement.

Within thirty (30) days after the Conditions Precedent to Payment have been satisfied (immediately following the approval of this Agreement), as such satisfaction is determined in good faith by the City Manager, City will disburse to Operator from moneys in the Special Fund the Payment Amount.

401.2 Performance Conditions. Operator shall continuously operate Conforming Activities in a Conforming Facility commencing with the Opening and continuing throughout the Operating Covenant Period. In addition to the foregoing, Operator shall use diligent efforts to recruit and hire as employees members of the Targeted Income Groups, and shall cooperate with the City in connection therewith. The obligations as set forth in this paragraph shall hereinafter be referred to as the “Continuous Operation Condition.”

The performance by the Operator shall additionally include: (i) the satisfaction of the Conditions Precedent to Payment; (ii) the payment in full of all City fees and/or business licenses payable in respect to the operation of the Conforming Activities (the “Fee Condition”); (iii) provision of defense, indemnification, assumption of responsibility for, and provision of insurance as required pursuant to Sections 303 and 304 of this Agreement (the “Indemnification Condition”); and (iv) filing of the Annual Compliance Report for the corresponding calendar year by the time set forth therefor herein (the “Annual Report Condition”). The Operator shall, as provided in this Agreement, provide its certification in connection with the satisfaction of the foregoing Conditions in the form of the Operator Certificate, and thereafter on an annual basis, on that date which precedes by thirty (30) days the last date of each Annual Period, the Operator shall so submit the Operator Certificate until the last day of the Required Period, and during such period shall provide such additional information with respect to any of such matters as the City Manager or his designee shall reasonably determine to be necessary or convenient in connection with the review of the Operator Certificate(s) (the “Certificate Condition”). All of the Conditions set forth in this Section 401.2 together constitute the Performance Conditions.

402. City Contingent Financial Participation. Payment of the Payment Amount shall be subject to satisfaction of the Conditions Precedent to Payment and, to the extent applicable as of payment of the Payment Amount, the Performance Conditions have been and remain satisfied as of the time such payment is otherwise due and payable; the City shall disburse to the Operator the City Payment following the Opening within thirty (30) calendar days after the City Manager receives satisfactory substantiation that the Conditions Precedent to Payment (including, to the extent applicable as of the payment of the Payment Amount, the Payment Conditions) have been satisfied. The source of payments and the obligation to make payment shall be moneys in the Special Fund; provided that City may provide payment from any other City funding source deemed appropriate by City. Payment by the City is subject to the reasonable satisfaction of the City Manager that the Conditions Precedent to Payment were satisfied and that there are no uncured defaults which occur prior to the making of payment. Operator Certificates shall be submitted to the City to the attention of its City Manager at the address set forth in Section 701 hereof. No interest shall accumulate as to any amounts which are or may become payable to the Operator.

The City shall not provide any moneys pursuant to this Agreement other than those payments provided for in this Section 402. Further, no pledge is made or lien priority established by this Section 402.

403. **Conditions Precedent to Payment.** The City shall pay the Payment Amount to Operator within thirty (30) calendar days following the date on which all of the following conditions precedent have been and remain satisfied:

(a) the Operator provides to the City Manager evidence reasonably satisfactory to the City Manager that: (i) Operator has entered into a binding agreement with the franchisor of the trade name Buffalo Wild Wings Grill and Bar, and a lease agreement with the Authorizing Business Entity to operate a sports bar and restaurant in a Conforming Facility under the trade name Buffalo Wild Wings Grill and Bar; (ii) Operator has acquired real property within the TownGate Area or has entered into a lease of existing, improved premises that constitutes a Conforming Facility for a term of not less than twelve (12) months; (iii) the Opening of a Conforming Facility has occurred within the TownGate Area with the approval of the Authorizing Business Entity operating under the Designated Trade Name; (iv) Operator has made diligent efforts to recruit and hire as its employees members of Targeted Income Groups; and (v) Operator employs at the Designated Site not less than four (4) Qualifying Employees;

(b) Operator delivers to the City Manager or his designee a certificate substantially in the form of the Operator Certificate, duly executed with the attachments prescribed pursuant to this Agreement;

(c) all property taxes, assessments and business license fees for or with respect to the Designated Site have been paid and are not delinquent;

(d) there exists no Default, as defined in Section 601 of this Agreement;
and

(e) Operator has delivered to City all documents, instruments, policies, and forms of evidence or other materials required to be provided to City hereunder and as may be reasonably requested by City under the terms of this Agreement

(f) Operator provides evidence reasonably satisfactory to the City Manager demonstrating that the Conforming Facility is operating on the Designated Site in conformance with this Agreement using the Designated Trade Name;

The foregoing conditions lettered (a) to (g), inclusive, shall collectively constitute the “Conditions Precedent to Payment.”

The Operator agrees that, in the event the Operator ceases to operate the Conforming Activities on the Designated Site during the Operating Covenant Period, or if this Agreement is terminated by the City based upon the default or failure to satisfy conditions by the Operator, then no additional or future payments shall be made by the City pursuant to Section 402 of this Agreement.

404. **Brokers.** The City shall not be liable for any real estate commissions or brokerage fees which may arise herefrom. The Operator represents and warrants that it has not engaged the services of any agents, brokers, or finders in connection with this Agreement, and assumes all responsibility for any remuneration payable to any agents, brokers, or finders in connection with this Agreement.

500. COVENANTS AND RESTRICTIONS.

501. **Use Covenants.** The Operator will use the Conforming Facility as a sports bar and restaurant in a Conforming Facility under the trade name Buffalo Wild Wings Grill and Bar, which is a sit-down restaurant facility improved in a manner usual and customary for restaurants doing business under the Designated Trade Name. The Operator shall operate on the Designated Site only Conforming Activities, which shall include a physical facility which includes improvements conforming in all respects to all applicable regulations of federal, state and local agencies regulating the establishment or operations of such facilities. The Operator covenants and agrees that the Operator and any successors and assignees, shall on a continuous basis throughout the Operating Covenant Period: (i) devote the Designated Site to the uses specified in this Section 501 of this Agreement; (ii) operate on the Designated Site a Business devoted to the operation of Conforming Activities under the Designated Trade Name and (iii) execute and deliver to the City an Operator Certificate prior to each payment by the City.

The Operator shall carry out all of its undertakings pursuant to this Agreement in conformity with all applicable laws, the Summary of HUD Federal Requirements for CDBG Economic Development Activities and the CDBG Regulations. The Operator covenants to operate on the Designated Site only Conforming Activities for a period of not less than the Required Period; this covenant is made for the benefit of the City.

In addition, Operator covenants that there shall be no discrimination contrary to the Summary of HUD Federal Requirements for CDBG Economic Development Activities or the CDBG Regulations.

In addition, continuing throughout the remainder of the Required Period, all uses conducted on the Designated Site, including, without limitation, all activities undertaken by the Operator pursuant to this Agreement, shall be Conforming Activities and shall conform to all applicable provisions of the Municipal Code. The Operator on behalf of itself and its successors, assigns, and each successor in interest to the Designated Site or any part thereof, hereby covenants and agrees:

(a) To use, devote, and maintain the Designated Site and each part thereof, for the purposes and the uses specified in the Municipal Code of the City, all applicable laws, the Summary of HUD Federal Requirements for CDBG Economic Development Activities and the CDBG Regulations.

(b) To maintain the improvements and landscaping on the Designated Site in conformity to all applicable laws and to keep the Designated Site free from any accumulation of debris and waste materials (or, if Operator leases the Designated Site, to provide such maintenance or require that the lessor provide such maintenance).

(c) To operate on the Designated Site only Conforming Activities.

600. DEFAULTS AND REMEDIES.

601. **Default Remedies.** Subject to the extensions of time set forth in Section 702 of this Agreement, failure by any party to perform any action or covenant required by this Agreement within the time periods provided herein following notice and failure to cure as described hereafter, constitutes a “Default” under this Agreement. A party claiming a Default shall give written notice of

Default to the other parties specifying the Default complained of. Except as otherwise expressly provided in this Agreement, the claimant shall not institute any proceeding against any other party, and the other party shall not be in Default if such party within thirty (30) days from receipt of such notice immediately, with due diligence, commences to cure, correct or remedy such failure or delay and shall complete such cure, correction or remedy with diligence. In the event of the Operator's Default of the operating covenant, the sole remedy of the City shall be suspension or at City's election to terminate payment of the amounts payable to Operator under this Agreement and/or to seek recovery of amounts previously paid.

602. **Institution of Legal Actions.** In addition to any other rights or remedies and subject to the restrictions otherwise set forth in this Agreement, any party may institute an action at law or equity to seek specific performance of the terms of this Agreement, or to cure, correct or remedy any Default, to recover damages for any Default, or to obtain any other remedy consistent with the purpose of this Agreement. Such legal actions must be instituted in the Superior Court of the County of Riverside, State of California.

603. **Termination by the Operator.** The Operator shall not have the right to terminate this Agreement, except as otherwise specified in this Section 603. Upon the City's Default of its obligations under this Agreement and failure to cure such Default within the time specified in Section 601, then, subject to the provisions of Section 602 above, this Agreement and any rights hereunder shall, at the option of the Operator, be terminated by Operator by Notice thereof to the City. Operator shall also have the option to terminate this Agreement on or before September 1, 2010 (unless such date is extended by mutual consent of the parties), if on or before September 1, 2010 (or the date as extended by mutual consent of the parties): (i) Operator is unable to acquire title or a leasehold interest in the Designated Site; or (ii) the City fails to make one or more payments as provided under this Agreement. From the date of Notice of Termination of this Agreement by Operator to the City and thereafter, this Agreement shall be deemed terminated and there shall be no further rights or obligations between the parties.

604. **Termination by City.** In the event that, prior to the time established in the Schedule of Performance for the satisfaction of the Conditions Precedent to Payment:

(a) Operator (or any successor in interest) assigns this Agreement or any rights herein or with respect to the Designated Site to any third party other than an Affiliate in violation of this Agreement and fails to cure such default within the time set forth in Section 601 hereof; or

(b) Operator does not fulfill one or more of the Conditions Precedent to Payment in accordance with the Schedule of Performance and such failure is not caused by City; or

(c) On or before the Deadline, Adverse Litigation is pending; or

(d) Operator is otherwise in default of this Agreement and fails to cure such default within the time set forth in Section 601 hereof;

then this Agreement and any rights of the Operator or any assignee or transferee with respect to or arising out of the Agreement, shall, at the option of City, be terminated by City by Notice thereof to the Operator. From the date of the Notice of termination of this Agreement by City to the Operator

and thereafter this Agreement shall be deemed terminated, and there shall be no further rights or obligations between the parties, except that City may pursue any remedies it has hereunder.

605. **Acceptance of Service of Process.** In the event that any legal action is commenced against the City, service of process on the City shall be made by personal service upon the City Clerk or in such other manner as may be provided by law. In the event that any legal action is commenced against the Operator, service of process on the Operator shall be made in such manner as may be provided by law and shall be effective whether served inside or outside of California.

606. **Rights and Remedies Are Cumulative.** Except as otherwise expressly stated in this Agreement, the rights and remedies of the parties are cumulative, and the exercise by a party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by another party.

607. **Inaction Not a Waiver of Default.** Any failures or delays by either party in asserting any of its rights and remedies as to any Default shall not operate as a waiver of any Default or of any such rights or remedies, or deprive either such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

608. **Applicable Law.** The laws of the State of California shall govern the interpretation and enforcement of this Agreement.

700. GENERAL PROVISIONS.

701. **Notices, Demands and Communications Between the Parties.** Any approval, disapproval, demand, document or other notice (“Notice”) which a party hereto may desire to give to another party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by reputable document delivery service such as Federal Express that provides a receipt showing date and time of delivery, or (iii) mailing in the United States mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below, or at any other address as that party may later designate by Notice.

To City: City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, California 92552-0805
Attention: Economic Development Director

To Operator: Pacific Wings, Inc.
Attention: Anthony Prokos
28076 Paseo Hacienda
San Juan Capistrano, California 92675

Any written notice, demand or communication shall be deemed received immediately upon receipt; provided, however, that refusal to accept delivery after reasonable attempts thereto shall constitute receipt. Any notices attempted to be delivered to an address from which the receiving party has moved without notice shall be deemed to be effective on the fifth (5th) day from the date of the attempted delivery or deposit in the United States mail.

702. **Enforced Delay; Extension of Times of Performance.** In addition to specific provisions of this Agreement, performance by any party hereunder shall not be deemed to be in Default, and all performance and other dates specified in this Agreement shall be extended, where delays or Defaults are due to: war; insurrection; riots; floods; earthquakes; fires; casualties; acts of God; acts or omissions of another party, or acts or failures to act of the City or any other public or governmental agency or entity. Notwithstanding anything to the contrary in this Agreement, an extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause. Times of performance under this Agreement may also be extended in writing by the mutual agreement of City and Operator. The City Manager shall have the authority to approve on behalf of City, extensions of time not to exceed a cumulative total of one hundred eighty (180) days. Notwithstanding any provision of this Agreement to the contrary, the Operator is not entitled pursuant to this Section 702 to an extension of time to perform because of the failure to obtain any approvals of third parties for sales or exchanges of property or the failure of Operator to open a Conforming Facility within the TownGate Area; and no rights with respect to entitlements as to any property or with respect to agreements, if any, with City as to other properties.

703. **Transfers of Interest in Agreement or of Designated Site.** The qualifications and identity of the Operator are of particular concern to the City. It is because of those qualifications and identity that the City has entered into this Agreement with the Operator. For the period commencing upon the Date of Agreement and until the end of the Operating Covenant Period, no voluntary or involuntary successor in interest of the Operator shall acquire any rights or powers under this Agreement, nor shall the Operator make any total or partial sale, transfer, conveyance, assignment, subdivision, refinancing or lease of the whole or any part of the Designated Site or the development thereon without prior written approval of City, except as expressly set forth in this Section 703. Provided that in the event of a transfer that has not been approved in writing by the City, the sole remedy of the City shall be suspension or at City's election termination of payments otherwise required to be made by City pursuant to this Agreement. City shall not unreasonably withheld its consent to the assignment by Operator hereunder of its rights under this Agreement to any entity which controls, is controlled by, or is under common control with Operator ("Affiliate"); provided that in no event shall Operator be released of its obligations hereunder.

704. **Provision of Information; Inspection of Books and Records.** The City shall have the right at all reasonable times during the Required Period to inspect the books and records of the Operator as reasonably necessary to determine compliance with this Agreement; the Operator agrees to make such records available to the City as deemed reasonably necessary by the City, at least annually and additional upon request therefor by the City, to verify compliance with the terms of this Agreement.

705. **Non-Liability of Officials and Employees of City.** No member, official, officer or employee of the City shall be personally liable to the Operator, or any successor in interest, in the

event of any Default or breach by the City or for any amount which may become due to the Operator or their respective successors, or on any obligations under the terms of this Agreement.

706. **Relationship Between City and Operator.** It is hereby acknowledged that the relationship between the City and the Operator is not that of a partnership or joint venture and that City and the Operator shall not be deemed or construed for any purpose to be the agent of the other (excepting that the Operator shall each be deemed to be the agent for the other). Accordingly, except as expressly provided in this Agreement, including the Attachments hereto, the City shall not have any rights, powers, duties or obligations with respect to the Designated Site.

707. **City Approvals and Actions.** Whenever a reference is made herein to an action or approval to be undertaken by the City, the City Manager is authorized to act on behalf of the City unless specifically provided otherwise or the law otherwise requires.

708. **Counterparts.** This Agreement may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement. This Agreement is executed in three (3) originals, each of which is deemed to be an original.

709. **Integration.** This Agreement contains the entire understanding between the parties relating to the transaction contemplated by this Agreement. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged in this Agreement and shall be of no further force or effect. Each party is entering this Agreement based solely upon the representations set forth herein and upon such party's own independent investigation of any and all facts such party deems material. This Agreement includes pages 1 through 17 and Attachment Nos. 1 through 6, which Attachments are attached hereto and incorporated herein by reference, which constitute the entire understanding and agreement of the parties, notwithstanding any previous negotiations or agreements between the parties or their predecessors in interest with respect to all or any part of the subject matter hereof.

710. **Interpretation; Titles and Captions.** As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others where and when the context so dictates. The word "including" shall be construed as if followed by the words "without limitation." This Agreement shall be interpreted as though prepared jointly and equally by both parties. Titles and captions are for convenience of reference only and do not define, describe, or limit the scope or the intent of this Agreement or of any of its terms. References to section numbers are to sections in this Agreement, unless expressly stated otherwise.

711. **No Waiver.** A waiver by any party of a breach of any of the covenants, conditions or agreements under this Agreement to be performed by the other party shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions or conditions of this Agreement.

712. **Modifications.** Any alteration, change, or modification of or to this Agreement, in order to become effective, shall be made in writing signed on behalf of each party.

713. **Severability.** If any term, provision, condition, or covenant of this Agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Agreement, or the application of the term, provision, condition or covenant to

persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.

714. **Computation of Time.** The time in which any act is to be done under this Agreement is computed by excluding the first day (such as the day escrow opens), and including the last day, unless the last day is a holiday or Saturday or Sunday, and then that day is also excluded. The term “holiday” shall mean all holidays as specified in Section 6700 and 6701 of the California Government Code. If any act is to be done by a particular time during a day, that time shall be Pacific Time Zone time.

715. **Legal Advice.** Each party represents and warrants to the other the following: it has carefully read this Agreement, and in signing this Agreement, it does so with full knowledge of any right which they may have; it has received legal advice from its legal counsel as to the matters set forth in this Agreement, or has knowingly chosen not to consult legal counsel as to the matters set forth in this Agreement, and it has freely signed this Agreement without any reliance upon any agreement, promise, statement or representation by or on behalf of the other party, or their respective agents, employees, or attorneys, except as specifically set forth in this Agreement, and without duress or coercion, whether economic or otherwise.

716. **Time of Essence.** Time is expressly made of the essence with respect to the performance by the City and the Operator of each and every obligation and condition of this Agreement.

717. **Time for Acceptance of Agreement by City.** This Agreement, when executed by the Operator and delivered to City, must be authorized, executed and delivered by the City on or before thirty (30) days after signing and delivery of this Agreement by the Operator or this Agreement shall be void, except to the extent that the Operator shall consent in writing to a further extension of time for the authorization, execution and delivery of this Agreement.

718. **No Third Party Beneficiaries.** Nothing herein is intended to create any third party beneficiaries to this Agreement, and no person or entity other than the City and the Operator, and the permitted successors and assigns of either of them, shall be authorized to enforce the provisions of this Agreement.

WITNESS WHEREOF, the City and the Operator have signed this Agreement on the respective dates set forth below to be effective as of the Date of Agreement.

CITY:

CITY OF MORENO VALLEY,
a municipal corporation

By: _____
William L. Bopf, Interim City Manager

ATTEST:

Jane Halstead, City Clerk

Approved as to Form:

Robert Hansen
City Attorney

OPERATOR

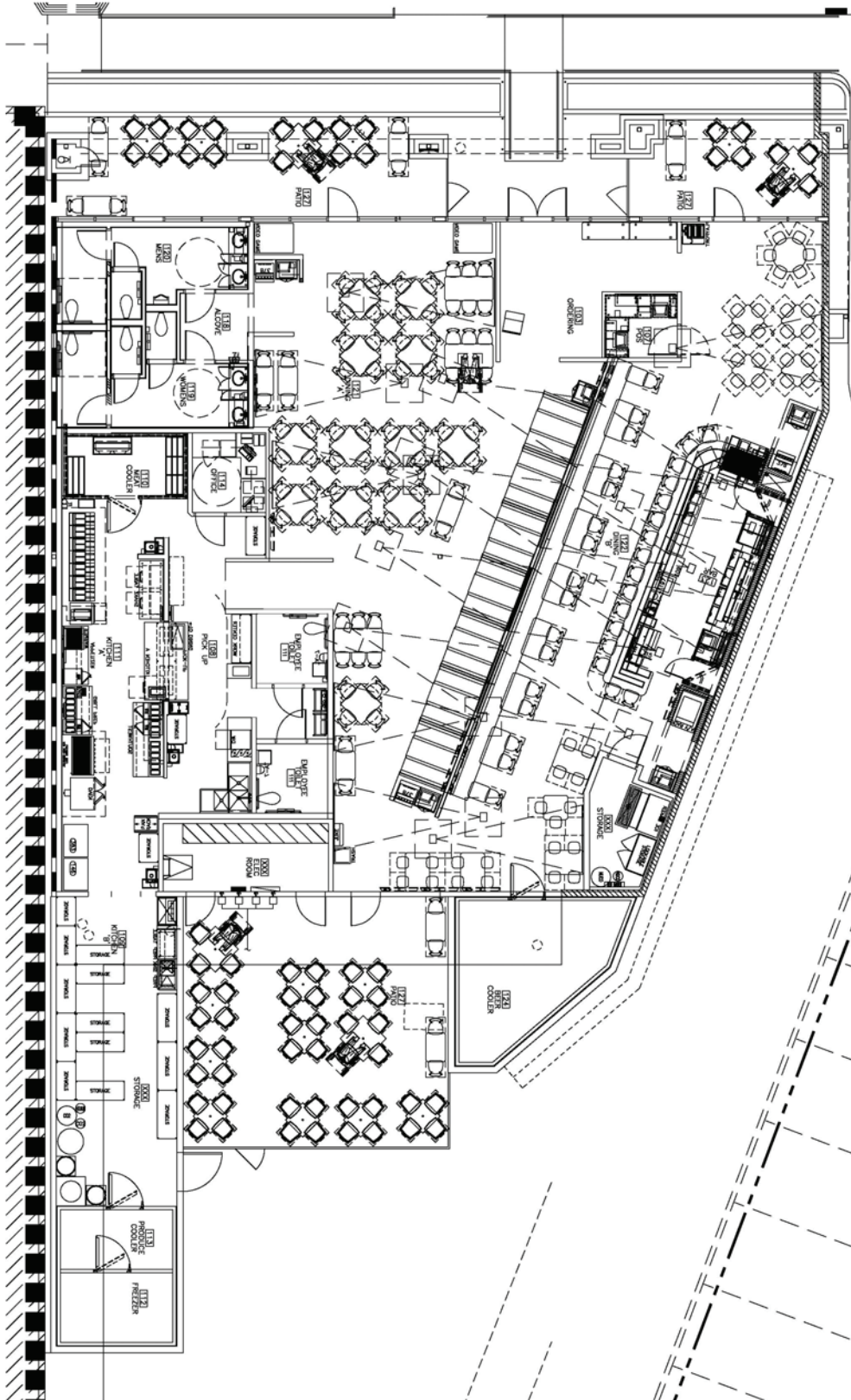
PACIFIC WINGS, INC.,
a California corporation

By: _____
Anthony Prokos

Its: _____

ATTACHMENT NO. 1

SITE PLAN OF THE BUFFALO WILD WINGS FACILITY



Attachment No. 1
Page 1 of 1
Attachment 1

ATTACHMENT NO. 2
ANNUAL COMPLIANCE REPORT
YEAR ENDING ____

Activity:	Moreno Valley Business Incentive Program	
Per Agreement Between:	City of Moreno Valley and Pacific Wings, Inc.	
Agreement Originating:	2010 (CDBG-R Program Year 2010/11)	
Current Date (mo/day/yr):		
Contact Person Name:		Title:
Contact Mailing Address:		
Contact Telephone:	Contact E-mail:	
Funding Source(s):	Contact Fax:	
Assistance Extended:	<input checked="" type="checkbox"/> CDBG <input type="checkbox"/> HOME <input type="checkbox"/> RDA <input type="checkbox"/> HOME & RDA <input checked="" type="checkbox"/> Other - CDBG-R Year 1: \$107,841 (CDBG-R)	

Per Federal laws as agreed to in the Participation Agreement referenced above, the following data must be reported annually to the Dept. of Housing and Urban Development (HUD) via the City of Moreno Valley's Economic Development Department. Please complete and return to the City by requested date.

Required Reporting Data	
No. of jobs to created or retained - Minimum 4 full time jobs or full time equivalents	_____
Percentage of the jobs to be created or made available to Low-to-Moderate (L/M) persons	100%
No. of Low-to-Moderate (L/M) jobs actually created or retained over reporting period	_____

LOW / MODERATE INCOME: The income table below is intended for use by the Participating Business when qualifying an applicant / employee as low-to-moderate (L/M) income. For each applicant's / employee's family size, indicate if previous income was more than or less than the amount listed. Insert the word 'Less or 'More' as applicable in the Low/Moderate Income column below.

Annual Income Level	Number of Persons In Household/Family							
	1	2	3	4	5	6	7	8
2009 Low -to- Moderate Incomes	\$37,300	\$42,650	\$47,950	\$53,300	\$57,550	\$61,850	\$66,100	\$70,350

(An updated table shall be provided annually as new income limits are issued each year by the Department of Housing and Urban Development (HUD))

	Employee Name (Last name, First Initial)	Job type f/t or p/t (enter # hrs)	Job Category* Select category from below	Paid health Benefits (Y or N)	Low/Moderate Income Was previous income more or less than amount listed above?	Race / Ethnicity of employee**	Previously unemployed (Y or N)
EX	EXAMPLE EMPLOYEE: JOHN SMITH	FT	6 (Craft Workers)	Y	Less	1 (White)	N
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

***JOB CATEGORIES (Insert appropriate number in Job Category column):**

1) Officials and Managers	4) Sales	7) Operatives (semi-skilled)
2) Professional	5) Office and Clerical	8) Laborers (unskilled)
3) Technicians	6) Craft Workers (skilled)	9) Service Workers

****RACE CATEGORIES (Insert appropriate number in Race Category column):**

ND) Not Disclosed	3) Asian	6) American Indian / Alaskan Native & White	9) American Indian / Alaskan Native & Black/African American
1) White	4) American Indian/ Alaskan Native	7) Asian & White	10) Other Multi-Racial – Category used for reporting individual responses that are not included in any of the categories listed above
2) Black / African American	5) Native Hawaiian / Other Pacific Islander	8) Black / African American & White	

ATTACHMENT NO. 3

ROLES TO ENSURE LOW-TO-MODERATE INCOME BENEFIT

This is a federally funded Economic Development project. As such, the Office of Housing and Urban Development (HUD) requires that each party to the Agreement agree to undertake certain roles to ensure that the jobs created/retained will benefit low-to-moderate (L/M) income persons.

Actions required by each party are:

The City of Moreno Valley:

- Shall provide a summary of HUD Federal Requirements for CDBG Economic Development activities for informational purposes and as a reference document.
- Shall be available to provide guidance and answer questions to ensure clarity and understanding of HUD's requirements.
- Will specify exactly what needs to be in the reported annually. See Attachment 2.
- Will collect the Compliance Report Form, review the form, and provide written feedback within 30 days of receipt. The City's written response may contain suggestions or list adjustments if necessary to meet the requirements as provided in the Agreement.
- Will identify L/M census tracts (census tracts where 70% of residents are low income) and Enterprise Zones where business may target (or market) their employee search. Maps will be provided.
- Shall define 'reasonable distance' as within 1.5 miles of an applicant's residence for the employer/business to use when determining if L/M applicant has adequate access to transportation to job site.
- Will provide an updated annual income table each year to be used by the business in determining if an individual seeking employment qualifies as low-to-moderate income.

The Business/Employer:

- Shall accept the HUD Federal Requirements for CDBG Economic Development activities and retain a copy for informational and reference purposes.
- Shall seek guidance from City and ask questions as needed in order to ensure clarity and understanding of HUD's requirements.
- Will submit a completed 'Annual Compliance Report Form' each year as required.
- Will implement suggestions and adjustments as recommended by the City via letter within 60 days of receipt of City response letter.
- Refer to map of L/M census tracts and Enterprise Zones when identifying where to conduct marketing of employment opportunities.
- Cooperate with the City of Moreno Valley Employment Resource Center to pre-screen for L/M income applicants. Completion of L/M verification shall be done through the Agency if possible (this includes having applicants complete any self-certification documents).
- Require use a notarized jurat along with L/M self-certification document.
- Provide copies of marketing materials, advertisements, want ads, etc. including publication dates, name of publisher to document job marketing efforts in areas pre-determined to be 'low-to-moderate income'.
- If an applicant falls into the "presumed L/M income" category, this will need to be documented by referencing the census block number or Enterprise Zone of where the applicant resides directly on the application and again within the required reports to the City.

ATTACHMENT NO. 4

SUMMARY OF HUD FEDERAL REQUIREMENTS FOR CDBG ECONOMIC DEVELOPMENT ACTIVITIES

Activity: Moreno Valley Business Incentive Program

Code of Federal Regulation References: 18A ED Technical Assistance. Section 570.203 Section 105 (c) (1) and Section 570.208 (a) (4)

Number of Jobs to be created: For individual economic development projects, CDBG-Department of Housing and Urban Development (HUD) and the City shall require creation of 1 full time equivalent permanent job per every \$35,000 in CDBG assistance. In this case, four (4) jobs minimum AND 51% of the jobs the activity creates must be either held by or made available to Low-to-Moderate (L/M) income persons.

Term of Job: Jobs must be formally categorized as permanent. See definition of 'qualifying employee' on page 3 of Agreement. All newly created jobs are also subject to a 'turn over' stipulations.

The Low-to-Moderate (L/M) Income Standards: The following is required to meet the Low-to-Moderate (L/M) income standards. Fifty-one percent or more of the jobs created must either:

- (a) be 'held by' L/M income persons at the time CDBG assistance is provided and/or
- (b) for jobs not held by L/M income persons, documentation must prove the job was 'made available' to L/M income person.
- (c) for jobs not known to be held by L/M income persons will be turned over to low/moderate income persons within 2 years. This would involve the business to take action to ensure that such a job, upon turnover, will be either taken by or made available to a L/M income person in a manner similar to that pertaining to a newly created job.

The business must maintain sufficient documentation indicating that at least 51 % of the jobs will be 'held by' or 'made available' to L/M income persons.

A job is considered 'held by' the L/M income person if the hired employee is proven to earn a household income not to exceed 120% of the area median income for Riverside County adjusted for the person's family size. An income table providing area median incomes by household size is provided as an attachment to this Agreement.

A job is 'made available' to a L/M person when: (1) no special skills, experience, or education beyond high school is required to fill such a job or the business agrees to hire an unqualified person and provide training, and (2) the assisted business takes actions to ensure that low-to-moderate income persons received "first consideration" for filling the jobs.

Principals involved in 'First Consideration'

- (1) The business must use a hiring practice that under usual circumstances would result in over 51% of L/M income persons interviewed for applicable jobs being hired,
- (2) the business must seriously consider a sufficient number of low-to-moderate income job applicants to give reasonable opportunity to fill the position with such a person, and
- (3) the distance from residence and availability of transportation to the job site must be reasonable before a particular low-to-moderate income person may be considered a serious applicant for the job.

Presumed L/M Income Status

A business may presume a person to be L/M income if the person resides within a census tract (or Block numbering area) that either has:

- (a) at least 70% residents who are L/M income persons or
- (b) meets the criteria related to enterprise zones.

Enterprise Zones

In order to qualify as an Enterprise Zone, the census tract or block numbering area must either: (a) be part of a federally designated Enterprise Zone or Enterprise Community or (b) meet 100% of the following:

- have a poverty rate of 20% as determined by the most recent decennial census information,
- not include any portion of a central business district, as the term is used in the most recent Census of Retail Trade, unless the tract/BNA has a poverty rate of at least 30% as determined by the most recent decennial census information,
- evidence pervasive poverty and general distress by meeting at least one of the following standards:

All block groups in the census tracts have poverty rates of 20%; the specific activity being undertaken is located in a block group that has a poverty rate of at least 20% or upon the request of the business; HUD determines that the census tract/BNA exhibits other objectively determinable signs of general distress such as high incidence of crime, narcotics use, homelessness or substantial population decline.

Policies in Counting Jobs

It will be necessary to determining the percentage of jobs that benefit L/M income persons. When preparing to calculate this number, the following policies apply:

- (a) Convert part time jobs to full time equivalents (i.e., a job that will require only working half time will count as half a job),
- (b) Only permanent jobs may be counted, not temporary
- (c) Seasonal jobs are considered to be permanent for CDBG purposes only if the season is long enough for the job to be considered as the employees principal occupation
- (d) All permanent jobs created or retained in this project must be counted even if the project has multiple funding sources of funds; and
- (e) Jobs indirectly created or retained by an assisted activity may not be counted.

Documenting Income

Documenting that a particular applicant/employee family income was L/M income may include any of the following:

- Evidence that the employee/applicant was a referral from a state, county, or local employment agency or other entity that has agreed to refer individuals whom they have determined to be L/M income based on HUD's Federal criteria. These entities must maintain records showing the basis upon which they determined that the person was L/M income, which they agree to make available for grantee or Federal inspection.

A written certification signed and dated by the employee/applicant indicating his/her family size and total income as necessary to determine whether the person is a member of a L/M income family at the time the certification is made. The certification may either show the actual size and income of the family or contain a statement that the annualized family income is below the Section 8 low-income limit for the applicable family size. The form must include a statement that the person making the certification is aware that the information being provided is subject to verification by the local or Federal government.

- Evidence that the employee/applicant has qualified for assistance under another program with income qualification criteria at least as restrictive as those used by this program (e.g. referrals from Public Housing or welfare Agency). The Joint Training Partnership Act (JTPA) Program has income standards that are acceptable for this purpose, except for referrals under the JTPA Title III program for dislocated workers.
- Evidence that the person may be presumed to be L/M income. See definitions.

Record Maintenance

Program records will document jobs actually created and retained, whether the job was 'held by,' 'taken by,' or 'made available' to L/M income person, and the full-time equivalency status of each job.

Records in respect to jobs created and 'held by' must show:

A listing by job title of the specific job to be created, a listing by job title of the job filled, the name and income status of the person who filled each position, and the full time equivalency status of the jobs.

Where a job was not originally taken by a L/M income person but the business nevertheless wants credit based on the job being 'made available' to L/M income person, the record must show: The title and description of the job 'made available', and the full time equivalent status of the job at the time, the prerequisites for the job, special skills or education required for the job, if any, and the business commitment to provide needed training for such jobs (and the training that the business provided to the L/M income person hired) and how 'first consideration' was given to the L/M income person for the job such as the name of the person(s) interviewed for the job and the date of the interview and the income status of the person interviewed.

Records in respect to jobs retained and 'held by' must show:

A listing by job title of the permanent job retained, those jobs known to be held by L/M income persons at the time CDBG assistance was provided and the full time equivalency status of the jobs, and information on the family size and annual income of each such L/M person.

Records in respect to jobs retained and 'turned over' must show:

Identification of any of the retained jobs projected to become available to L/M income persons through turn over within two years of the time CDBG assistance is provided, the basis upon which the job was determined to be likely to turn over within two years following the CDBG assistance, the date the job actually turned over, the name and income status of the person who filled the vacancy, if the person who took the job was not L/M income but the claim is that the job was nevertheless made available to L/M income person, records equivalent to those described above to substantiate the 'available to' claim and information on the family size and annual income of each such L/M income person hired.

For more information or clarification regarding the requirements for a specific CDBG Economic Development Activity, contact the CDBG administrators in the Economic Development Department of the City of Moreno Valley.

Economic Development Dept.
City of Moreno Valley
 14177 Frederick St.
 P.O. Box 88005
 Moreno Valley, Ca 92552-0805

Phone 951-413-3450
 Fax: 951-413-3459

E-mail: np@moval.org
 Website:www.moval.org

ATTACHMENT NO. 5
OPERATOR CERTIFICATE

(Operator Letterhead)
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92552-0805

Attn: City Manager

With respect to that certain Participation Agreement (the “Agreement”) by Pacific Wings, Inc., a California corporation (the “Operator”) and the City of Moreno Valley, a municipal corporation (the “City”) dated as of July 13, 2010, the undersigned, on behalf of the Operator, hereby certify to City that, as of the date of this Operator Certificate (with capitalized terms herein having the same meanings as set forth in the Agreement):

The undersigned as Operator under the Agreement does hereby state, declare, certify, represent and warrant to the City, its officers, agents and employees as follows:

1. Operator has reviewed, executed and is familiar with the terms of the Agreement. All capitalized terms herein shall have the meanings established therefor in the Agreement.
2. The Agreement is in full force and effect and shall remain in full force and effect.
3. The Operator has satisfied all of and is not in default of any of: the Certificate Condition; the Fee Condition; the Continuous Operation Condition; or the Indemnification Condition. The Operator remakes its covenant to operate for the annual period for which this Operator Certificate is given.
4. The representations and warranties of Operator contained in the Agreement are true and correct as of the Date of Certificate.
5. No Event of Default by Operator has occurred under the Agreement which continues uncured beyond the expiration of the applicable grace or cure period.
6. Operator has not, prior to the Date of Certificate transferred the Agreement, its rights as to the Designated Site, or any rights of Operator therein contrary to Section 703 of the Agreement.
7. Operator is operating and in good standing as a California corporation.
8. Operator remakes to City each and every representation and/or warranty made to City under the Agreement.
9. A report setting forth in detail the recruitment efforts of Operator and the numbers of jobs, both full time and part time, at the Designated Site by Operator are attached as Exhibit A and as provided in Attachment No. 2 to the Agreement hereto, including an enumeration of the jobs held by members of Targeted Income Groups.

10. As of the submittal of this Operator Certificate, the Operator has satisfied the Conditions Precedent to Payment.

Operator executes this Operator Certificate for the benefit and protection of the City with full knowledge that the City is relying on this Operator Certificate in disbursing moneys to the Operator.

IN WITNESS WHEREOF, the undersigned, as Operator, has executed this Operator Certificate as of the date first written above.

PACIFIC WINGS, a California Corporation

Dated: _____

Its: _____

Exhibit A to Attachment No. 5

Report for the Annual Period ending as of _____, 20__:

Total Full Time Employees employed at Designated Site: _____

Total number of Fulltime Employees from Targeted Income Groups: _____

Other employees at Designated Site: _____

Other employees that are from Targeted Income Groups: _____

Total Composite Full Time Employees: _____

Composite Full Time Employees from Targeted Income Groups: _____

Cumulative total, Qualifying Employees: _____

Qualifying Employees from Targeted Income Groups: _____

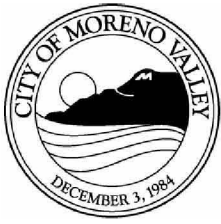
Supporting data: [to be attached and submitted with Operator Certificate]

ATTACHMENT NO. 6

SCHEDULE OF PERFORMANCE

For the purposes of this Schedule of Performance, the “Date of Agreement” is July 13, 2010. The City Manager may extend by not more than one hundred twenty (120) days the time under this Schedule of Performance by which any obligation of the Operator shall be performed.

1. **Operator Establishes Location at the Designated Site.** On or before August 2, 2010.
The Operator acquires title to or enters into a lease with respect to the Designated Site, along with executed and binding agreement with the Authorizing Business Entity for operation of a Conforming Facility and provides proof thereof to the City.
2. **Operator provides improvements and upgrade documentation.** On or before February 1, 2011.
The Operator provides City with satisfactory documentation of equipment, restaurant improvements and utility needs for facility improvements sufficient for the site to constitute a Conforming Facility (including approval by the Authorizing Business Entity).
3. **Operator opens at Designated Site.** The Operator opens and provides proof thereof to the City. On or before February 15, 2011.
4. **The Operator Satisfies Conditions Precedent to Payment.** On or before March 17, 2011.
The Operator satisfies the Conditions Precedent to Payment and provides proof thereof to the City.



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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: July 13, 2010

TITLE: PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS ELECTRICAL AND ROUGH GRADING RELATED TO THE INSTALLATION OF THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE,
AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement and Bond Securities for the Redlands Electrical Improvements and Rough Grading related to the installation of the Redlands sewer improvements associated with the Highland Fairview Logistics Corporate Park.
2. Authorize the Mayor to execute the Agreement in the form attached hereto contingent upon the developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division.
3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required electrical and rough grading related to the installation of the Redlands sewer improvements within Redlands Boulevard are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. Tract Map 35629 was conditionally approved requiring construction of the Redlands Electrical and rough grading associated with the installation of the Redlands sewer improvements.

DISCUSSION

The Conditions of Approval for this project require that the developer provide surety for the required electrical and rough grading associated with the installation of the Redlands sewer improvements.

The developer has completed and submitted a Public Improvement Agreement and bond securities for the electrical and rough grading associated with the Redlands sewer improvements. The developer has provided City staff with a separate bond for each of the two tasks noted within the agreement and agrees to perform and complete all of the required electrical installation and rough grading associated with the installation of the Redlands sewer improvements within twenty-four (24) months of the date the agreement is executed. The Public Works Director/City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required electrical and rough grading associated with the Redlands sewer improvements are not completed within said timeframe. The backbone electrical and rough grading associated with the Redlands sewer improvements are within Redlands Boulevard approximately from Alessandro Boulevard to Eucalyptus Avenue and include but are not limited to: installation of electrical conduit, wires, transformers and/or other electrical system appurtenances as well as rough grading associated with the installation of the Redlands sewer main and manholes.

Accompanying the agreement is a Faithful Performance Bond in the amount of \$515,000 and a Material & Labor Bond in the amount of \$257,500 for the electrical and a Faithful Performance Bond in the amount of \$273,000 and a Material & Labor Bond in the amount of \$136,500 for the rough grading submitted by Safeco Insurance Company of America. Given the present economy as well as the size and uniqueness of the project, allowing the use of multiple partial reductions seems appropriate.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

NOTIFICATION

Publication of agenda.

EXHIBITS

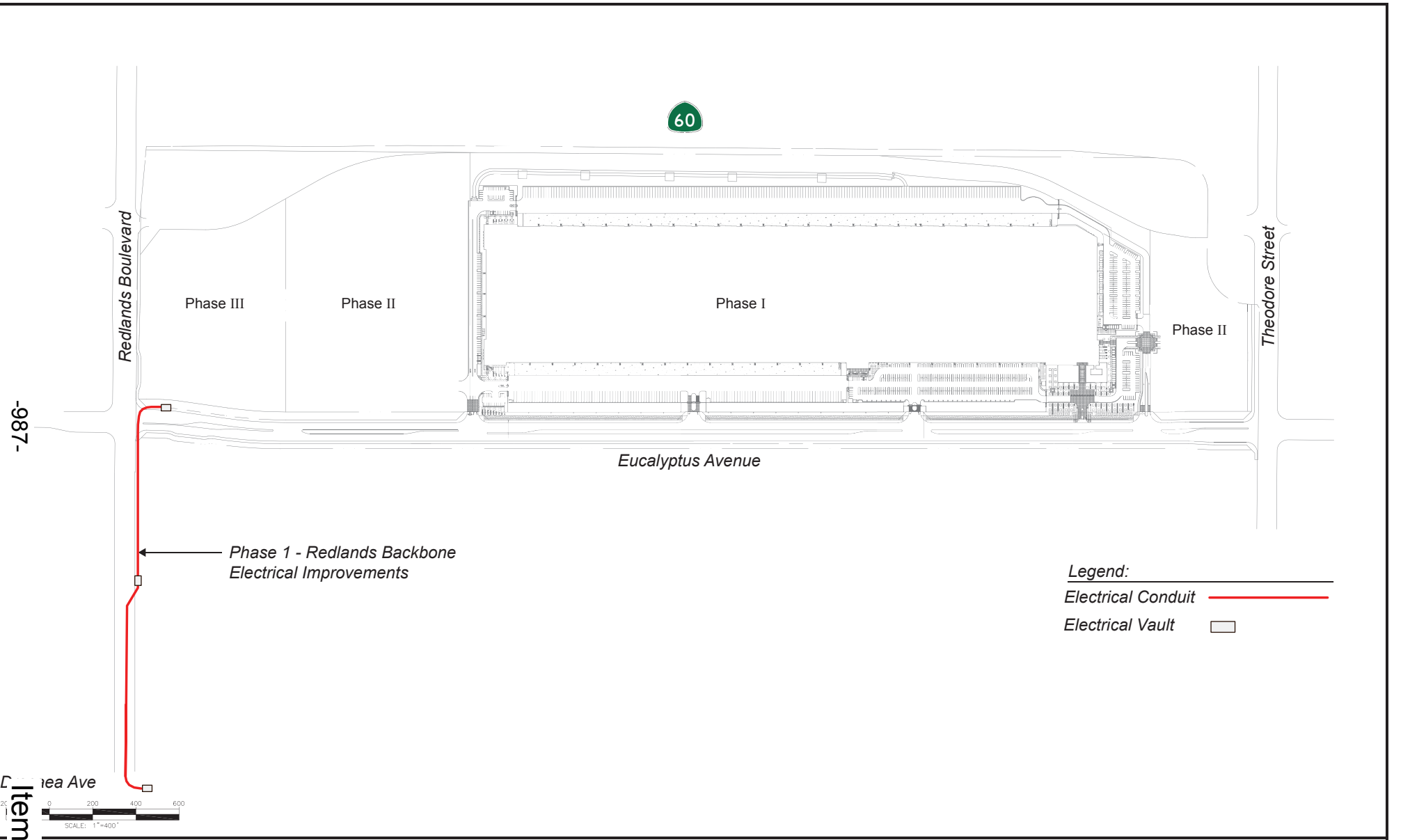
- Exhibit "A-1" - Vicinity Map for Limits of Electrical Work
- Exhibit "A-2" - Vicinity Map for Limits of Rough Grading Work
- Exhibit "B" - Agreement for Redlands Electrical and Rough Grading associated with the installation of the Redlands Sewer Improvements
- Exhibit "C" - Faithful Performance Bond for Electrical Work
- Exhibit "D" - Material and Labor Bond for Electrical Work
- Exhibit "E" - Faithful Performance Bond for Rough Grading Work
- Exhibit "F" - Material and Labor Bond for Rough Grading Work

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

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

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\7-13-10 - PA07-0090 - PM 35629 - H.F. Redlands Electrical PIA.doc



Item No. G.4
 Scale: 1" = 400'
 0 200 400 600

Phase 1 - Redlands Backbone
Electrical Improvements

Legend:
 Electrical Conduit ————
 Electrical Vault □

Redlands - Electrical Conduit

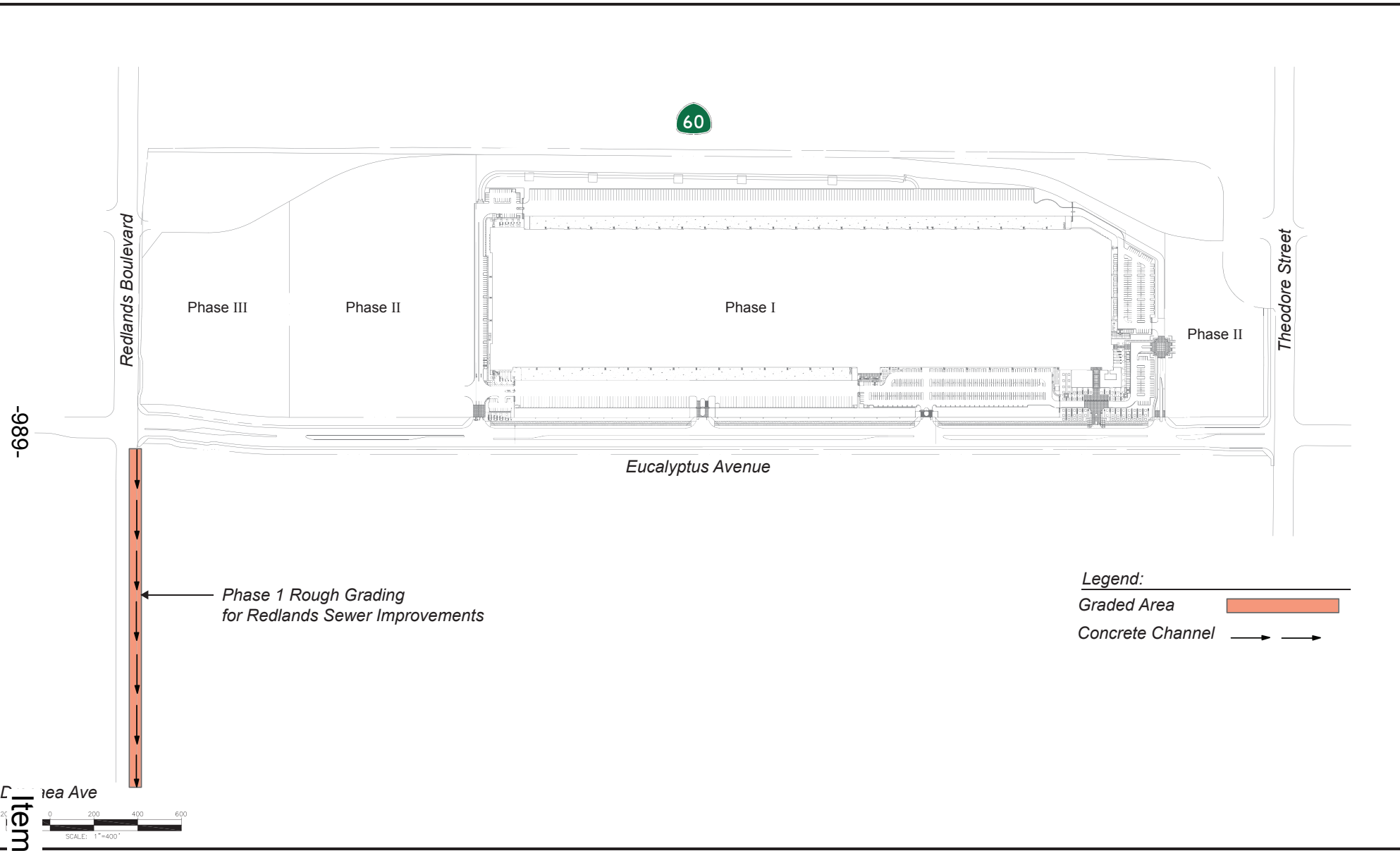
Highland Fairview Corporate Park
 Rancho Belago, Ca 92555

Exhibit "A-1"

July 1, 2010

Highland Fairview Corporate Park\Legals\PIA Exhibits\Redlands-Electrical

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989-
 200' 400' 600'
 SCALE: 1"=400'

Legend:
 Graded Area [Orange Bar]
 Concrete Channel [Line with Arrows]

Item No. G.4
 July 1, 2010

Redlands - Grading and Drainage

Highland Fairview Corporate Park
 Rancho Belago, Ca 92555

Exhibit "A-2"

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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 A PORTION OF PHASE 1 PUBLIC IMPROVEMENTS FOR REDLANDS BACKBONE ELECTRICAL IMPROVEMENTS AND ROUGH GRADING ASSOCIATED WITH REDLANDS SEWER PROJECT NO. PA07-0090 (TENTATIVE PARCEL MAP 35629)

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and HF Logistics-SKX T1, LLC herein after called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, known as PA07-0090 (Tentative Parcel Map 35629) agrees, at Developer'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 the sewer improvements along Redlands Boulevard 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. Developer 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. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer 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 Developer waives the 120 day time limitation set forth in Section 66262.5, Government Code.

Redlands Boulevard – Phase I Backbone Electrical Improvement Plans (A-1)

The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-1 and location map labeled Exhibit B-1 attached hereto, is the sum of FIVE HUNDRED FIFTEEN THOUSAND AND NO/100 Dollars (***\$515,000.00***) .

Redlands Boulevard – Phase I Rough Grading Associated with Installation of the Redlands Sewer Improvements (A-2)

The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-2 and location map labeled Exhibit B-2 attached hereto, is the sum of TWO HUNDRED SEVENTY-THREE THOUSAND AND NO/100 Dollars (***\$273,000.00***) .

SECOND: Developer 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. Developer further agrees that, if suit is brought upon this Agreement or any security 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 Developer and guaranteed by 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 Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer 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 Developer, 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.

FOURTH: The Developer 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 Developer has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developer 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 Developer 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 Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Developer, 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: Developer 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 for 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. Developer agrees to renew each and every said bond or bond(s) with good and sufficient sureties or increase the amounts of said bond or bond(s), or both, within ten (10) days after being notified by the City Engineer that the amounts are insufficient. Notwithstanding any other provision herein, if Developer 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 Developer of the insufficiency of said bonds. Developer reserves the right to substitute the form of security, in accordance with the Moreno Valley Municipal Code, at anytime during the term of this agreement, subject to approval of the City Engineer and City Attorney. As this project is very unique in both the size and the timing of construction activities, as well as being considered eligible for Time and Material (T&M) fee collection, it has been determined by the City Engineer that the project may receive incremental reductions to each of the securities ensuring the construction of the associated public improvements. At twenty percent (20%) completion, forty percent (40%) completion, sixty percent (60%) completion and eighty percent (80%) completion of the public improvements as measured by the dollar value of said improvements as set forth in the Engineer's Preliminary Estimate of Cost and associated unit costs (Exhibit A-1 and A-2) and upon written request by the Developer for a partial reduction of the security, the bonding company shall be instructed by the City Engineer in writing to reduce an amount in the bond not to exceed twenty percent (20 %) increments of the original amount established for the bond, provided that all such work has been reviewed, verified, inspected and approved by the City Engineer, Land Development engineering staff and applicable City inspectors. The remaining percentage of the bond securing the estimated cost of labor and materials shall be released to the Developer no sooner than 90 days after acceptance of the improvements by the City. After one hundred percent (100%) completion of the public improvements and formal acceptance of the improvements by the City Council, ten percent (10%) of the original bond amount for the faithful performance shall be retained until expiration of the twelve (12) month warranty period pursuant to Government Code Section 66499 to secure required warranty work.

EIGHTH: If the Developer, 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 Developer 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 Developer 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 Developer, 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.

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 Developer, and such extensions shall in no way affect the validity of this Agreement or release the security or securities. Developer further agrees to maintain the aforesaid securities in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

AGREEMENT FOR PROJECT NO. PA07-0090 (TENTATIVE PARCEL MAP 35629)
PUBLIC IMPROVEMENTS FOR REDLANDS BACKBONE ELECTRICAL AND ROUGH GRADING
ASSOCIATED WITH REDLANDS SEWER

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

Developer:
HF LOGISTICS-SKX T1, LLC,
14225 Corporate Way
Moreno Valley, California 92553

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

Date approved by the City: _____

HF LOGISTICS-SKX T1, LLC:
Developer

BY: *Iddo Banzeeri*
Signature

BY: _____
Signature

Iddo Banzeeri
Print/Type Name

Print/Type Name

President & Chief Executive Officer
Title

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 INDICATES OTHERWISE.

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside }

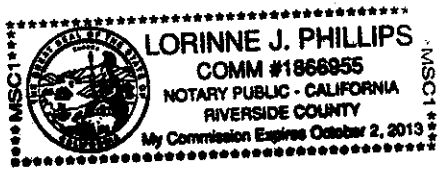
On 7/6/10 before me, Lorinne J. Phillips, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Iddo Benzeevi
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature: Lorinne J. Phillips
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: AGREEMENT PH.I. REDLANDS BACKBONE ETC

Document Date: NONE AT THIS TIME Number of Pages: 14

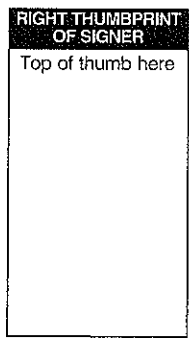
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: IDDO BENZEEVI Signer's Name: _____

Corporate Officer — Title(s): PRES. & CEO Corporate Officer — Title(s): _____

- Individual
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

- Individual
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

EXHIBIT "A-"
ENGINEER'S ESTIMATE

Sheet 1 of 8

PROJECT: Rough Grade for Installation of Sewer in Redlands

DATE: 06/22/10
PREPARED BY: Patrick Revere

		PUBLIC PAVEMENT SECTIONS		UNIT PRICE	TOTAL
TYPE		QUANTITY	UNIT		
Street Work - Non DIF Non TUMF					
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Street Work - DIF					
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Street Work - TUMF					
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
Roadway Excavation		0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)			
	0	S.F.	0 Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)			
	0	S.F.	0 Ton	80.00	0
				SUBTOTAL:	0

EXHIBIT "A-____"
ENGINEER'S ESTIMATE

Sheet 2 of 8

PROJECT: Rough Grade for Installation of Sewer in Redlands
Rough Grading

DATE: 06/22/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Rough Grading				
Mobilization	1	LS	5,000.00	5,000
Excavate Channel	290	CY	1.50	435
Export	0	CY	5.00	0
Import	4670	CY	5.00	23,350
			ROUGH GRADING SUBTOTAL:	28,785

EXHIBIT "A-_____"
 ENGINEER'S ESTIMATE

Sheet 3 of 8

PROJECT: Rough Grade for Installation of Sewer in Redlands

DATE: 06/22/10
 PREPARED BY: Patrick Revere

ROUGH GRADING (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
<i>Erosion Control</i>				
Loose Rock Rip-Rap	0	Ton	60.00	0
Desilting Basin w/ Riser	0	E.A.	5,500.00	0
Fiber Roll	0	L.F.	2.20	0
Stabilized Construction Entrance	0	E.A.	3,000.00	0
Gravel Bags	1200	E.A.	1.90	2,280
Bonded Fiber Matrix Mulch	4	AC	2,000.00	7,400
EROSION CONTROL SUBTOTAL:				9,680

EXHIBIT "A-"
ENGINEER'S ESTIMATE

Sheet 4 of 8

PROJECT: Rough Grade for Installation of Sewer in Redlands

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	9	L.F.	160.00	1,440
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	126	L.F.	190.00	23,940
39" Reinforced Concrete Pipe	0	L.F.	200.00	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
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	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
60" 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
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
2' X 4' Reinforced Concrete Box	33	L.F.	150.00	4,950
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	1	EA.	7200.00	7,200
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	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
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	3	EA.	5500.00	16,500

EXHIBIT "A-____"
ENGINEER'S ESTIMATE

Sheet 5 of 8

PROJECT: Rough Grade for Installation of Sewer in Redlands

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	1	EA.	4000.00	4,000
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	2	EA.	3000.00	6,000
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	12385	S.F.	10.00	123,850
"V" Ditch Transition	50	S.F.	10.00	500
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	186,380

EXHIBIT "A-_____"
ENGINEER'S ESTIMATE

Sheet 6 of 8

PROJECT: Rough Grade for Installation of Sewer in Redlands

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	0
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
SUBTOTAL:				0

EXHIBIT "A" -
ENGINEER'S ESTIMATE

Sheet 7 of 8

PROJECT: Rough Grade for installation of Sewer in Redlands

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	730.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	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.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0			0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-____"
ENGINEER'S ESTIMATE

Sheet 8 of 8

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

PROJECT: Rough Grade for installation of Sewer in Redlands DATE: 06/22/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	\$0
ROUGH GRADING	:	\$28,785
EROSION CONTROL	:	\$9,680
MORENO VALLEY UTILITIES	:	\$0
WATER QUALITY BASIN	:	\$0
TRANSPORTATION ENGINEERING	:	\$0
STORM DRAIN SYSTEM	:	\$188,380
WATER SYSTEM	:	\$0
SEWER SYSTEM	:	\$0
TRAFFIC IMPROVEMENTS	:	\$0
BONDABLE WORK (not plan checked)	:	\$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		\$226,845
+20% CONTINGENCY:		\$45,369
GRAND TOTAL:		\$272,214

BOND AMOUNT: \$273,000



**Highland Fairview Corporate Park
Preliminary Dry Utility
Engineer's Estimate
Redlands Blvd**

TRENCHING	QTY	UNIT COST	TOTAL
Provide and Install:			
Trench - Electric Only (Includes all saw cut, removals, shading, backfill, and surface restoration)	2,878	ft \$ 32.00	\$ 92,096.00
Concrete Encasement (Full)	2,878	ft \$ 16.00	\$ 46,048.00
TRENCHING SUB-TOTAL			\$ 138,144.00

ELECTRIC CONDUIT & SUBSTRUCTURES	QTY	UNIT COST	TOTAL
Provide and Install:			
Transformer Pad RPM 48"x54"	1	ea \$ 1,800.00	\$ 1,800.00
6'X7'X12' Vault (w 12" grade ring)	3	ea \$ 18,450.00	\$ 55,350.00
5'X10'X7' PME	1	ea \$ 10,200.00	\$ 10,200.00
Capacitor Pad 66" x 72"	1	ea \$ 1,600.00	\$ 1,600.00
Grounding/Racking and Miscellaneous Materials	6	ea \$ 625.00	\$ 3,750.00
1-5" Conduit DB100	12,192	ft \$ 3.50	\$ 42,672.00
1-4" Conduit DB100	3,041	ft \$ 3.15	\$ 9,579.15
1-3" Conduit DB100	474	ft \$ 2.80	\$ 1,327.20
1-2" Conduit DB100	44	ft \$ 2.35	\$ 103.40
1-1 1/2" Conduit DB100	134	ft \$ 1.95	\$ 261.30
SUBTOTAL - ELECTRIC CONDUIT & SUBSTRUCTURES			\$ 126,443.05

ELECTRIC CABLING (12KV DISTRIBUTION)	QTY	UNIT COST	TOTAL
Provide and Install:			
PME-10 Switch	1	ea \$ 19,000.00	\$ 19,000.00
600AMP Dead End w/Test Point	9	ea \$ 430.00	\$ 3,870.00
600AMP TEE'S (Elbow w/ 200AMP Tap)	9	ea \$ 690.00	\$ 6,210.00
600A 2W Splice, 15KV w/200A Tap	6	ea \$ 690.00	\$ 4,140.00
600A 2W Splice, 15KV	3	ea \$ 570.00	\$ 1,710.00
3-1/C 1000 XLP-PEJ, 15KV, 220MIL	7,241	ft \$ 28.00	\$ 202,748.00

SUBTOTAL - ELECTRIC CABLE (12KV DISTRIBUTION)	\$	237,678.00
Total Estimate	\$	502,265.05

The City of Moreno Valley and Highland Fairview have mutually agreed to use \$515,000 as an estimate for bonding purposes.



7/1/10
Eutsko Utility Design, Inc.
EP

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FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

**CONTRACTOR'S
COPY**

Public Improvements \$ 515,000

Project No. PA07-0090

Bond No. 6711630

Premium \$9,270

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC**, as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
REDLANDS ELECTRICAL IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (*****\$ 515,000 .00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. **** FIVE HUNDRED FIFTEEN THOUSAND & NO/100 DOLLARS**

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "C"

FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA07-0090

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on JULY 6 , 20 10.

NAME OF PRINCIPAL: HF Logistics-SKX T1, LLC
Company Name

CONTRACTOR'S COPY

AUTHORIZED SIGNATURE(S): By

_____	_____
Name	Title
_____	_____
Name	Title

NAME OF SURETY: SAFECO INSURANCE COMPANY OF AMERICA
Company Name

CONTRACTOR'S COPY

AUTHORIZED SIGNATURE: _____
DAVID L. CULBERTSON ITS ATTORNEY-IN-FACT

**ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY - ATTACH POWER OF ATTORNEY**

Approved as to form:
Date: _____

City Attorney
City of Moreno Valley

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

CONTRACTOR'S
COPY

Public Improvements \$ 257,500

Project No. PA07-0090

Bond No. 6711630

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICAN

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDAL, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC**, (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and, **REDLANDS ELECTRICAL IMPROVEMENTS**

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley 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.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (~~***\$257,500.00***~~), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

** TWO HUNDRED FIFTY-SEVEN THOUSAND FIVE HUNDRED & NO/100 DOLLARS

Exhibit "D"

MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA07-0090

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on
JULY 6, 2010.

NAME OF PRINCIPAL: HF Logistics-SKX T1, LLC
Company Name

AUTHORIZED SIGNATURE(S): By:

CONTRACTOR'S COPY

Name Title

Name Title

NAME OF SURETY: SAFECO INSURANCE COMPANY OF AMERICA
Company Name

AUTHORIZED SIGNATURE: _____
DAVID L. CULBERTSON ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY - ATTACH POWER OF ATTORNEY

Approved as to form:

Date: _____

City Attorney
City of Moreno Valley

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

**CONTRACTOR'S
COPY**

Public Improvements \$ 273,000

Project No. PA07-0090

Bond No. 6711631

Premium \$4,914

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDAL, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC**, as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,

REDLANDS ROUGH GRADING

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** AND NO/100 Dollars (**\$ 273,000 .00**), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. **** TWO HUNDRED SEVENTY-THREE THOUSAND & NO/100 DOLLARS.**

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "E"

FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA07-0090

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on JULY 6, 20 10.

NAME OF PRINCIPAL: HF Logistics-SKX T1, LLC
Company Name

AUTHORIZED SIGNATURE(S): By

Name

Title

Name

Title

**CONTRACTOR'S
COPY**

NAME OF SURETY: SAFECO INSURANCE COMPANY OF AMERICA
Company Name

AUTHORIZED SIGNATURE: DAVID L. CULBERTSON ITS ATTORNEY-IN-FACT

**CONTRACTOR'S
COPY**

**ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY - ATTACH POWER OF ATTORNEY**

Approved as to form:

Date: _____

City Attorney
City of Moreno Valley

MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA07-0090

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on JULY 6, 20 10.

NAME OF PRINCIPAL: HF Logistics-SKX T1, LLC
Company Name

AUTHORIZED SIGNATURE(S): By:

_____	_____
Name	Title
_____	_____
Name	Title

CONTRACTOR'S COPY

NAME OF SURETY: SAFECO INSURANCE COMPANY OF AMERICA
Company Name

AUTHORIZED SIGNATURE: DAVID L. CULBERTSON ITS ATTORNEY-IN-FACT

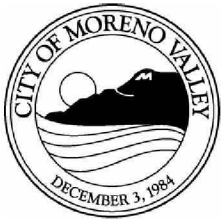
CONTRACTOR'S COPY

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY - ATTACH POWER OF ATTORNEY

Approved as to form:

Date: _____

City Attorney
City of Moreno Valley



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	
CITY MANAGER	<i>W/S</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: July 13, 2010

TITLE: PA07-0090 – ACCEPT THE SUBSTITUTION AGREEMENT AND REPLACEMENT BONDS FOR LINE 'F' STORM DRAIN SECURITY ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE,
AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Substitution Agreement and replacement bonds for the Line 'F' Storm Drain Improvements associated with the Highland Fairview Logistics Corporate Park.
2. Authorize the Mayor to execute the Substitution Agreement and the replacement bonds in the form attached hereto contingent upon the Developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division.
3. Direct the City Clerk to forward the signed Substitution Agreement to the County Recorder's Office for recordation.

4. Authorize the Public Works Director/City Engineer to exonerate the cash security previously placed into an escrow account and submitted by HF Logistics – SKX T1, LLC, upon acceptance of the substitution agreement and bonds.
5. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required storm drain improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. Tract Map 35629 was conditionally approved requiring construction of the Redlands Sewer improvements.

On June 8, 2010, the City Council for the City of Moreno Valley approved HF Logistics – SKX T1, LLC agreement and cash security in the amounts of \$6,813,595 for Faithful Performance and \$3,406,797.50 for Material and Labor.

HF Logistics – SKX T1, LLC is exercising their right to substitute the type of security with the approval of the City Attorney and the City Engineer, and are providing substitute agreement and bonds for the Line 'F' storm drain improvements.

DISCUSSION

Staff is requesting the City Engineer be authorized to exonerate the cash security for Faithful Performance and Material and Labor previously submitted by HF Logistics – SKX T1, LLC, upon acceptance of the substitution agreement and bonds.

HF Logistics – SKX T1, LLC has submitted the substitute Agreement for Public Improvements and bonds for City Council approval. The developer has agreed to perform and complete all of the required storm drain improvements within twenty-four (24) months of the date the agreement is executed. The City Engineer is authorized to execute any future amendments to the agreement, subject to City Attorney approval, if

the required street improvements are not completed within said timeframe. The public storm drain improvements include but are not limited to inlet structures, headwalls, wingwalls, catch basins, laterals, and main storm drain lines to be maintained by the City of Moreno Valley and Riverside County Flood Control and Water Conservation District (RCFC & WCD). Accompanying the agreement are a Faithful Performance Bond in the amount of \$6,813,595 and a Material and Labor Bond in the amount of \$3,406,797.50 issued by Western Insurance Company.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

NOTIFICATION

Publication of agenda.

EXHIBITS

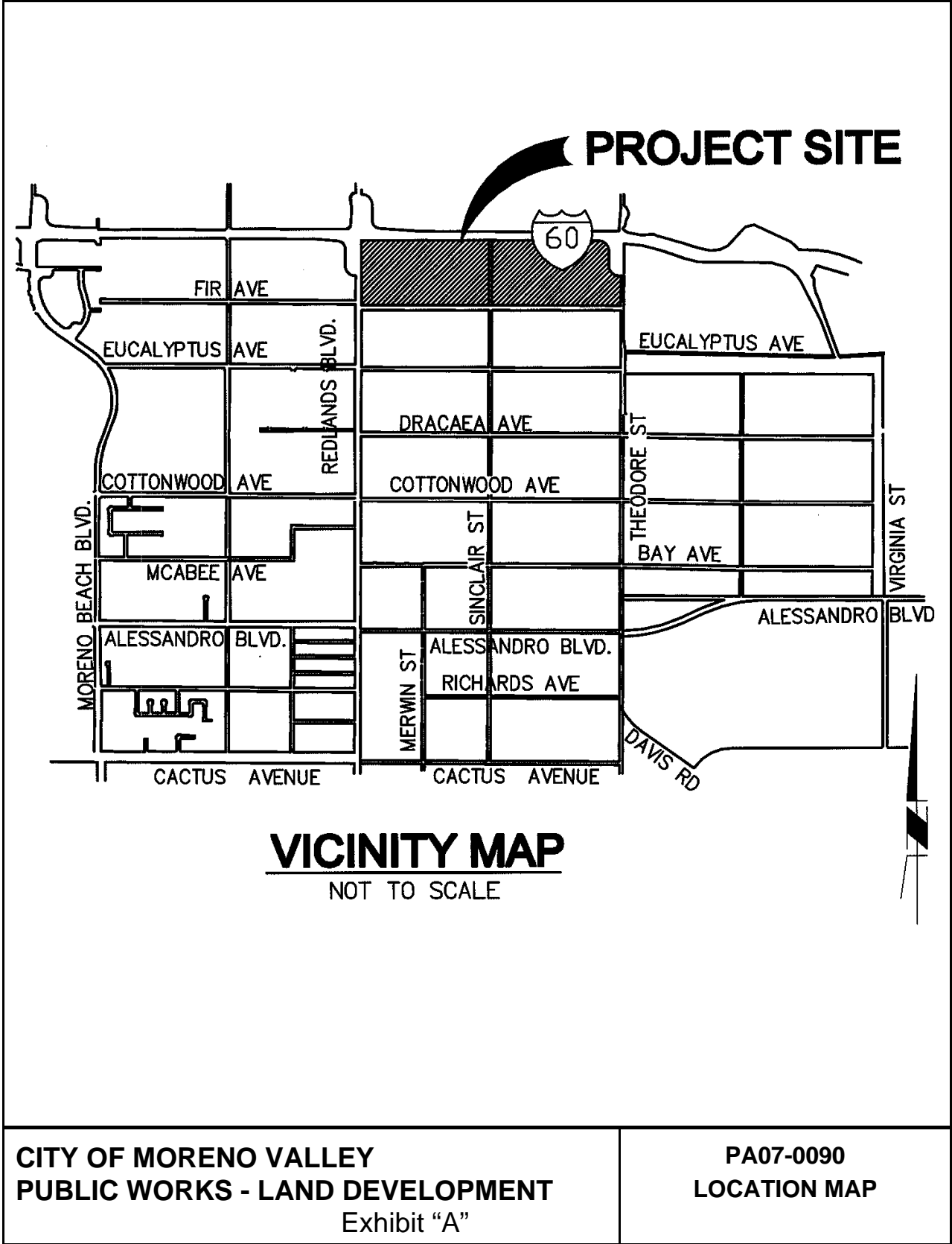
- Exhibit "A" - Vicinity Map
- Exhibit "B" - Agreement for Public Improvements
- Exhibit "C" - Faithful Performance Bond
- Exhibit "D" - Material and Labor Bond

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

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

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\7-13-10 - PA07-0090 - PM 35629 - H.F. Security Substitution for Line F.doc



W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\Vicinity Map format surround - Portrait.doc

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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
FOR LINE F STORM DRAIN IMPROVEMENTS
PROJECT NO. PA07-0090 (TENTATIVE PARCEL MAP 35629)**

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and HF LOGISTICS-SKX T1, LLC, hereinafter called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, known as PA07-0090 (Tentative Parcel Map 35629) agrees, at Developer'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 the Line F Storm Drain Improvements 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. Developer 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. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer 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 Developer 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 and made part of this Agreement by this reference, is the sum of SIX MILLION EIGHT HUNDRED THIRTEEN THOUSAND FIVE HUNDRED NINETY FIVE AND NO/100 Dollars (***\$6,813,595.00***).

SECOND: Developer 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. Developer further agrees that, if suit is brought upon this Agreement or any security 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 Developer and guaranteed by 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 Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer 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 Developer, 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 Developer 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 Developer has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developer 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 Developer 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 Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Developer, 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: Developer 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 for 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. Developer agrees to renew each and every said bond or bond(s) with good and sufficient sureties or increase the amounts of said bond or bond(s), or both, within ten (10) days after being notified by the City Engineer that the amounts are insufficient. Notwithstanding any other provision herein, if Developer 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 Developer of the insufficiency of said bonds. Developer reserves the right to substitute the form of security, in accordance with the Moreno Valley Municipal Code, at anytime during the term of this agreement, subject to approval of the City Engineer and City Attorney. As this project is very unique in both the size and the timing of construction activities, as well as being considered eligible for Time and Material (T&M) fee collection, it has been determined by the City Engineer that the project may receive incremental reductions to each of the securities ensuring the construction of the associated public improvements. At twenty percent (20%) completion, forty percent (40%) completion, sixty percent (60%) completion and eighty percent (80%) completion of the public improvements as measured by the dollar value of said improvements as set forth in the Engineer's Preliminary Estimate of Cost and associated unit costs (Exhibit A) and upon written request by the Developer for a partial reduction of the security, the bonding company shall be instructed by the City Engineer in writing to reduce an amount in the bond not to exceed twenty percent (20 %) increments of the original amount established for the bond, provided that all such work has been reviewed, verified, inspected and approved by the City Engineer, Land Development engineering staff and applicable City inspectors. The remaining percentage of the bond securing the estimated cost of labor and materials shall be released to the Developer no sooner than 90 days after acceptance of the improvements by the City. After one hundred percent (100%) completion of the public improvements and formal acceptance of the improvements by the City Council, ten percent (10%) of the original bond amount for the faithful performance shall be retained until expiration of the twelve (12) month warranty period pursuant to Government Code Section 66499 to secure required warranty work.

EIGHTH: If the Developer, 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 Developer 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 Developer 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 Developer, 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.

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 Developer, and such extensions shall in no way affect the validity of this Agreement or release the security or securities, Developer further agrees to maintain the aforesaid securities 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

Developer:
HF LOGISTICS-SKX T1, LLC,
14225 Corporate Way
Moreno Valley, California 92553

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

Date approved by the City: _____

HF LOGISTICS-SKX T1, LLC:
Developer

BY: _____
Signature

Print/Type Name

Title

BY: _____
Signature

Print/Type Name

Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

CITY OF MORENO VALLEY

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 DEVELOPER MUST BE EXECUTED IN QUADRUPPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

W:\LandDev\MANAGEMENT ASSISTANT\Agreement Bond Packets\PA07-0090 - PIA for Line F Storm Drain Improvements HF071310.doc

WARREN D. WILLIAMS
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org
131064

RECEIVED

MAY 11 2010

PW/LAND DEVELOPMENT

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

May 3, 2010

RECEIVED

MAY 11 2010

PW/LAND DEVELOPMENT

Mr. Chris A. Vogt
Public Works Director/City Engineer
City of Moreno Valley
Post Office Box 88005
Moreno Valley, CA 92552

Dear Mr. Vogt:

Re: Parcel Map 35629 Bonding Estimate
Moreno MDP Line F, D, D-5 and D-6
Account 137-0-3-74961

Please find below a detailed construction cost estimate of the drainage facilities associated with the above-referenced project for which the City and District assume inspection and maintenance responsibility.

The estimated cost of these facilities is \$6,813,595.00 and shall be the basis upon which the District shall collect field inspection fees per the provisions of Section 17.1 of the County of Riverside Subdivision Ordinance 460 and Fee Ordinance 671.6. The developer/engineer shall pay the appropriate inspection fee to the District prior to scheduling a pre-construction meeting.

Bonding Estimate – Moreno MDP Line F, D, D-5 and D-6

MJ Stepien

Item	Unit	Flood Control			Flood Control	
		City of Moreno Valley	District Quantity	Unit Cost	City of Moreno Valley	District Facilities
24-inch RCP	LF	2,611	0	\$98	\$255,878	\$ 0
30-inch RCP	LF	200	0	\$114	22,800	0
36-inch RCP	LF	1,890	0	\$131	247,590	0
42-inch RCP	LF	0	1493	\$204	0	304,572
48-inch RCP	LF	17	890	\$235	3,995	209,150
72-inch RCP	LF	0	372	\$376	0	139,872
Inlet type IX Caltrans Type	EA	6	0	\$500	3,000	0
D93A Inlet	EA	4	0	\$500	2,000	0
Local Depression Catch Basin	EA	8		\$2,500	20,000	0
W=7'	EA	7		\$3,000	21,000	0
Manhole No. 1	EA	11		\$5,000	55,000	0
Manhole No. 2	EA	0	9	\$5,600	0	50,400
Manhole No. 4	EA	0	8	\$6,500	0	52,000
Manhole Safety Ledge	EA	0	8	\$2,000	0	16,000
J.S. No. 1	EA	0	4	\$6,500	0	26,000

Mr. Chris Vogt:
 Re: Parcel Map 35629 Bonding Estimate
 Moreno MDP Line F, D, D-5 and D-6
 Account 137-0-3-74961

-2-

May 3, 2010

J.S. No. 2	EA	0	1	\$6,500	0	6,500
J.S. No. 3	EA	2	0	\$5,450	10,900	0
J. S. No. 4	EA	2	3	\$5,000	10,000	15,000
M.H No. 1	EA	1		\$4,350	4,350	0
Bulkhead	CY	8	0	\$150	1,200	0
Pipe bulkhead	EA	0	0	\$200	0	0
RCB	CY	0	3,765	\$591	0	2,225,115
Wingwall	CY	0	55	\$590	0	32,450
Compacted Fill	CY	0	60,105	\$3	0	195,341
Riprap	CY	0	3,547	\$100	0	354,700
Head/End/Wing Walls	EA	20		\$409	8,180	0
RCB Excavation Structural	CY	0	79,255	\$16	0	1,283,931
Backfill	CY	0	6,833	\$10	0	71,063
Pipe Swing Gate Class 2 Base 3"	EA	0	1	\$1,000	0	1,000
Thick	SF	0	38,175	\$1	0	26,723
Fencing	LF	0	88	\$16	0	1,408
Cutoff Wall	LF	0	65	\$14	0	878
Subtotal					\$665,893	\$5,012,102
20% Contingencies					\$133,179	\$1,002,420
Total Cost					\$799,072	\$6,014,523
Inspection Fee = 3% of						
Bond Cost					\$23,972	\$180,436
Total fees due					<u>\$23,972</u>	<u>\$180,436</u>

Very truly yours,


 MEKBIB DEGAGA
 Engineering Project Manager

Handwritten initials/signature

c: Highland Fairview
 Attn: Brian Hixson
 RBF Consulting
 Attn: Patrick Revere
 cc: Henry Olivo
 Art Diaz
 Sharon Johnson



MD:blj

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FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

**CONTRACTOR'S
COPY**

Public Improvements	\$ 6,813,595	Project No.	PA07-0090
Bond No.	6711629	Premium	\$122,645
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC**, as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
LINE F STORM DRAIN IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** AND NO/100 Dollars (**\$ 6,813,595 .00**), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. **** SIX MILLION EIGHT HUNDRED THIRTEEN THOUSAND FIVE HUNDRED NINETY-FIVE & NO/100 DOLLARS**

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "C"

FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA07-0090

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on JULY 6, 2010.

NAME OF PRINCIPAL: HF Logistics-SKX T1, LLC
Company Name

AUTHORIZED SIGNATURE(S): By

_____	_____
Name	Title
_____	_____
Name	Title

NAME OF SURETY: SAFECO INSURANCE COMPANY OF AMERICA
Company Name

AUTHORIZED SIGNATURE: DAVID L. CULBERTSON ITS ATTORNEY-IN-FACT

**ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY**

Approved as to form:

Date: _____

City Attorney
City of Moreno Valley

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

CONTRACTOR'S
COPY

Public Improvements \$ 3,046,797.50

Project No. PA07-0090

Bond No. 6711629

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICAN

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC**, (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley 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.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***\$ ** ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

** THREE MILLION FOUR HUNDRED SIX THOUSAND SEVEN HUNDRED NINETY-SEVEN & 50/100 DOLLARS (\$3,406,797.50)

Exhibit "D"

MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA07-0090

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on
JULY 6, 20 10.

NAME OF PRINCIPAL: HF Logistics-SKX T1, LLC
Company Name

**CONTRACTOR'S
COPY**

AUTHORIZED SIGNATURE(S): By:

_____	_____
Name	Title
_____	_____
Name	Title

NAME OF SURETY: SAFECO INSURANCE COMPANY OF AMERICA
Company Name

**CONTRACTOR'S
COPY**

AUTHORIZED SIGNATURE: _____
DAVID L. CULBERTSON ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY - ATTACH POWER OF ATTORNEY

Approved as to form: _____

Date: _____

City Attorney
City of Moreno Valley



MEMORANDUM

To: Mayor Flickinger and Members of the City Council
From: William L. Bopf, Interim City Manager
Date: July 8, 2010
Subject: Council Agenda - July 13, 2010, Item G-6

Two Councilmembers have requested that the Limited Foundation Permit action taken at the June 22, 2010 Council meeting be considered for Amendment. As late as 4:00 p.m. Thursday, July 8, 2010, Staff was completing its review of conditions that might be required to be satisfied before the issuance of the Limited Foundation Permit. Since the review was completed after the posting of the agenda, Staff has not prepared the customary staff report.

However, Staff has extensively reviewed the Council action of June 22, 2010. As a result of that review Staff has determined that the items now listed on the attached Exhibit "C" do not have to be satisfied before the issuance of the Limited Foundation Permit. Except as noted with respect to the payment of school fees.

If the majority of the Council wishes to amend their previous action, the attached Agreement and Proposed Motion are submitted for your use.

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Proposed Motion:

Amend the action taken by the City Council on June 22, 2010, approving and accepting Highland Fairview's Covenant to Hold as One Parcel subject to certain conditions. The City Council hereby amends its action taken on June 22, 2010 as follows:

1. The terms and conditions are amended to provide that, prior to issuance of a limited purpose building permit for foundation, slab and pouring of wall panels only, Highland Fairview shall comply with all conditions of approval for issuance of a building permit except as follows, which excepted conditions shall be complied with as provided for in applicable City Council Resolutions, Approval and/or Recording of the final Parcel Map, or issuance of the general building permit, whichever is applicable. The excepted conditions are:
 - a. Final approval and recording of the Parcel Map,
 - b. Public Improvement Agreements and security for same for any public improvement occurring solely on private property owned or controlled by Highland Fairview,
 - c. Payment of DIF and TUMF are deferred until issuance of any temporary, conditional or unconditional certificate of occupancy for the Skechers building as provided for in City Council Resolutions 2009-37 and 2009-38,
 - d. Payment of MSHCP fees,
 - e. Approval of Building Plans for vertical construction,
 - f. Public Drainage easements,
 - g. Slope easements,
 - h. Reciprocal Access easements,
 - i. Spreading Basin easement,
 - j. Off-site easements,
 - k. Median Landscape Plans approval,
 - l. Final Trail Plan approval,
 - m. Site Lighting Plan,
 - n. Title 24 Plans,

- o. Solar Panels for Phase 1 Office,
 - p. Payment of School fees, contingent upon Highland Fairview providing the City with written agreement from the Moreno Valley Unified School District for deferral of school fees until issuance of the general building permit, or
 - q. Fire Access Plan.
2. All other terms, conditions and actions pursuant to this matter taken by the City Council on June 22, 2010, shall remain unchanged and in full force and effect.

LIMITED PURPOSE BUILDING PERMIT ISSUANCE AGREEMENT

This limited purpose building permit issuance agreement (this "Agreement") is made at Moreno Valley, California, as of June 22, 2010, between the CITY OF MORENO VALLEY, a California general law city (the "City"), on the one hand, and HF LOGISTICS-SKX T1, LLC, a Delaware limited liability company ("HF"), on the other hand, with the respect to the following facts:

A. HF is the sole owner of approximately 83 acres located in the City which currently consists of 11 legal lots (the "building site") and which is currently entitled to be improved with a single building containing approximately 1,820,000 sq. ft (the "building") which will be constructed over portions of nine of the existing lots. The building site is shown on Exhibit A.

B. The building site will become a single parcel, Parcel 1 of Parcel Map 35629 (the "Parcel Map"), upon final approval and recordation of the Parcel Map.

C. HF desires the City to issue a limited purpose building permit allowing HF to begin construction of the building's foundation and slab and to pour and construct, but not erect, walls only prior to the recordation of the Parcel Map and the consolidation of the 11 existing lots into a single legal parcel.

D. HF agrees to assume all risks associated with the issuance of the limited purpose building permit for the construction of the building's foundation and slab and the pouring and construction, but not the erection, of the building's walls (the "limited purpose building permit") and agrees to secure the City with additional commitments to further protect the City included hereinbelow.

E. On June 22, 2010, the City Council authorized the acceptance of the covenant and agreement to hold property as one parcel and to enter into an agreement providing for the issuance of the limited purpose building permit subject to certain terms and conditions included hereinbelow.

THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Prior to issuance of the limited purpose building permit, HF shall record a covenant and agreement to hold property as one single parcel in the form of Exhibit B.

2. Prior to issuance of the limited purpose building permit, HF shall provide the City with written documentation to the City's satisfaction that all parcels, which are the subject matter of the covenant, are owned by HF.

3. Prior to issuance of the limited purpose building permit, HF shall submit separate foundation, slab, and wall panel building plans to City for approval, which plans must be approved by City prior to issuance of the limited purpose building permit.

4. Prior to issuance of the limited purpose building permit, HF shall comply with all conditions of approval for issuance of a building permit except for the final approval and recording of the Parcel Map, Public Improvement Agreements and security for those improvements occurring solely on private property, and those conditions specifically deferred until issuance of the general building permit as set forth in Exhibit C. The City's Building

Official shall have the discretion to interpret any condition not listed on Exhibit C to determine whether it must be satisfied prior to issuance of the limited purpose building permit.

5. Prior to issuance of the limited purpose building permit, HF shall satisfy all conditions for final approval of the Parcel Map other than those relating to (a) the preparation, approval or recordation of the final Parcel Map, (b) Public Improvement Agreements and security for those improvements occurring solely on private property, and (c) those conditions specifically deferred until issuance of the general building permit as set forth in Exhibit C. HF hereby acknowledges that all such public improvement agreements and the required security for those improvements occurring solely on private property shall be executed and posted prior to final approval of the Parcel Map.

6. Prior to commencement of construction of, and the issuance of any required permits for, public improvements to be constructed in any public right-of-way or on public property, HF shall execute public improvement agreements and provide the required security for any such public improvement. HF hereby acknowledges that all such public improvement agreements and the required security shall be executed and posted prior to final approval of the Parcel Map if not accomplished sooner pursuant to this agreement.

7. Prior to issuance of the limited purpose building permit, HF shall execute an encroachment and removal agreement, in the form of Exhibit D, requiring HF, at its own expense, to remove any improvements constructed in public rights-of way or on public property if the limited purpose building permit expires and the City so requests.

8. Prior to issuance of the limited purpose building permit, HF shall have relocated or removed all easements encumbering the area under the building or have provided the City with written permission from easement holders authorizing HF to build over the easements.

9. HF agrees and acknowledges that the Parcel Map shall receive final approval by the City and be recorded in the Riverside County Recorder's Office before 12:01 a.m. on October 21, 2010.

10. HF agrees and acknowledges that the limited purpose building permit shall automatically expire at 12:01 a.m. on October 21, 2010 if the Parcel Map has not been recorded in the Riverside County Recorder's Office.

11. HF agrees and acknowledges that all construction shall immediately cease by 12:01 a.m. on October 21, 2010, upon expiration of the limited purpose building permit if the final Parcel Map has not been recorded.

12. If the limited purpose building permit expires as a result of the failure to record the final Parcel Map by 12:01 a.m. on October 21, 2010, HF shall be required to obtain a new building permit after the final Parcel Map has been recorded.

13. Neither this Agreement, the limited purpose building permit, nor the time in which to record the final Parcel Map in order to maintain the limited purpose building permit in effect, shall be extended beyond 12:01 a.m. on October 21, 2010.

14. HF shall remove all improvements and construction related materials from the project site, and shall restore the project site to its pre-construction condition, upon the expiration of the limited purpose building permit if ordered to do so by any court.

15. HF hereby expressly waives any claims of vested rights that it might otherwise have if the limited purpose building permit is suspended or terminated regardless of the extent of HF's reliance on its issuance and expressly acknowledges that the limited purpose building permit allows only the construction of the building's foundation and slab and the pouring and construction, but not the erection, of the building's walls.

16. HF hereby expressly waives any rights it might otherwise have for any recourse against the City in any way connected to the issuance of the limited purpose building permit.

17. HF shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul the issuance of the limited purpose building permit. In any claim, action or proceeding against the City arising out of this agreement, or for the issuance of the limited purpose building permit, the City shall be entitled to recover from HF the actual expenditures for its attorneys' fees and all costs including, but not limited to, expert witness fees, in addition to any other relief to which it may be entitled.

18. The parties to this Agreement shall act in good faith and shall take all further actions reasonably necessary to effectuate the letter and the spirit of this Agreement.

19. This Agreement and all rights and obligations arising out of it shall be construed in accordance with the laws of the State of California.

20. Any litigation arising out of this Agreement shall be conducted only in the Riverside County Superior Court.

21. This Agreement is entered into solely for the benefit of the parties hereto. Other than the parties hereto, no third party shall be entitled, directly or indirectly, to base any claim, or to have any right arising from, or related to, this Agreement.

22. This Agreement contains the entire agreement and understanding between the parties and supersedes and replaces all prior negotiations or proposed agreements, written or oral. Each of the parties hereto acknowledges that no other party, nor the agents nor the attorneys for any party, has made any promise, representation or warranty whatsoever, express or implied, not contained herein, to induce the execution of this Agreement and acknowledges that this Agreement has not been executed in reliance upon any promise, representation or warranty not contained herein.

23. This Agreement may not be amended except in a writing signed by all the parties hereto.

24. Each individual signing this Agreement represents and warrants that he or she has been authorized to do so by proper action of the party on whose behalf he or she has signed.

25. This Agreement may be signed in one or more counterparts and, when all parties have signed the original or a counterpart, such counterparts, whether originals, facsimiles or e-mail attachments, together shall constitute one original document.

July ___, 2010

THE CITY OF MORENO VALLEY (the "City")
a California general law city

By: _____
Bonnie Flickinger, Mayor

Attest:

Jane Halstead, City Clerk

Approved as to form:

Robert L. Hansen, City Attorney

July ___, 2010

HF LOGISTICS-SKX T1, LLC ("HF")
a Delaware limited liability company

By: HF Logistics-SKX, LLC
a Delaware limited liability company,
its sole member

By: HF Logistics I, LLC
a Delaware limited liability company,
its managing member

By: _____
Iddo Benzeevi, President and Chief
Executive Officer

EXHIBIT “C”

CONDITIONS OF APPROVAL WHICH NEED NOT BE SATISFIED PRIOR TO THE ISSUANCE OF THE LIMITED PURPOSE BUILDING PERMIT

(all Tentative Parcel Map and Plot Plan conditions are to be satisfied prior to approval and recordation of the Parcel Map and issuance of the building permit allowing vertical construction of the building)

<u>TPM 35629</u>	<u>Plot Plan PA07-0091</u>	<u>Description</u>
P-23, SD-9	P-19, SD-5	DIF ¹ , TUMF ² , MSHCP Fees
B-1	B-1	Building Plans for vert. construction
LD8	LD8	Public Drainage Easements
LD22		Slope Easement
LD69		Reciprocal Access Easements
LD75	LD64	Spreading Basin Easement
LD76	LD65	Off-Site Easements
SD-10	SD-10	Median Landscape Approval
Parks (h)	Parks(h)	Final Trail Plan Approval
	P18	Site Lighting Plan
	P87	Title 24 Plans
	P89	Solar Panels for Phase 1 Office
	S1	Payment of School Fees ³
	F4, F6-F11, F23	Interim Fire Access Plan

¹ DIF has been deferred until issuance of the Certificate of Occupancy pursuant to City Council Resolution 2009-37.

² TUMF has been deferred until issuance of the Certificate of Occupancy pursuant to City Council Resolution 2009-38.

³ Deferral contingent upon written agreement from the Moreno Valley Unified School District agreeing to this deferral.

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CITY MANAGER'S REPORT

**(Informational Oral Presentation only –
not for Council action)**

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