



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

**November 8, 2011**

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

**City Council Closed Session**

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

**City Council Study Sessions**

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

**City Council Meetings**

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

City Hall Council Chamber - 14177 Frederick Street

*Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

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

Richard A. Stewart, Mayor

Marcelo Co, Council Member  
William H. Batey II, Council Member

**AGENDA**  
**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**November 8, 2011**

**CALL TO ORDER**

SPECIAL PRESENTATIONS

1. Star Recycling Awards Presented by Waste Management
2. Proclamation Recognizing Pancreatic Cancer Awareness Month
3. Employee of the Quarter - Ariana Ayala
4. "Business Spotlight"

**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 - 6:00 PM  
NOVEMBER 8, 2011**

**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 James Samples - New Life Christian Fellowship**

**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

AGENDA  
November 8, 2011

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

## **A. CONSENT CALENDAR-CITY COUNCIL**

### **A.1 ORDINANCES - READING BY TITLE ONLY**

**Recommendation:** Waive reading of all Ordinances.

### **A.2 MINUTES - REGULAR MEETING OF OCTOBER 25, 2011 (Report of: City Clerk Department)**

**Recommendation:**

Approve as submitted.

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

**Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of October 19 - November 1, 2011.

### **A.4 P08-135 – ACCEPTANCE OF STORM DRAIN EASEMENTS AND EXECUTION OF QUITCLAIM DEEDS TRANSFERRING THE CITY'S TITLE INTEREST IN STORM DRAIN EASEMENTS TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT PER THE COOPERATIVE AGREEMENT BETWEEN CITY OF MORENO VALLEY, RIVERSIDE COUNTY FLOOD CONTROL AND WASTE MANAGEMENT COLLECTION AND RECYCLING, INC., DEVELOPER - WASTE MANAGEMENT COLLECTION AND RECYCLING, INC., MORENO VALLEY, CA 92551 (Report of: Community and Economic Development Department)**

**Recommendation:**

1. Adopt the proposed resolution authorizing the acceptance of the public storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2009-0657602, 2009-0657604 and 2009-0657606 in the Official Records of Riverside County, California;

Resolution No. 2011-110

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Storm Drain Easements Per Irrevocable Offers of Dedications Recorded as Instrument Numbers 2009-0657602, 2009-0657604 and 2009-0657606 in the Official Records of Riverside County, California and

AGENDA  
November 8, 2011



Execution of Quitclaim Deeds According to the Cooperative Agreement Between the Riverside County Flood Control and Water Conservation District, the City of Moreno Valley and Waste Management Collection and Recycling, Inc.

2. Authorize the Mayor to execute the Quitclaim Deeds transferring all right, title and interest in and to the storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2009-0657602, 2009-0657604 and 2009-0657606 in the Official Records of Riverside County, California; and
3. Direct the City Clerk to forward the signed Quitclaim Deeds and the proposed resolution to the Riverside County Flood Control and Water Conservation District for further processing and recordation.

A.5 PA06-0173 – APPROVAL OF PROPOSED RESOLUTION FOR A SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD LOCATED EAST OF REDLANDS BOULEVARD, A PORTION OF REDLANDS BOULEVARD LOCATED SOUTH OF ALESSANDRO BOULEVARD, AND AN ALLEY LOCATED SOUTH OF ALESSANDRO BOULEVARD AND EAST OF REDLANDS BOULEVARD. DEVELOPER: PARMJIT SINGH AND SHINDER KAUR, MORENO VALLEY, CA 92555. (Report of: Community & Economic Development Department)

**Recommendation:**

1. Adopt the proposed resolution, summarily vacating a portion of Alessandro Boulevard located east of Redlands Boulevard, a portion of Redlands Boulevard located south of Alessandro Boulevard, and an alley located south of Alessandro Boulevard and east of Redlands Boulevard;

Resolution No. 2011-111

A Resolution of The City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Alessandro Boulevard Located East of Redlands Boulevard, a Portion of Redlands Boulevard Located South of Alessandro Boulevard, and an Alley Located South of Alessandro Boulevard and East of Redlands Boulevard

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

A.6 ADOPTION OF ORDINANCE No. 828 OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF MORENO

AGENDA

November 8, 2011

VALLEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (RECEIVED FIRST READING AND INTRODUCTION ON OCTOBER 11, 2011, BY A 5-0 VOTE) (Report of: Human Resources Department)

**Recommendation:**

Adopt Ordinance No. 828 – An Ordinance authorizing an amendment to the contract between the City of Moreno Valley and the Board of Administration of the California Public Employees' Retirement System.

Ordinance No. 828

An Ordinance of the City Council of the City of Moreno Valley, California, Authorizing an Amendment to the Contract between the City of Moreno Valley and the Board of Administration of the California Public Employees' Retirement System

- A.7 ADOPT RESOLUTION NO. 2011-112 APPROVING THE INTERFUND LOAN FROM THE CORPORATE YARD DEVELOPMENT IMPACT FEE FUND TO THE FACILITY CONSTRUCTION FUND IN THE AMOUNT OF \$2,500,000 (Report of: Financial & Administrative Services Department)

**Recommendation:**

Adopt Resolution 2011-112 Approving the Interfund Loan from the Corporate Yard Development Impact Fee Fund to the Facility Construction Fund in the Amount of \$2,500,000.

Resolution No. 2011-112

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing an Interfund Loan between the Corporate Yard Development Impact Fee Fund and the Facility Construction Fund in the Amount of \$2,500,000

- A.8 ADOPT RESOLUTION NO. 2011-113 APPROVING THE INTERFUND LOAN FROM THE LIBRARY DEVELOPMENT IMPACT FEE FUND TO THE FACILITY CONSTRUCTION FUND IN THE AMOUNT OF \$4,000,000 (Report of: Financial & Administrative Services Department)

**Recommendation:**

Adopt Resolution 2011-113 Approving the Interfund Loan from the Library Development Impact Fee Fund to the Facility Construction Fund in the Amount of \$4,000,000.

Resolution No. 2011-113

AGENDA  
November 8, 2011

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing an Interfund Loan between the Library Development Impact Fee Fund and the Facility Construction Fund in the Amount of \$4,000,000

## **B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT**

### **B.1 ORDINANCES - READING BY TITLE ONLY**

**Recommendation:** Waive reading of all Ordinances.

### **B.2 MINUTES - REGULAR MEETING OF OCTOBER 25, 2011 (Report of: City Clerk Department)**

**Recommendation:**

Approve as submitted.

## **C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY**

### **C.1 ORDINANCES - READING BY TITLE ONLY**

**Recommendation:** Waive reading of all Ordinances.

### **C.2 MINUTES - REGULAR MEETING OF OCTOBER 25, 2011 (Report of: City Clerk Department)**

**Recommendation:**

Approve as submitted.

## **D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

### **D.1 ORDINANCES - READING BY TITLE ONLY**

**Recommendation:** Waive reading of all Ordinances.

### **D.2 MINUTES - REGULAR MEETING OF OCTOBER 25, 2011 (Report of: City Clerk Department)**

**Recommendation:**

Approve as submitted.

## **E. PUBLIC HEARINGS**

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

### **E.1 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR OMP DEV CACTUS—APN 297-150-055 BALLOTING FOR CSD ZONE M**

AGENDA  
November 8, 2011

(Report of: Public Works Department)

**Recommendation: That the City Council:**

1. Acting in its capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), after conducting the Public Hearing and accepting public testimony, direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for OMP Dev Cactus—Assessor Parcel Number (“APN”) 297-150-055;
2. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet;
3. Receive and file with the City Clerk’s office the accepted Official Tally Sheet and APN listing; and
4. If approved, authorize and impose the increase in the CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) annual charge to APN 297-150-055.

**E.2 PUBLIC HEARING AND INTRODUCTION OF ORDINANCE NO. 834 APPROVING THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR TOWNGATE MIXED-USE DEVELOPMENT (Report of: Community & Economic Development Department)**

**Recommendation: That the City Council:**

1. After conducting the public hearing, introduce Ordinance No. 834 approving the Third Amendment to the Annexation and Development Agreement for the TownGate Mixed Use Development; and

**Ordinance No. 834**

An Ordinance of the City Council of the City of Moreno Valley, California, Approving the Third Amendment to the Annexation and Development Agreement Between the City of Moreno Valley, RIR Associates and Ryder Homes Relative to the Development Known as Moreno Valley Mixed Use Development (Towngate)

2. Authorize the Mayor to execute the Third Amendment to the Annexation and Development Agreement for the TownGate Mixed Use Development.

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

**G. REPORTS**

AGENDA  
November 8, 2011

- G.1 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR APNS 481-281-059 and 481-281-060 BALLOTING FOR NPDES (Report of: Public Works Department)

**Recommendation: That the City Council:**

Accept public comments regarding the mail ballot proceeding for Assessor Parcel Numbers (APNs) 481-281-059 and 481-281-060 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

- G.2 MEDIA AND COMMUNICATIONS STRATEGY (CONTINUED FROM OCTOBER 11, 2011 ON A 4-0-1 VOTE, MOLINA ABSENT) (Report of: City Manager's Office)

**Recommendation: That the City Council:**

Approve the proposed Media and Communications Strategy.

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

## **H. LEGISLATIVE ACTIONS**

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

H.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

AGENDA  
November 8, 2011

business hours.

## **CLOSED SESSION**

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

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

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

The Closed Session will be held pursuant to Government Code:

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

Number of Cases: 5

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

Number of Cases: 5

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

## **ADJOURNMENT**

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

**REGULAR MEETING – 6:30 PM  
October 25, 2011**

**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 6:32 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Richard A. Stewart

**INVOCATION - Pastor Willie Behrends - Crosswinds Church of Moreno Valley**

**ROLL CALL**

Council:

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

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Steve Hargis	Technology Services Division Manager
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

**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 Richard A. Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A.4 and A.5).

**A. CONSENT CALENDAR-CITY COUNCIL**

A.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF OCTOBER 11, 2011 (Report of: City Clerk Department)

**Recommendation:**

Approve as submitted.

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

**Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of October 5-18, 2011.

A.4 APPROVAL OF CHECK REGISTER AUGUST, 2011 (Report of: Financial & Administrative Services Department)

**Recommendation:**

Adopt Resolution No. 2011-101, approving the Check Register for the month of August, 2011 in the amount of \$15,049,188.56.

Resolution No. 2011-101

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of August, 2011

A.5 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD PROJECT NO. 06-50182625 (Report of: Public Works Department)

**Recommendation:**

1. Award all Base Bid and Additive Alternative Bid "A" items for the

MINUTES  
October 25, 2011

construction contract for the Ironwood Avenue Improvements from Heacock Street to Perris Boulevard to STI Inc. Trucking and Materials, 18791 Van Buren Boulevard, Suite E, Riverside, CA 92508, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with STI Inc. Trucking and Materials;
3. Authorize the issuance of a Purchase Order to STI Inc. Trucking and Materials for a total amount of \$1,078,794.30 (\$898,995.25 base bid amount plus 20% contingency) when the contract has been signed by all parties; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with STI Inc. Trucking and Materials up to, but not to exceed the Purchase Order's total contingency amount of \$179,799.05, subject to the approval of the City Attorney.

A.6 RESOLUTION ADOPTING THE CITY OF MORENO VALLEY LOCAL HAZARD MITIGATION PLAN (Report of: Fire Department)

**Recommendation:**

Adopt Resolution No. 2011-102, adopting the City of Moreno Valley Local Hazard Mitigation Plan.

Resolution No. 2011-102

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the City of Moreno Valley Local Hazard Mitigation Plan as Required by the Federal Disaster Mitigation and Cost Reduction Act of 2000

A.7 APPROVE AND ADOPT RESOLUTION NO. 2011-103, AUTHORIZING THE DELEGATION OF AUTHORITY TO THE CITY ENGINEER TO CERTIFY RIGHT-OF-WAY ACQUISITIONS FOR ON-SYSTEM AND OFF-SYSTEM HIGHWAY PROJECTS ON BEHALF OF THE CITY OF MORENO VALLEY (Report of: Public Works Department)

**Recommendation:**

Approve and adopt Resolution No. 2011-103, authorizing the delegation of authority to the City Engineer to certify right-of-way acquisitions for on-system and off-system projects on behalf of the City of Moreno Valley for the acquisition of right of way.

Resolution No. 2011-103

MINUTES  
October 25, 2011

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City Engineer to Certify the Acquisition of Right of Way for all Projects

- A.8 APPROVE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON (SCE) FOR EXTENSION OF ELECTRIC DISTRIBUTION LINE FOR SR-60/NASON OVERCROSSING BRIDGE PROJECT -- PROJECT NO. 07-41570024 (Report of: Public Works Department)

**Recommendation:**

1. Approve the "Contract for Extension of Electric Distribution Line (Rule No. 15)" with Southern California Edison (SCE) to extend existing distribution line on Nason Street for the SR-60/Nason Street Overcrossing Bridge Project;
2. Authorize the City Manager to execute the "Contract for Extension of Electric Distribution Line (Rule No. 15)" with SCE;
3. Authorize a Change Order to increase the Purchase Order to SCE by \$261,000 (\$207,357 plus 20% contingency) for SCE improvements for the SR-60/Nason Street Overcrossing Bridge Project from Account Nos. 897.91728 and 414.80429; and
4. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with SCE up to, but not exceeding, the contingency amount of \$53,643 subject to the approval of the City Attorney.

- A.9 APPROVAL OF A THREE-YEAR PHONE AND DATA CONTRACT AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH TW TELECOM (Report of: Financial & Administrative Services Department)

**Recommendation:**

1. Approve the Three-Year Voice and Data Service Contract with TW Telecom; and
2. Authorize the City Manager to execute a contract and purchase order with TW Telecom for estimated costs not-to-exceed \$127,500, plus a contingency of \$19,100 (15%).

- A.10 APPROVE THE REVISION OF THE AUTHORIZED SIGNATURE LIST FOR THE CITY'S LOCAL AGENCY INVESTMENT FUND (LAIF) INVESTMENT ACCOUNT (Report of: Financial & Administrative Services Department)

**Recommendation:**

MINUTES  
October 25, 2011

Adopt Resolution 2011-104 revising the authorized signature list for the investment of monies in the Local Agency Investment Fund (LAIF)

Resolution No. 2011-104

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Revision of the Authorized Signature List for the City's Local Agency Investment Fund Investment Account

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

**Recommendation:**

Adopt Resolution No. 2011-105 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List in this staff report for the abatement of nuisances.

Resolution No. 2011-105

Resolution of the City Council of the City of Moreno Valley, California, Confirming Statements of Costs Against Real Property Located in the City of Moreno Valley, for Abatements of Public Nuisances and Direction that Said Statements of Costs Constitute a Lien Upon said Properties

A.12 APPROVAL OF A SERVICE CONTRACT WITH WELLS FARGO INSURANCE SERVICES TO PROVIDE EMPLOYEES' BENEFITS BROKER SERVICES (CONTINUED FROM OCTOBER 11, 2011 BY A 5-0 VOTE) (Report of: Human Resources Department)

**Recommendation:**

Approve the service contract with Wells Fargo Insurance Services for the provision of employees' benefits broker services.

Item A.13 was moved to Section F

**B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT**

B.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF OCTOBER 11, 2011 (Report of: City Clerk Department)

**Recommendation:**

Approve as submitted.

MINUTES  
October 25, 2011

## **C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY**

### **C.1 ORDINANCES - READING BY TITLE ONLY**

**Recommendation:** Waive reading of all Ordinances.

### **C.2 MINUTES - REGULAR MEETING OF OCTOBER 11, 2011 (Report of: City Clerk Department)**

**Recommendation:**

Approve as submitted.

## **D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

### **D.1 ORDINANCES - READING BY TITLE ONLY**

**Recommendation:** Waive reading of all Ordinances.

### **D.2 MINUTES - REGULAR MEETING OF OCTOBER 11, 2011 (Report of: City Clerk Department)**

**Recommendation:**

Approve as submitted.

**Motion to Approve Joint Consent Calendar Items A.1 through D.2, except Item A13, which was pulled for separate action, by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings Approved by a vote of 5-0.**

## **E. PUBLIC HEARINGS**

### **E.1 PUBLIC HEARING AND ADOPTION OF RESOLUTION REGARDING COUNCILMANIC REDISTRICTING (PRESENTATION BY NATIONAL DEMOGRAPHIC CORPORATION PRESIDENT DOUGLAS JOHNSON) (Report of: City Clerk's Department)**

**Recommendation: That the City Council:**

1. Conduct a second public hearing and select a final redistricting map out of the three proposed redistricting plans of the Councilmanic districts in the City of Moreno Valley; and
2. Adopt Resolution No. 2011-106 repealing Resolution No. 2001-60, and adjusting the boundaries of Councilmanic districts, identified as Consultant's Draft Plan No. 3, and designating the number of each such district.

Resolution No. 2011-106

MINUTES  
October 25, 2011

A Resolution of the City Council of the City of Moreno Valley, California, Repealing Resolution No. 2001-60, and Adjusting the Boundaries of Councilmanic Districts and Designating the Number of Each Such District

OR

3. Adopt Resolution No. 2011-107 repealing Resolution No. 2001-60, and adjusting the boundaries of Councilmanic districts, identified as Public Plan No. 9 and designating the number of each such district;

Resolution No. 2011-107

A Resolution of the City Council of the City of Moreno Valley, California, Repealing Resolution No. 2001-60, and Adjusting the Boundaries of Councilmanic Districts and Designating the Number of Each Such District

OR

4. Adopt Resolution No. 2011-108 repealing Resolution No. 2001-60, and adjusting the boundaries of Councilmanic districts, identified as Public Plan No. 10 and designating the number of each such district. Resolution No. 2011-108

A Resolution of the City Council of the City of Moreno Valley, California, Repealing Resolution No. 2001-60, and Adjusting the Boundaries of Councilmanic Districts and Designating the Number of Each Such District

Mayor Richard A. Stewart opened the public testimony portion of the public hearing. Public testimony was received from Pete Bleckert, Mike Rios, Roy Bleckert, Ruthie Goldkorn, Deanna Reeder, Oscar, Christopher Baca, Violeta Suazo, Abraham Aguilar, Victoria Baca, Louise Palomarez, Radene Ramos Hiers, and Virginia Alvarez speaking on behalf of a group of residents.

**Recess:  
Reconvened**

**Motion to Approve Public Plan 9 as revised by m/Council Member Marcelo Co, s/Mayor Pro Tem Jesse L. Molina  
Approved by a vote of 3-2, Council Member William H. Batey II, and Council Member Robin N. Hastings opposed.**

**Motion to Approve Resolution No. 2011-107 (Recommendation No. 3) with the attachments as revised at the Council meeting, and adjusting**

MINUTES  
October 25, 2011

**boundaries of Councilmanic Districts, identified as Public Plan 9, as revised at the Council meeting and designating the number of each such district by m/Council Member Marcelo Co, s/Mayor Pro Tem Jesse L. Molina**  
**Approved by a vote of 3-2, Council Member William H. Batey II, and Council Member Robin N. Hastings opposed.**

Item E.2 taken after Public Comments

E.2 ADOPT RESOLUTION ORDERING THE VACATION OF MOTOR WAY BETWEEN AUTO MALL DRIVE AND EUCALYPTUS AVENUE AND TRANSFER THE PROPERTY TO THE REDEVELOPMENT AGENCY - PROJECT NO. 08-89791725 (CONTINUED FROM SEPTEMBER 27, 2011 ON A 3-0-2 VOTE, BATEY AND CO ABSENT) (Report of: Public Works Department)

**Recommendation: That the City Council:**

1. Adopt Resolution No. 2011-98 ordering the vacation of Motor Way, between Auto Mall Drive and Eucalyptus Avenue, excepting and reserving an easement for existing public utilities and access rights in conformance with California Streets and Highways Code - Chapter 3: Section 8324;

Resolution No. 2011-98

A Resolution of the City Council of the City of Moreno Valley, California, ordering the Vacation of Motor Way between Auto Mall Drive and Eucalyptus Avenue

2. Direct the City Clerk to certify said Resolution and transmit a copy of the Resolution to the office of the County Recorder for recordation as required by California Streets and Highways Code - Chapter 3: Section 8325;
3. Authorize the Mayor to execute Easement Deeds to Parcel "A" of Lot Line Adjustment Number 817, and Parcel 1 of Lot Line Adjustment Number 1008 for ingress and egress along Lot B of Parcel Map 23244 (Motor Way); and
4. Authorize the Mayor to execute a quitclaim deed to transfer real property known as Motor Way between Auto Mall Drive and Eucalyptus Avenue from the City of Moreno Valley, a Municipal Corporation to the Community Redevelopment Agency.

**Recommendation: That the RDA:**

Authorize The Mayor, acting in his capacity of Chairman of the Board of

MINUTES  
October 25, 2011



Directors of the Community Redevelopment Agency to execute the Acceptance Certification, which will allow the transfer of real property known as Motor Way between Auto Mall Drive and Eucalyptus Avenue from the City of Moreno Valley, a Municipal Corporation, to the Community Redevelopment Agency, at such time as the RDA has the authority to execute the acceptance of such documents.

**Motion to Continue the item to January 10, 2012 Council Meeting by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina**  
**Approved by a vote of 5-0.**

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

- A.13 REQUEST TO RECLASSIFY THE TECHNOLOGY SERVICES DIVISION MANAGER AND REDEVELOPMENT AND NEIGHBORHOOD PROGRAMS ADMINISTRATOR POSITIONS TO DEPUTY DIRECTOR POSITIONS (Report of: City Manager's Office)

**Recommendation:**

Reclassify the Technology Services Division Manager and Redevelopment & Neighborhood Programs Administrator positions to Deputy Director positions and establish the job titles, job descriptions, and salary ranges for the new classifications of "Deputy Community and Economic Development Director" and "Deputy Financial and Administrative Services Director."

Mayor Richard A. Stewart opened the item for public comments, which were received from Deanna Reeder

Council Member William H. Batey II made a motion to deny Item A.13. Motion died for lack of second.

**Motion to Approve by m/Council Member Marcelo Co, s/Council Member Robin N. Hastings**

Mayor Pro Tem Jesse L. Molina made substitute motion:

**Substitute Motion to postpone this item to January by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Robin N. Hastings**  
**Approved by a vote of 4-1, Mayor Richard A. Stewart opposed.**

**G. REPORTS**

MINUTES  
October 25, 2011

- G.1 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR OMP DEV CACTUS—APN 297-150-055 BALLOTING FOR CSD ZONE M (Report of: Public Works Department)

**Recommendation: That the CSD:**

The Mayor and 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 proceeding for OMP Dev Cactus—Assessor Parcel Number (APN) 297-150-055 for approval of an increase in the annual charge for the CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) program.

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

No action required.

- G.2 AUTHORIZE THE DESIGN AND CONSTRUCTION OF A NEW EMERGENCY GENERATOR FOR THE EMERGENCY OPERATIONS CENTER FAMILY CARE CENTER AND UPGRADE THE FUEL TANK AT THE EXISTING GENERATOR - PROJECT NO. 11-24024011 (Report of: Public Works Department)

**Recommendation: That the City Council:**

Authorize the design and construction of a new Emergency Generator for the Emergency Operations Center (EOC) Family Care Center at the Conference and Recreation Center (CRC) and upgrade the fuel tank at the existing generator per the “Analysis and Study for the Existing and Proposed Generator for Civic Center Buildings” by TMAD Taylor & Gaines (TTG).

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

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

- G.3 APPROVE RESOLUTION NO. 2011-109 RATIFYING THE DISMISSAL OF THE JUDICIAL VALIDATION PROCEEDINGS RELATED TO THE CALIFORNIA COMMUNITIES GAS TAX REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2011B TOTAL ROAD IMPROVEMENT PROGRAM (TRIP) (Report of: Financial & Administrative Services Department)

MINUTES  
October 25, 2011

**Recommendation: That the City Council:**

Approve Resolution No. 2011-109 ratifying the dismissal of the City's complaint for judicial validation related to the California Communities Gas Tax Revenue Certificates of Participation, Series 2011B Total Road Improvement Program (TRIP)

Resolution No. 2011-109

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Ratifying the Dismissal of the City's Complaint for Judicial Validation related to the California Communities Gas Tax Revenue Certificates of Participation, Series 2011B Total Road Improvement Program (TRIP)

Mayor Richard A. Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

**Motion to Approve by m/Council Member Robin N. Hastings, s/Mayor Pro Tem Jesse L. Molina**  
**Approved by a vote of 5-0.**

G.4 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 taken after Item E.1

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

Public comments taken after Item E1.

Kenny Bell

1. Politics/redistricting

Daryl Terrell

MINUTES  
October 25, 2011

1. Economy/hiring program (submitted "Evidence of Cities with Local Hiring Ordinances" for public record)

Deanna Reeder

1. Public process of redistricting

Roy Bleckert

1. Redistricting process

Pete Bleckert

1. Last week's study session - roads
2. Road commissioner
3. Missing documents

Victoria Baca

1. Redistricting

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

Council Member Hastings

1. Regarding redistricting process - emphasized that her goal was to keep Moreno Valley Ranch West whole; the community split was unnecessary, but we have to move forward
2. A Town Hall meeting for District 3 will be held on October 26, at 6 p.m. at Landmark Middle School - encouraged everyone to come

Council Member Co

1. Thanked everyone who participated in redistricting
2. Addressed issue of reclassification of staff - appreciates staff's hard work, but the Council need to balance the needs; the Council will make a decision in January

Mayor Pro Tem Molina

1. It's not possible to give raises at this time; need to review City's midterm finances. Everyone is working very hard
3. Tried to get a road commissioner, but got overwritten

MINUTES  
October 25, 2011

Council Member Batey

1. Regarding reclassification - if we are going to add to operating expenses, we have to look at the operation as a whole; we have to be mindful about budget and watch expenses
2. Redistricting
3. March of Dime walk for babies, a fundraising for a great cause, will be held at the TownGate Park on Saturday; the last meeting before the walk will be held on October 27 at 5:30 p.m. at the Conference and Recreation Center

Mayor Stewart

1. Was able to see Sketcher retail store - it is huge; it's almost ready to be open; Sketchers started moving products and office staff
2. An arrest was made on Norma Lopez's kidnapping and murder; commended the police department for its dedication in solving this case
3. Redistricting - the only group that asked him for his opinion was the group who prepared Plan No. 9; stated that he gave equal consideration to all submitted plans and wanted a minimum change

**CLOSED SESSION** - canceled

**ADJOURNMENT**

MINUTES  
October 25, 2011

**Motion to Adjourn: there being no further business to conduct, the meeting was adjourned at 10:22 p.m. by unanimous informal consent. by m/Mayor Pro Tem Jesse L. Molina**  
**Approved by a vote of 5-0.**

Submitted by:

---

City Clerk 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:

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Mayor Richard A. Stewart  
President, Moreno Valley Community Services District  
Chairperson, Community Redevelopment Agency of the City of Moreno Valley  
Chairperson, Board of Library Trustees

enl

MINUTES  
October 25, 2011



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk

**AGENDA DATE:** November 8, 2011

**TITLE:** CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

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### RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of October 19 – November 1, 2011.

<i>Reports on Reimbursable Activities</i> October 19 – November 1, 2011		
Council Member	Date	Meeting
William H. Batey II	10/20/11	Edward Dean Museum 7 <sup>th</sup> Annual Autumn Gala
	11/1/11	Moreno Valley Hispanic Chamber of Commerce Adelante
Marcelo Co	10/26/11	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Robin N. Hastings		None
Jesse L. Molina		None
Richard A. Stewart		None

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

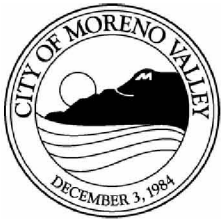
Department Head Approval:  
Jane Halstead  
City Clerk

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

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

## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Barry Foster, Community & Economic Development Director

**AGENDA DATE:** November 08, 2011

**TITLE:** P08-135 – ACCEPTANCE OF STORM DRAIN EASEMENTS AND EXECUTION OF QUITCLAIM DEEDS TRANSFERRING THE CITY’S TITLE INTEREST IN STORM DRAIN EASEMENTS TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT PER THE COOPERATIVE AGREEMENT BETWEEN CITY OF MORENO VALLEY, RIVERSIDE COUNTY FLOOD CONTROL AND WASTE MANAGEMENT COLLECTION AND RECYCLING, INC.

DEVELOPER – WASTE MANAGEMENT COLLECTION AND RECYCLING, INC  
17700 INDIAN STREET  
MORENO VALLEY, CA 92551

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### **RECOMMENDED ACTION**

Staff recommends that the City Council:

1. Adopt the proposed resolution authorizing the acceptance of the public storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2009-0657602, 2009-0657604 and 2009-0657606 in the Official Records of Riverside County, California.
2. Authorize the Mayor to execute the Quitclaim Deeds transferring all right, title and interest in and to the storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2009-0657602, 2009-0657604 and 2009-0657606 in the Official Records of Riverside County, California.

3. Direct the City Clerk to forward the signed Quitclaim Deeds and the proposed resolution to the Riverside County Flood Control and Water Conservation District for further processing and recordation.

### **BACKGROUND**

On May 26, 2009, the City Council approved the Cooperative Agreement between the Riverside County Flood Control and Water Conservation District (RCFC&WCD), the City of Moreno Valley and Waste Management Collection and Recycling, Inc. The Agreement required that Irrevocable Offers of Dedication (IOD) to the public, for certain storm drain easements, be recorded prior to the commencement of the construction of storm drain facilities. The IOD's were recorded and the storm drain facilities were constructed according to approved plans and the approved Agreement.

### **DISCUSSION**

The Cooperative Agreement is related to the Perris Valley – Grove View Road Storm Drain facility known as Lateral B-1.3, Stage 2. The storm drain facilities are primarily located within Grove View Road west of Perris Boulevard. The City has received a request from the RCFC&WCD to quitclaim the referenced storm drain easements. Per the Agreement, the City is required to convey the necessary rights of way to the RCFC&WCD in order to allow the RCFC&WCD to operate and maintain the storm drain facilities located within said storm drain easements.

### **ALTERNATIVES**

1. Adopt the proposed Resolution authorizing the acceptance of the public storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2009-0657602, 2009-0657604 and 2009-0657606 in the Official Records of Riverside County, California. Authorize the Mayor to execute the Quitclaim Deeds transferring all right, title and interest in and to the storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2009-0657602, 2009-0657604 and 2009-0657606 in the Official Records of Riverside County, California. Direct the City Clerk to forward the signed Quitclaim Deeds to the *RCFC&WCD* for further processing and recordation. *This alternative is in accordance with the Cooperative Agreement and would allow for the maintenance of the storm drain facilities by the RCFC&WCD.*
2. Do not adopt the proposed Resolution authorizing the acceptance of the public storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2009-0657602, 2009-0657604 and 2009-0657606 in the Official Records of Riverside County, California. Do not authorize the Mayor to execute the Quitclaim Deeds transferring all right, title and interest in and to the storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2009-0657602, 2009-0657604 and 2009-0657606 in the

Official Records of Riverside County, California. Do not direct the City Clerk to forward the signed Quitclaim Deeds to the *RCFC&WCD* for further processing and recordation. *This alternative would not be in accordance with the Cooperative Agreement and would not allow for the maintenance of the storm drain facilities by the RCFC&WCD.*

**FISCAL IMPACT**

No fiscal impact is anticipated.

**NOTIFICATION**

Publication of the agenda.

**ATTACHMENTS**

Attachment 1 – Vicinity Map

Attachment 2 – Quitclaim Deed for Instrument Number 2009-0657602

Attachment 3 – Quitclaim Deed for Instrument Number 2009-0657604

Attachment 4 – Quitclaim Deed for Instrument Number 2009-0657606

Attachment 5 – Resolution

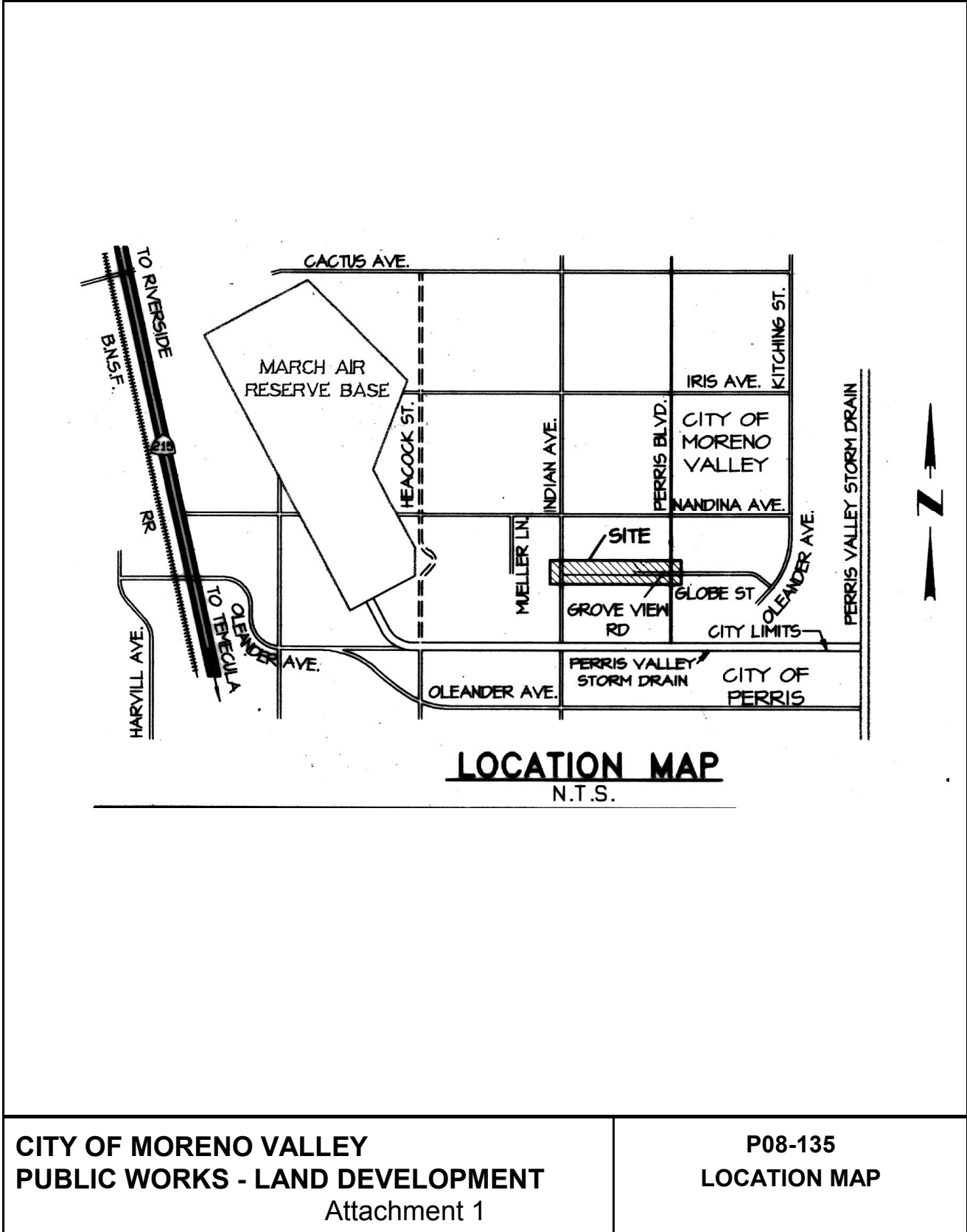
Prepared By  
Vicente Giron  
Associate Engineer

Department Head Approval  
Barry Foster  
Community and Economic Development Director

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\2011\11-08-11 P08-135 - Quitclaim Deeds.doc



W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\11-08-11 P08-135 - Attachment 1 - Vicinity Map.doc

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Recorded at request of, and return to:  
Riverside County Flood Control and  
Water Conservation District  
1995 Market Street  
Riverside, California 92501

NO FEE (GOV. CODE 6103)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Perris Valley Grove View RD SD, Stg 2  
Project No. 4-0-00527  
Parcel Map 32961/PA 08-0135

The undersigned grantor(s) declare(s)  
DOCUMENTARY TRANSFER TAX \$ NONE

### QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the CITY OF MORENO VALLEY, a municipal corporation, does hereby remise, release, and forever quitclaim to RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT all right, title and interest in and to easement, situated in the, City of Moreno Valley, County of Riverside, State of California, described in:

Irrevocable Offer of Dedication recorded December 23, 2009, as Instrument No. 2009-0657602, records of the Recorder's Office, Riverside County, State of California, as shown as Exhibit "A", attached hereto, to be referenced hereafter as **RCFC Parcel No. 4527-501**.

CITY OF MORENO VALLEY, a municipal corporation:

Date \_\_\_\_\_

By: \_\_\_\_\_  
RICHARD A. STEWART, Mayor

ATTEST:

JANE HALSTEAD,  
Clerk to the City of Moreno Valley

By: \_\_\_\_\_  
City Clerk

(SEAL)

Attachment 2

CONSENT TO RECORD (GOV. CODE 7050)

THIS IS TO CERTIFY that the County of Riverside consents to the recordation of this Irrevocable Offer of Dedication pursuant to a Cooperative Agreement recorded on 8/11/2009 as Instrument No. 2009-0417409

AFTER RECORDING RETURN TO:  
RIVERSIDE COUNTY FLOOD CONTROL  
1995 MARKET STREET, RIVERSIDE, CA 92501

NO FEE (GOV. CODE 6103)

PV-Grove View Rd SD, Stg 2  
Project No. 4-0-00527  
PM 32961

DOC # 2009-0657602

12/23/2009 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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NCHG CC						T:	CTY	UNI	5/2



**IRREVOCABLE OFFER OF DEDICATION**  
**INUNDATION EASEMENT**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged Waste Management Collection and Recycling, Inc., a California corporation, herein called Grantor, hereby conveys to the Public on behalf of Riverside County Flood Control and Water Conservation District, herein called District, the right, power, privilege and easement occasionally to overflow, flood and/or submerge certain real property located in the City of Moreno Valley, County of Riverside, State of California, which is described on Exhibit "A", attached hereto and by this reference made a part hereof, in connection with the operation and maintenance of Perris Valley Grove View Road Storm Drain, Stage 2, together with any and all structures and improvements, if any, now situated on said real property, which overflow, flooding and/or submergence may cause, without limitation, vertical and lateral streambed degradation and/or deposition and associated damages to said real property and any structure and/or improvements thereon; provided, however, that no structures for human habitation shall be constructed or maintained on said real property and that no excavation shall be conducted and no landfill placed on said real property except as may be approved, in writing, by an authorized representative of the District, as to the location and method of excavation and/or placement of landfill, as evidenced by the District's approval of a rough grade plan for said real property; reserving, however, to the Grantor, and its successors in interest, all rights and privileges as may be used and enjoyed without interfering with the use of said easement, provided, further, however, that any use of said real property shall be subject to federal and state laws relating to pollution.



Page 2

Inundation Easement  
Project No. 4-0-00527

The District shall cause for the Public to quitclaim to the grantors herein or to their successors or assigns all of the interests conveyed by this said easement as will no longer be necessary to the District by reason of the satisfactory completion of the extension of the Perris Valley Grove View Road Storm Drain, as required by the District for the development of said property, as evidenced by the District's issuance of a Notice of Completion for such.

This affects APN: 316-210-056

WASTE MANAGEMENT COLLECTION AND  
RECYCLING, INC., a California corporation:

Dated: 12-12-03

By:   
SCOTT BRADLEY, Vice President

(Notary Attached)



2009-0657602  
12/23/2009 08:00A  
2 of 6

Item No. A.4

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Los Angeles

On Dec. 12, 2008 before me, A. Ann Jones, Notary Public  
(Here insert name and title of the officer)

personally appeared Scott Bradley, Vice President

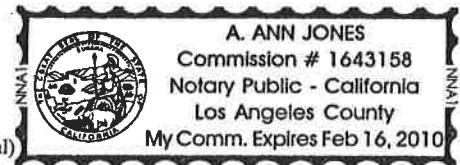
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in his/her/their authorized capacity(~~ies~~), and that by ~~his/her/their~~ signature(~~s~~) on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

A. Ann Jones  
Signature of Notary Public

(Notary Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Irrevocable Offer of Dedication  
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 5 Document Date 12/12/08

Grove View Rd SD, Stg 2  
(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

Individual (s)

Corporate Officer

Vice President  
(Title)

Partner(s)

Attorney-in-Fact

Trustee(s)

Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document



**EXHIBIT "A"**  
**INUNDATION EASEMENT**

That portion of Lot 23 in Block 1 of Riverside Alfalfa Acres, as shown by map on file in Book 8 of Maps at page 21 thereof, Records of Riverside County, California, located in Section 31, Township 3 South, Range 3 West, San Bernardino Meridian, said portion being described as follows:

**COMMENCING** at the southeast corner of said Lot 23, said corner also being the southeast corner of that certain parcel of land dedicated to the City of Moreno Valley by Offer of Dedication recorded June 7, 2001 as Instrument No. 254652, Records of Riverside County, California;

Thence North  $00^{\circ}16'28''$  East along the easterly line of said Lot 23 and along the easterly line of said Offer of Dedication, a distance of 39.00 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing North  $00^{\circ}16'28''$  East along said easterly line of Lot 23, a distance of 140.00 feet;

Thence North  $89^{\circ}43'32''$  West, a distance of 40.00 feet;

Thence South  $20^{\circ}27'54''$  West, a distance of 77.52 feet;

Thence South  $00^{\circ}29'13''$  West, a distance of 67.00 feet to a point on the northerly line of said Offer of Dedication;

Thence South  $89^{\circ}30'47''$  East along said northerly line, a distance of 67.00 feet to the **TRUE POINT OF BEGINNING**;

Containing 8,372 square feet, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

Matthew E. Webb  
Matthew E. Webb, L.S. 5529

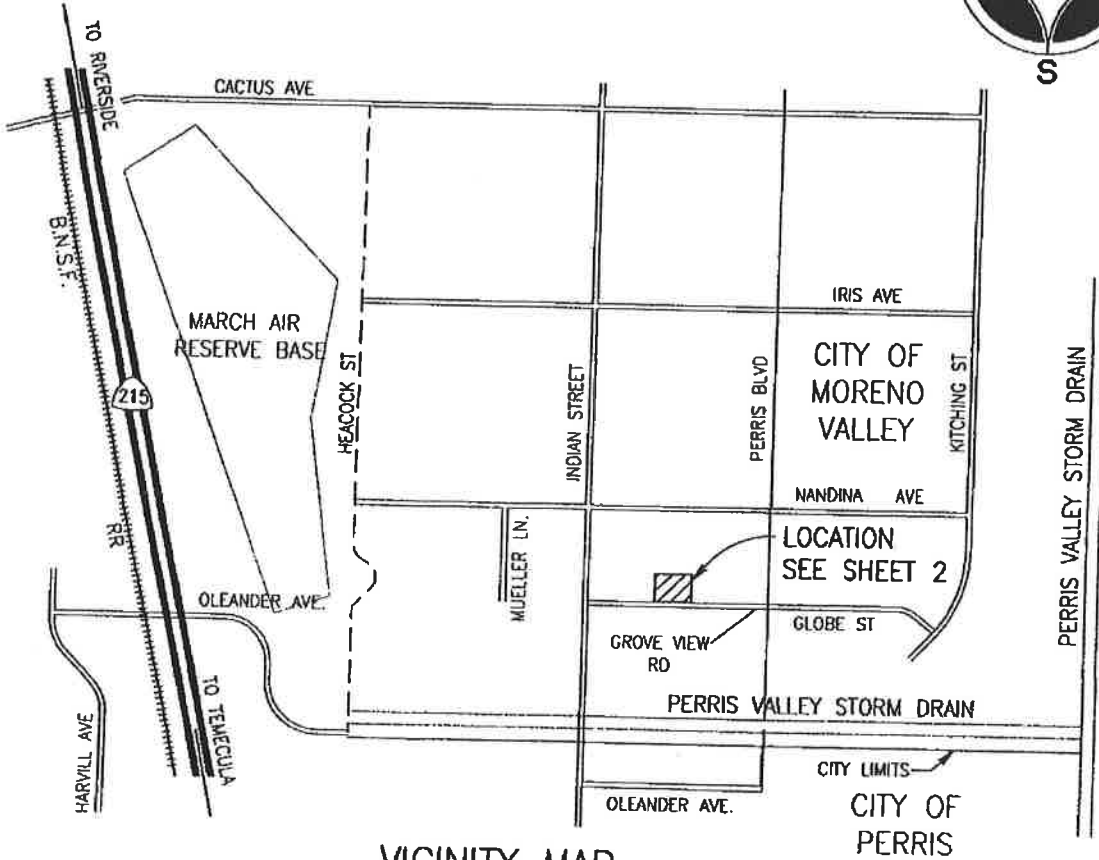
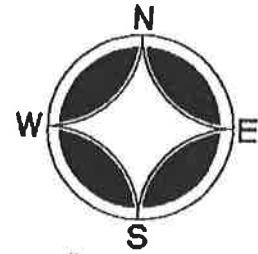
12/5/08  
Date



Prepared by: ajg  
Checked by: fb



# EXHIBIT " B "



VICINITY MAP

ALBERT A.

**WEBB**

3788 McCRAY ST.  
RIVERSIDE CA. 92506  
(951) 686-1070

ASSOCIATES

G:\2005\05-0414\Dwg&Pros\05-414\_Easement00D.pro

SEC.31, T.3S., R.3W., S.B.M.



## CITY OF MORENO VALLEY

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 2

W.O.  
05-414

NOT TO SCALE

DRWN BY AW DATE 12-4-08  
CHKD BY AW DATE 12-4-08

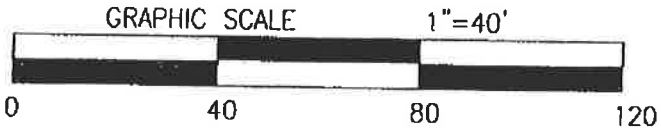
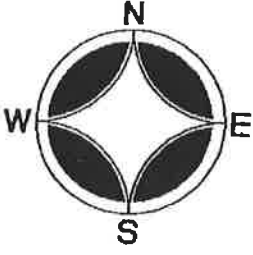
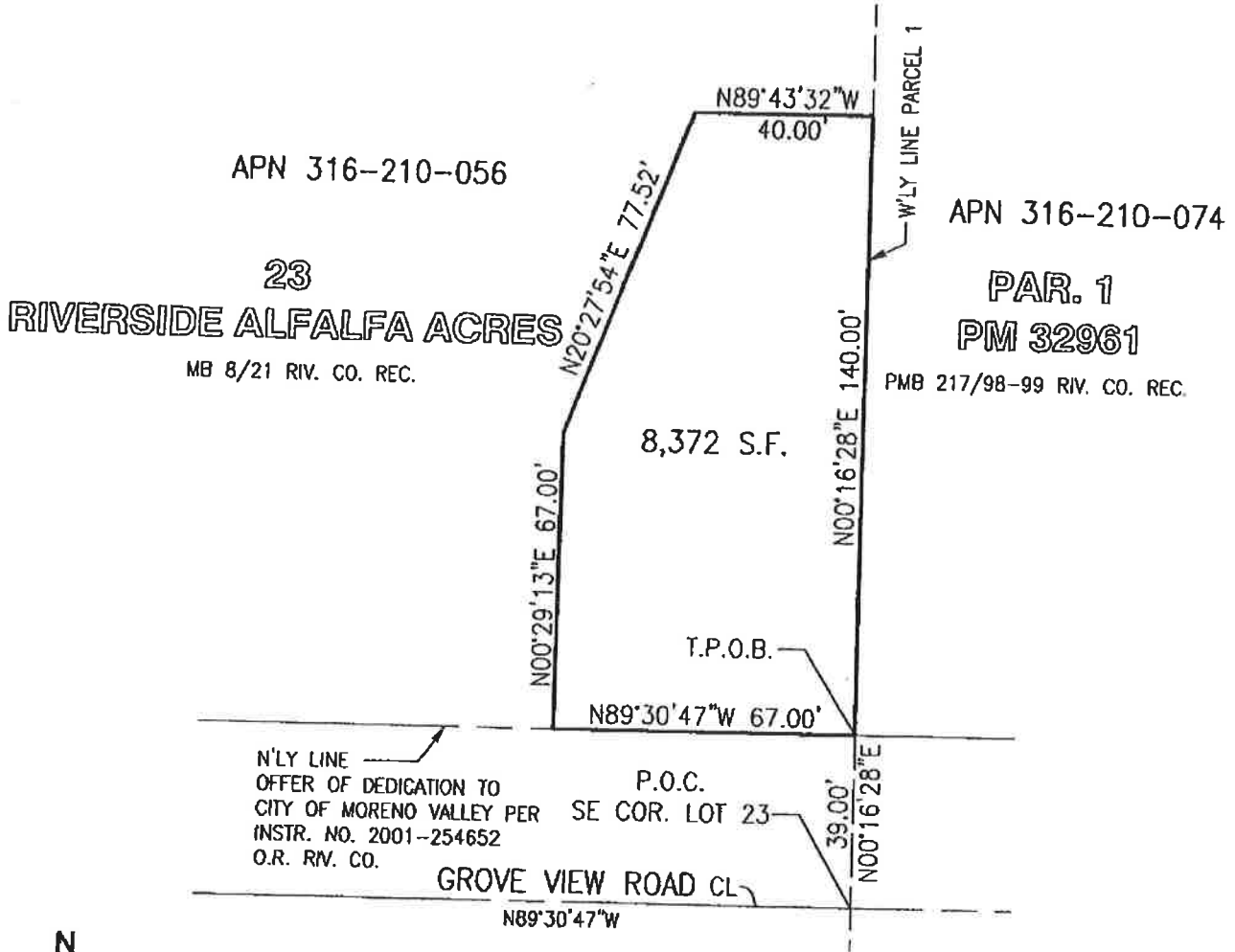
SUBJECT: INUNDATION EASEMENT

Item No. A.4



2009-0657602  
12/23/2009 08:00A  
5 of 6

# EXHIBIT " B "



**ALBERT A. WEBB**  
ASSOCIATES

3788 McCRAY ST.  
RIVERSIDE CA. 92506  
(951) 686-1070



G:\2005\05-0414\Dwg&Pros\05-414\_Easement00D.pro SEC.31, T.3S., R.3W., S.B.M.

## CITY OF MORENO VALLEY

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.	SHEET 2 OF 2	W.O. 05-414
SCALE 1"=40'	DRWN BY <i>AW</i> DATE <i>12-4-08</i> CHKD BY <i>AW</i> DATE <i>12/4/08</i>	SUBJECT: INUNDATION EASEMENT



2009-0657602  
12/23/2009 08:00A  
6 of 6

**Item No. A.4**

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Recorded at request of, and return to:  
Riverside County Flood Control and  
Water Conservation District  
1995 Market Street  
Riverside, California 92501

NO FEE (GOV. CODE 6103)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Perris Valley Grove View RD SD, Stg 2  
Project No. 4-0-00527  
Parcel Map 32961/PA 08-0135

The undersigned grantor(s) declare(s)  
DOCUMENTARY TRANSFER TAX \$ NONE

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the CITY OF MORENO VALLEY, a municipal corporation, does hereby remise, release, and forever quitclaim to RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT all right, title and interest in and to easement, situated in the, City of Moreno Valley, County of Riverside, State of California, described in:

Irrevocable Offer of Dedication recorded December 23, 2009, as Instrument No. 2009-0657604, records of the Recorder's Office, Riverside County, State of California, as shown as Exhibit "A", attached hereto, to be referenced hereafter as **RCFC Parcel No. 4527-501A.**

CITY OF MORENO VALLEY, a municipal corporation:

Date \_\_\_\_\_

By: \_\_\_\_\_  
RICHARD A. STEWART, Mayor

ATTEST:

JANE HALSTEAD,  
Clerk to the City of Moreno Valley

By: \_\_\_\_\_  
City Clerk

(SEAL)

CONSENT TO RECORD (GOV. CODE 7050)

THIS IS TO CERTIFY that the County of Riverside consents to the recordation of this Irrevocable Offer of Dedication pursuant to a Cooperative Agreement recorded on 8/11/2009 as Instrument No. 2009-0417409

AFTER RECORDING RETURN TO:  
RIVERSIDE COUNTY FLOOD CONTROL  
1995 MARKET STREET, RIVERSIDE, CA 92501

NO FEE (GOV. CODE 6103)

PV-Grove View Rd SD, Stg 2  
Project No. 4-0-00527  
PM 32961

DOC # 2009-0657604

12/23/2009 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			6						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHG CC						T:	CTY	UNI	512



IRREVOCABLE OFFER OF DEDICATION

WASTE MANAGEMENT COLLECTION AND RECYCLING, INC, a California corporation, hereby Dedicates in Perpetuity to the Public, on behalf of Riverside County Flood Control and Water Conservation District, an easement for flood control and drainage purposes for the construction, use, repair, reconstruction, inspection, operation and maintenance of storm drain facilities, and all appurtenant works, including ingress and egress thereto, over, under and across that certain real property situated in the City of Moreno Valley, County of Riverside, State of California, described in the legal descriptions attached hereto as Exhibits "A" and "B" and made a part hereof.

WASTE MANAGEMENT COLLECTION AND RECYCLING, INC, a California corporation:

Dated: 12-9-08

By: [Signature]  
(signature)  
SCOTT ANDREW BRADLEY  
(print)

Title: V-P.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
(signature)  
\_\_\_\_\_  
(print)

Title: \_\_\_\_\_

(Notary attached) [Signature]



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Los Angeles

On 12/8/09 before me, Robert Anthony Rainer Notary Public  
(Here insert name and title of the officer)

personally appeared Scott Andrew Bradley

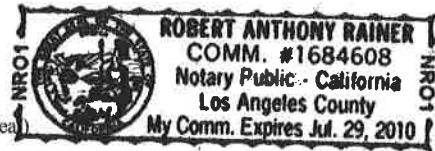
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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 of Notary Public [Signature]

(Notary Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Grant of Easement

(Title or description of attached document)

CITY OF MORENO VALLEY, CA

(Title or description of attached document continued)

Number of Pages 5 Document Date 12/09/09

(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

- Individual (s)  
 Corporate Officer

(Title)

- Partner(s)  
 Attorney-in-Fact  
 Trustee(s)  
 Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document



**EXHIBIT "A"**  
**FLOOD CONTROL EASEMENT**

That portion of Lot 23 in Block 1 of Riverside Alfalfa Acres, as shown by map on file in Book 8 of Maps at page 21 thereof, Records of Riverside County, California, located in Section 31, Township 3 South, Range 3 West, San Bernardino Meridian, said portion being described as follows:

**COMMENCING** at the southeast corner of said Lot 23, said corner also being the southeast corner of that certain parcel of land dedicated to the City of Moreno Valley by Offer of Dedication recorded June 7, 2001 as Instrument No. 254652, Records of Riverside County, California;

Thence North 00°16'28" East along the easterly line of said Lot 23 and along the easterly line of said Offer of Dedication, a distance of 39.00 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing North 00°16'28" East along said easterly line, a distance of 38.00 feet to a point on a line parallel with and distant northerly 38.00 feet, measured at a right angle, from the northerly line of said Offer of Dedication;

Thence North 89°30'47" West along said parallel line, a distance of 65.00 feet;

Thence South 00°16'28" West, a distance of 38.00 feet to a point on the northerly line of said Offer of Dedication;

Thence South 89°30'47" East along said northerly line, a distance of 65.00 feet to the **TRUE POINT OF BEGINNING**;

Containing 2,467 square feet, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

Matthew E. Webb  
Matthew E. Webb, L.S. 5529

9/10/07  
Date



Prepared by: [Signature]  
Checked by: [Signature]



# E X H I B I T " B "

BLK 1 RIVERSIDE  
ALFALFA ACRES  
MB 8/21

C/L INDIAN STREET

OFFER OF DEDICATION TO  
CITY OF MORENO VALLEY  
BY DEED REC. 6/7/01 AS  
INSTR. NO. 2001-254652  
O.R. RIV. CO.

26

GROVE VIEW ROAD C/L

N89°30'47"W

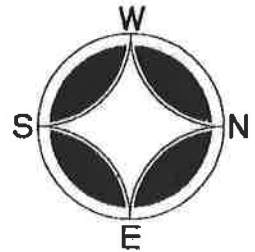
23

N'LY LINE OF OFFER  
OF DEDICATION

S'LY LINE LOT 23

39

APN 316-210-056



P.O.C.  
SE COR.  
LOT 23

**SEE SHEET 2**

E'LY LINE LOT 23

25

PAR. 1

PM 32961



A L B E R T A .

**WEBB**

A S S O C I A T E S

3788 McCRAY ST.  
RIVERSIDE CA. 92506  
(951) 686-1070

P.M. 217/98-99

G:\2005\05-0414\Dwg&Pros\05-414\_Easement00D.pro

SEC.31, T.3S., R.3W., S.B.M.

## RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION

SHEET 1 OF 2

W.O.  
05-414

SCALE: 1" = 200'

DRWN BY *Albert A. Webb* DATE *8/30/07*  
CHKD BY *AG* DATE *9/7/07*

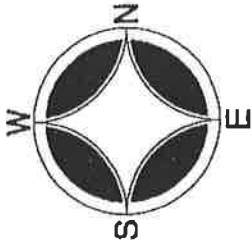
SUBJECT: FLOOD CONTROL

**Item No. A.4**

2009-0657604  
12/23/2009 08:08A  
4 of 6



# E X H I B I T " B "



LINE	BEARING	DISTANCE
L1	N00°16'28"E	39.00'
L2	N00°16'28"E	38.00'
L3	N89°30'47"W	65.00'
L4	S00°16'28"W	38.00'
L5	S89°30'47"E	65.00'

23

OFFER OF DEDICATION TO  
CITY OF MORENO VALLEY PER  
INSTR. NO. 2001-254652  
O.R. RIV. CO.

APN 316-210-056

NLY LINE C.C.D.

2,467 S.F.

E'LY LINE LOT 23

T.P.O.B.

PAR. 1

PM 32961

P.M. 217/98-99

39'

N89°30'47"W

**C/L GROVE VIEW ROAD**

L5

L1

LOT "A"

26

**BLK 1 RIVERSIDE  
ALFALFA ACRES  
MB 8/21**

S'LY LINE LOT 23

P.O.C.

SE COR. LOT 23

25

A L B E R T A .

**WEBB**

A S S O C I A T E S

3788 McCRAY ST.  
RIVERSIDE CA. 92506  
(951) 686-1070



G:\2005\05-0414\Drawg&Pros\05-414\_Easement00D.pro SEC.31, T.3S., R.3W., S.B.M.

## RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

SHEET 2 OF 2

W.O.  
05-414

DRWN BY John DATE 8/30/07  
CHKD BY AA DATE 9/7/07

SUBJECT: FLOOD CONTROL EASEMENT

**Item No. A.4**

2009-0657604  
12/23/2009 08:00A  
5 of 6





LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

PAGE 1 : DATED: 12-9-08  
SEE BACK PAGE  
NOTARY PAGE: COUNTY OF LOS ANGELES  
EXHIBIT "B" PAGE 2: N'LY LINE D.O.D.  
E'LY LINE LOT 23

Date: 12/23/2009  
Signature: *Ami Vrista*  
Print Name: AMI VRISTA



**This page intentionally left blank.**

Recorded at request of, and return to:  
Riverside County Flood Control and  
Water Conservation District  
1995 Market Street  
Riverside, California 92501

NO FEE (GOV. CODE 6103)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Perris Valley Grove View RD SD, Stg 2  
Project No. 4-0-00527  
Parcel Map 32961/PA 08-0135

The undersigned grantor(s) declare(s)  
DOCUMENTARY TRANSFER TAX \$ NONE

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the CITY OF MORENO VALLEY, a municipal corporation, does hereby remise, release, and forever quitclaim to RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT all right, title and interest in and to easement, situated in the, City of Moreno Valley, County of Riverside, State of California, described in:

Irrevocable Offer of Dedication recorded December 23, 2009, as Instrument No. 2009-0657606, records of the Recorder's Office, Riverside County, State of California, as shown as Exhibit "A", attached hereto, to be referenced hereafter as **RCFC Parcel No. 4527-500.**

CITY OF MORENO VALLEY, a municipal corporation:

Date \_\_\_\_\_

By: \_\_\_\_\_  
RICHARD A. STEWART, Mayor

ATTEST:

JANE HALSTEAD,  
Clerk to the City of Moreno Valley

By: \_\_\_\_\_  
City Clerk

(SEAL)

CONSENT TO RECORD (GOV. CODE 7050)

THIS IS TO CERTIFY that the County of Riverside consents to the recordation of this Irrevocable Offer of Dedication pursuant to a Cooperative Agreement

recorded on 8/11/2009  
as Instrument No. 2009-0417409

AFTER RECORDING RETURN TO:  
RIVERSIDE COUNTY FLOOD CONTROL  
1995 MARKET STREET, RIVERSIDE, CA 92501

NO FEE (GOV. CODE 6103)

PV-Grove View Rd SD, Stg 2  
Project No. 4-0-00527  
PM 32961

DOC # 2009-0657606

12/23/2009 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			6						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHG CC						T:	CTY	UNI	512

**IRREVOCABLE OFFER OF DEDICATION**

INDUSTRIAL PROPERTY FUND VIII, L.P., a Delaware limited partnership, hereby Dedicates in Perpetuity to the Public, on behalf of Riverside County Flood Control and Water Conservation District, an easement for flood control and drainage purposes for the construction, use, repair, reconstruction, inspection, operation and maintenance of flood control facilities including but not limited to storm drain, inlet structure and access road, and all appurtenant works, including ingress and egress thereto, over, under and across that certain real property situated in the City of Moreno Valley, County of Riverside, State of California, described in the legal descriptions attached hereto as Exhibits "A" and "B" and made a part hereof.

INDUSTRIAL PROPERTY FUND VIII, L.P., a Delaware limited partnership

BY: IPF-GP VIII, LLC, a Delaware limited liability company, sole general partner

Dated: 12/22, 2008

By: IDI Georgia Holdings, Inc., a Georgia corporation, sole member

By:   
Name: Alan J. Sharp  
Title: SVP / RDO

(Notary attached)





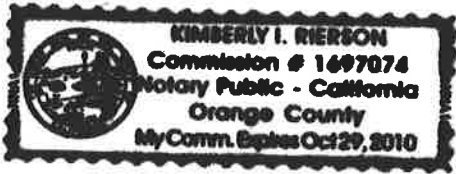
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Orange

On Dec 22 2008 before me, Kimberly I Rierson Notary Public

personally appeared Alan J. Sharp



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]  
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: \_\_\_\_\_

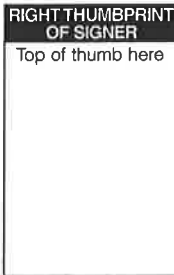
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

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: \_\_\_\_\_



**EXHIBIT "A"**  
**FLOOD CONTROL EASEMENT**

That portion of Parcel 1 of Parcel Map No. 32961, as shown by map on file in Book 217 of Parcel Maps at pages 98 and 99 thereof, Records of Riverside County, California, located in Section 31, Township 3 South, Range 3 West, San Bernardino Meridian, said portion being described as follows:

**BEGINNING** at the northwest corner of Lot "A" (Grove View Road 39.00 feet in half width), said corner also being the southwest corner of said Parcel 1;

Thence North 00°16'28" East along the westerly line of said Parcel 1, a distance of 49.00 feet;

Thence South 89°30'47" East, a distance of 46.58 feet;

Thence North 00°29'13" East, a distance of 31.00 feet;

Thence South 89°30'47" East, a distance of 93.00 feet;

Thence South 00°29'13" West, a distance of 70.35 feet to a point on the northerly line of said Lot "A";

Thence North 89°30'47" West along said northerly line, a distance of 56.22 feet to an angle point thereon;


Thence South 74°05'13" West along said northerly line, a distance of 34.17 feet to an angle point thereon;

Thence North 89° 30'47" West along said northerly line, a distance of 50.40 feet to the **TRUE POINT OF BEGINNING**;

Containing 9,017 square feet, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

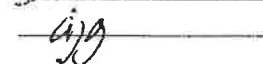
PREPARED UNDER MY SUPERVISION

  
Matthew E. Webb, L.S. 5529

9/10/07  
Date



Prepared by: 

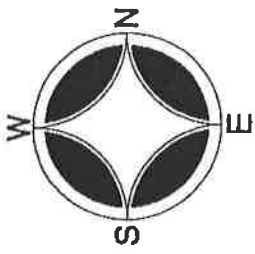
Checked by: 



2009-0657686  
12/23/2009 08:09A  
4 of 6



# EXHIBIT "B"



APN 316-210-056

OFFER OF DEDICATION TO  
CITY OF MORENG VALLEY PER  
INSTR. NO. 2001-254652  
O.R. RIV. CO.

23

NLY LINE O.O.D.

WLY LINE PARCEL 1

PAR. 1  
PM 32961  
P.M. 217/98-99

S89°30'47"E 93.00'

9,017 S.F.

S89°30'47"E  
46.58'

N00°29'13"E  
31.00'

S00°29'13"W 70.35'

N00°16'28"E  
49.00'

N89°30'47"W 56.22'

N00°16'28"E  
39.00'

N89°30'47"W  
50.40'

S74°05'13"W  
34.17'

**P.O.B.**

NW COR. LOT "A"

LOT "A"

N89°30'47"W

**C/L GROVE VIEW  
ROAD**

26 BLK 1 RIVERSIDE  
ALFALFA ACRES  
MB 8/21

SLY LINE LOT 23

25

ALBERT A.

**WEBB**

ASSOCIATES

3788 MCCRAY ST.  
RIVERSIDE CA. 92506  
(951) 686-1070



G:\2005\05-0414\Dwg&Pros\05-414\_Easement00D.pro SEC.31, T.3S., R.3W., S.B.M.

## RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE  
ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

SHEET 1 OF 1

W.O.  
05-414

SCALE: 1" = 40'

DRWN BY: *Adria* DATE: 8/30/07  
CHKD BY: *AG* DATE: 9/10/07

SUBJECT: FLOOD CONTROL EASEMENT



LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

www.riversideacr.com

### NOTARY CLARITY

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: KIMBERLY I. RIERSON

Commission #: 169 7074

Place of Execution: ORANGE

Date Commission Expires: OCT. 29, 2010

Date: 12/23/2009

Signature: *[Handwritten Signature]*

Print Name: AMI URISTA



RESOLUTION NO. 2011-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC STORM DRAIN EASEMENTS PER IRREVOCABLE OFFERS OF DEDICATIONS RECORDED AS INSTRUMENT NUMBERS 2009-0657602, 2009-0657604 AND 2009-0657606 IN THE OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA AND EXECUTION OF QUITCLAIM DEEDS ACCORDING TO THE COOPERATIVE AGREEMENT BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE CITY OF MORENO VALLEY AND WASTE MANAGEMENT COLLECTION AND RECYCLING, INC.

WHEREAS, it has been determined that the public storm drain easements were recorded by WASTE MANAGEMENT COLLECTION AND RECYCLING, INC. at the request of the Riverside County Flood Control and Water Conservation District according to the approved Cooperative Agreement on file with the City of Moreno Valley, and

WHEREAS, the City Council should accept said public storm drain easements in order to quitclaim the easements to the Riverside County Flood Control and Water Conservation District per the Cooperative Agreement, and

WHEREAS, it is in accordance with Government Code, Section 27281, for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the said public storm drain easements are accepted and execution of quitclaim deeds of said easements is authorized.

APPROVED AND ADOPTED this 8<sup>th</sup> day of November, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_

City Attorney

**RESOLUTION JURAT**

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. \_\_\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8th day of November, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
CITY CLERK

(SEAL)



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>But</i>
CITY MANAGER	<i>ms</i>

---

## Report to City Council

---

**TO:** Mayor and City Council

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

**AGENDA DATE:** November 8, 2011

**TITLE:** PA06-0173 – APPROVAL OF PROPOSED RESOLUTION FOR A SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD LOCATED EAST OF REDLANDS BOULEVARD, A PORTION OF REDLANDS BOULEVARD LOCATED SOUTH OF ALESSANDRO BOULEVARD, AND AN ALLEY LOCATED SOUTH OF ALESSANDRO BOULEVARD AND EAST OF REDLANDS BOULEVARD.

**DEVELOPER:** PARMJIT SINGH AND SHINDER KAUR  
12652 MAGNOLIA DRIVE  
MORENO VALLEY, CA 92555

---

### RECOMMENDED ACTION

Staff recommends that the City Council

1. Adopt the proposed resolution, summarily vacating a portion of Alessandro Boulevard located east of Redlands Boulevard, a portion of Redlands Boulevard located south of Alessandro Boulevard, and an alley located south of Alessandro Boulevard and east of Redlands Boulevard.
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

The Planning Commission approved this project on January 28, 2010. The project consists of a retail market to be located on the east side of Redlands Boulevard

between Alessandro Boulevard and Kimberly Avenue. Currently, there is a 120-foot right-of-way (60 feet for half street) for both Alessandro Boulevard and Redlands Boulevard that was dedicated on the Town of Moreno Map on March 11, 1891 (Map Book 11, Page19). The Town of Moreno Map also dedicates various alleys through the surrounding area. One of these alleys is located along the project site's easterly and northerly border. Although the alley is shown on the Town of Moreno Map and assessor's maps, there is no physical presence of an alley and the developer has included a portion of the alley as part of the approved development project.

## **DISCUSSION**

The current Circulation Plan designates Alessandro Boulevard and Redlands Boulevard each as a "Divided Arterial – 4 Lane" and requires a 110-foot right-of-way (55 feet for half-street). In accordance with the Circulation Plan, the conditions of approval require this project to vacate 5 feet of excess right-of-way, along the project frontage, on both Alessandro Boulevard and Redlands Boulevard.

The Land Development Division staff has reviewed the developer's request for the summary vacation of said portions of excess right-of-way and no public improvements exist and no public money was expended for maintenance of said portions of excess right-of-way. These portions right-of-way are unnecessary for present or prospective public use. The City Council's approval to summarily vacate said portions of Alessandro Boulevard, Redlands Boulevard, and alley would abandon the City's right to said portions. There are no public or utility improvements within the excess right-of-way along these portions of Alessandro Boulevard and Redlands Boulevard or within the alley to be vacated.

## **ALTERNATIVES**

1. Adopt the proposed resolution, summarily vacating a portion of Alessandro Boulevard located east of Redlands Boulevard, a portion of Redlands Boulevard located south of Alessandro Boulevard, and an alley located south of Alessandro Boulevard and east of Redlands Boulevard. *The said portions of excess right-of-way are no longer, nor will be in the future, useful for road and/or public utility purposes.*
2. Do not adopt the proposed resolution, summarily vacating a portion of Alessandro Boulevard located east of Redlands Boulevard, a portion of Redlands Boulevard located south of Alessandro Boulevard, and an alley located south of Alessandro Boulevard and east of Redlands Boulevard. *The said portions of excess right-of-way will remain as public right-of-way; however, the right-of-way is no longer, nor will be in the future, useful for road and/or public utility purposes.*



**NOTIFICATION**

Notice has been given to the various utility companies. The public has been notified by publication of agenda.

**ATTACHMENTS/EXHIBITS**

Attachment 1 - Vicinity Map  
Attachment 2 - Proposed Resolution

Prepared By  
Vicente Giron  
Associate Engineer

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

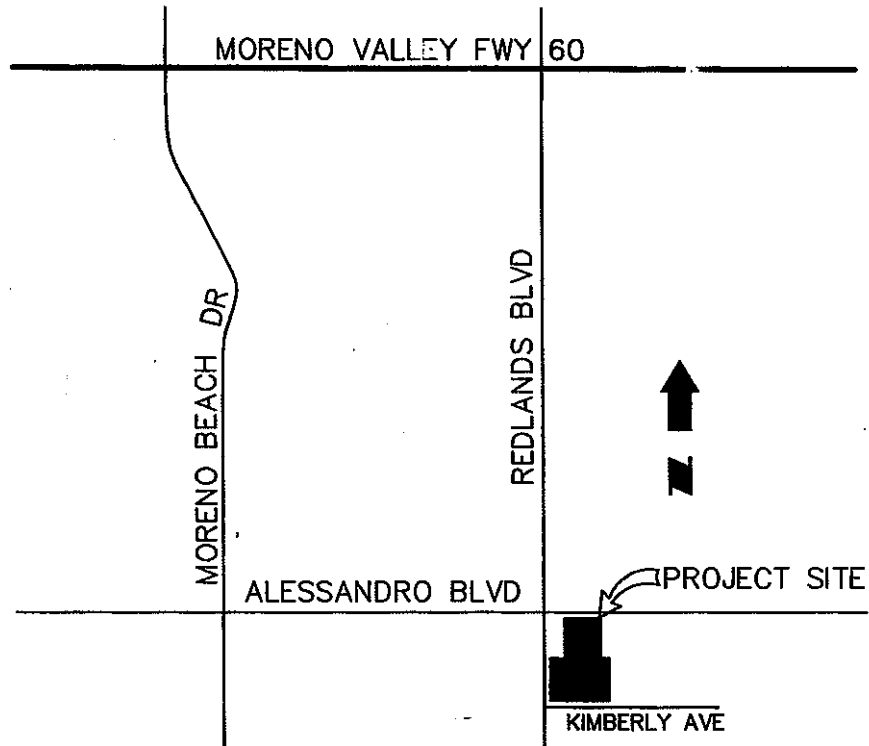
Concurred By  
Mark W. Sambito, P.E.  
Engineering Division Manager

Department Head Approval  
Barry Foster  
Community and Economic Development Director

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

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\11-08-11 PA06-0173 - Summary Vacation.doc

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## VICINITY MAP

N.T.S.

**CITY OF MORENO VALLEY**  
**PUBLIC WORKS - LAND DEVELOPMENT**  
 Attachment 1

**PA06-0173**  
**LOCATION MAP**

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RESOLUTION NO. 2011-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD LOCATED EAST OF REDLANDS BOULEVARD, A PORTION OF REDLANDS BOULEVARD LOCATED SOUTH OF ALESSANDRO BOULEVARD, AND AN ALLEY LOCATED SOUTH OF ALESSANDRO BOULEVARD AND EAST OF REDLANDS BOULEVARD

WHEREAS, the City Council of the City of Moreno Valley, California, acquired a right-of-way easement for road and public utility purposes located on the south side of Alessandro Boulevard, east side of Redlands Boulevard, and a certain alley located south of Alessandro Boulevard and east of Redlands Boulevard as shown on the Town of Moreno Map (MB11/19); and

WHEREAS, a portion of this right-of-way is no longer, nor in the future will be, useful for road and public utility 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 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 portion of right-of way is summarily vacated and abandoned:

That said portion of the south side of Alessandro Boulevard east of Redlands Boulevard, a portion of the east side of Redlands Boulevard south of Alessandro Boulevard, and a certain alley located south of Alessandro Boulevard and east of Redlands Boulevard as shown on the Town of Moreno Map, City of Moreno Valley, County of Riverside, State of California described in the attached legal description and illustrated on the plat, attached hereto and made a part hereof, marked Exhibits "A" and "B", respectively.

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

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 Brodiaea Avenue revert to the owner of the underlying fee thereof, free from use as an easement for drainage 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 8<sup>th</sup> day of November, 2011.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**RESOLUTION JURAT**

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. \_\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8th day of November, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
CITY CLERK

(SEAL)

**EXHIBIT "A"**  
LEGAL DESCRIPTION  
STREET VACATIONS

THAT PORTION OF BLOCK 41, TOGETHER WITH THAT PORTION OF ALESSANDRO BOULEVARD, OF THE MAP OF TOWN OF MORENO, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AS SHOWN ON MAP ON FILE IN BOOK 11, PAGE 19 OF MAPS IN THE OFFICE OF THE COUNTY RECORDERS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STREET VACATION 1:

COMMENCING AT THE CENTERLINE INTERSECTION OF REDLANDS BOULEVARD AND KIMBERLY AVENUE; THENCE NORTH 90°00'00" EAST 190.00 FEET ALONG THE CENTERLINE OF KIMBERLY AVENUE; THENCE NORTH 00°00'00" EAST 30.00 FEET TO THE TRUE POINT OF BEGINNING ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 12 OF SAID BLOCK 41; THENCE NORTH 90°00'00" EAST 20.00 FEET TO THE SOUTHWESTERLY CORNER OF LOT 15 OF SAID BLOCK 41; THENCE NORTH 00°00'00" EAST 137.50 FEET ALONG THE WESTERLY LINE OF SAID LOT 15 TO THE SOUTHEASTERLY CORNER OF LOT 4 OF SAID BLOCK 41; THENCE SOUTH 90°00'00" WEST 150.00 FEET ALONG THE SOUTHERLY LINE OF LOTS 4 THROUGH 8 OF SAID BLOCK 41 TO THE SOUTHWESTERLY CORNER OF SAID LOT 8 SAID CORNER BEING ON THE EASTERLY RIGHT OF WAY OF REDLANDS BOULEVARD PER SAID MAP HAVING A HALF WIDTH OF 60.00 FEET; THENCE SOUTH 00°00'00" WEST 10.00 FEET; THENCE SOUTH 90°00'00" WEST 5.00 FEET; THENCE SOUTH 90°00'00" WEST 12.50 FEET; THENCE SOUTH 45°00'00" EAST 5.66 FEET; THENCE SOUTH 00°00'00" WEST 32.00 FEET; THENCE SOUTH 45°00'00" WEST 5.66 FEET; THENCE SOUTH 00°00'00" WEST 50.00 FEET; THENCE SOUTH 42°36'51" EAST 7.36 FEET; THENCE NORTH 00°00'00" EAST 97.93 FEET TO THE NORTHWESTERLY CORNER OF LOT 9 OF SAID BLOCK 41; THENCE SOUTH 90°00'00" WEST 130.00 FEET ALONG THE NORTHERLY LINE OF SAID LOT 9 TO THE NORTHWESTERLY CORNER OF SAID LOT 9; THENCE SOUTH 00°00'00" WEST 117.50 FEET ALONG THE EASTERLY LINE OF LOTS 9 THROUGH 12 OF SAID BLOCK 41 TO THE TRUE POINT OF BEGINNING.

VACATION 1 CONTAINS 5,732 S.F. (0.13 ACRES).

EXHIBIT B ATTACHED HERewith AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

  
FRED COLE, L.S. 4284                      8-18-11  
DATE





EXHIBIT "A" (CONT.)

LEGAL DESCRIPTION  
STREET VACATIONS

STREET VACATION 2:

COMMENCING AT THE CENTERLINE INTERSECTION OF REDLANDS BOULEVARD AND ALESSANDRO BOULEVARD; THENCE NORTH 90°00'00" EAST 90.00 FEET ALONG THE CENTERLINE OF ALESSANDRO BOULEVARD; THENCE SOUTH 90°00'00" WEST 55.00 FEET TO THE TRUE POINT OF BEGINING; THENCE NORTH 90°00'00" EAST 32.50 FEET; THENCE SOUTH 45°00'00" EAST 5.66 FEET; THENCE NORTH 90°00'00" EAST 32.00 FEET; THENCE NORTH 45°00'00" EAST 5.66 FEET; THENCE NORTH 90°00'00" EAST 18.50 FEET: THENCE SOUTH 00°00'00" WEST 5.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 5 OF SAID BLOCK 41 ALSO BEING THE SOUTHERLY RIGHT OF WAY OF ALESSANDRO BOULEVARD HAVING A HALF WIDTH OF 60.00 FEET AS SHOWN ON SAID MAP; THENCE SOUTH 90°00'00" WEST ALONG THE NORTHERLY LINE OF LOTS 5 THROUGH 7 OF SAID BLOCK 41 TO THE NORTHWESTERLY CORNER OF SAID LOT 7 BEING THE SOUTHERLY RIGHT OF WAY OF ALESSANDRO BOULEVARD HAVING A HALF WIDTH OF 60.00 FEET AS SHOWN ON SAID MAP; THENCE NORTH 00°00'00" EAST 5.00 FEET TO THE TRUE POINT OF BEGINING.

VACATION 2 CONTAINS 306 S.F. (0.007 ACRES).

EXHIBIT B ATTACHED HEREWITH AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

  
FRED COLE, L.S. 4284

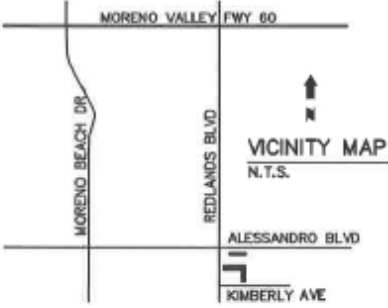
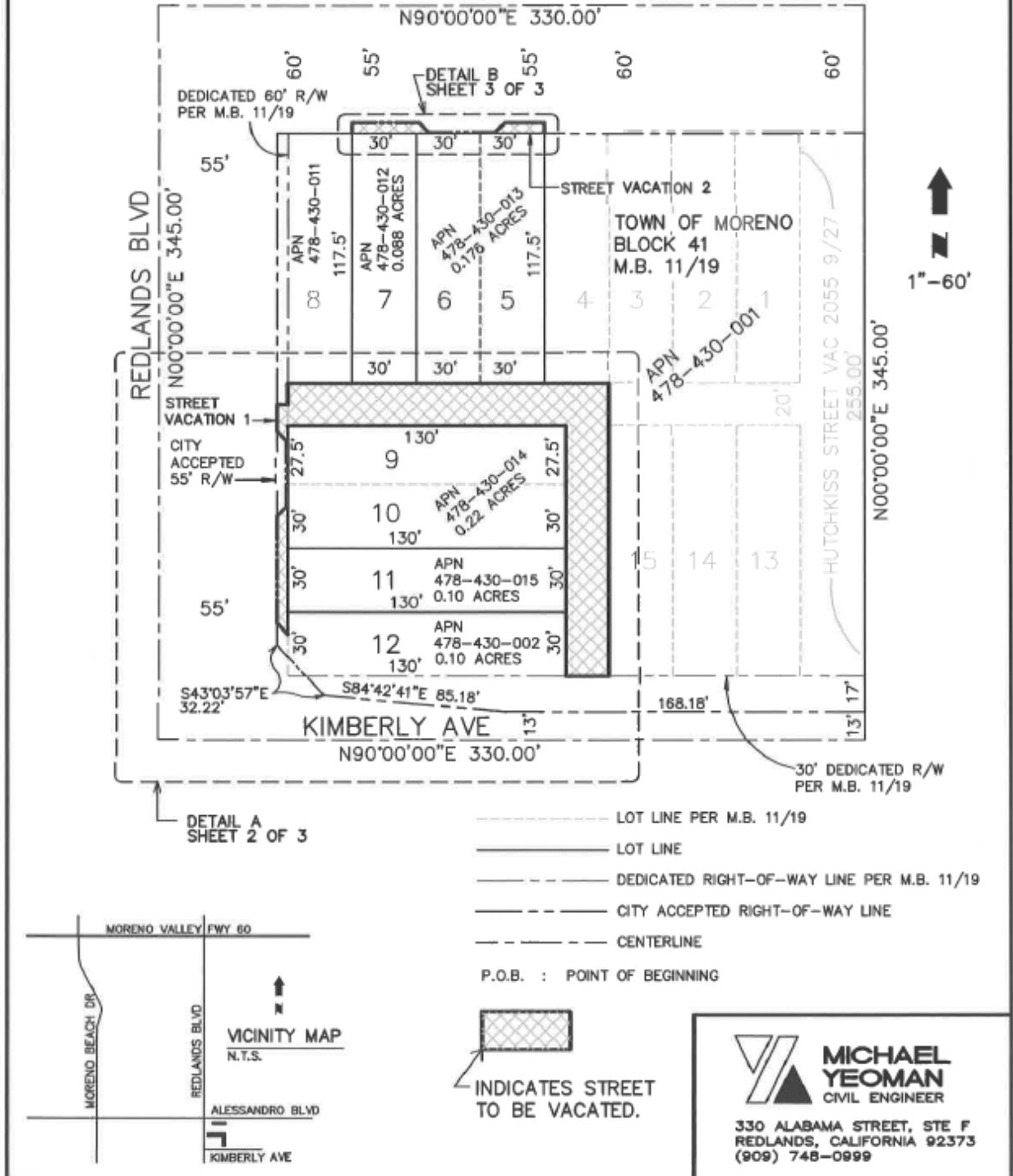
*8-18-11*  
DATE



# EXHIBIT "B"

SHEET 1 OF 3

## PLAT STREET VACATIONS ALESSANDRO BLVD



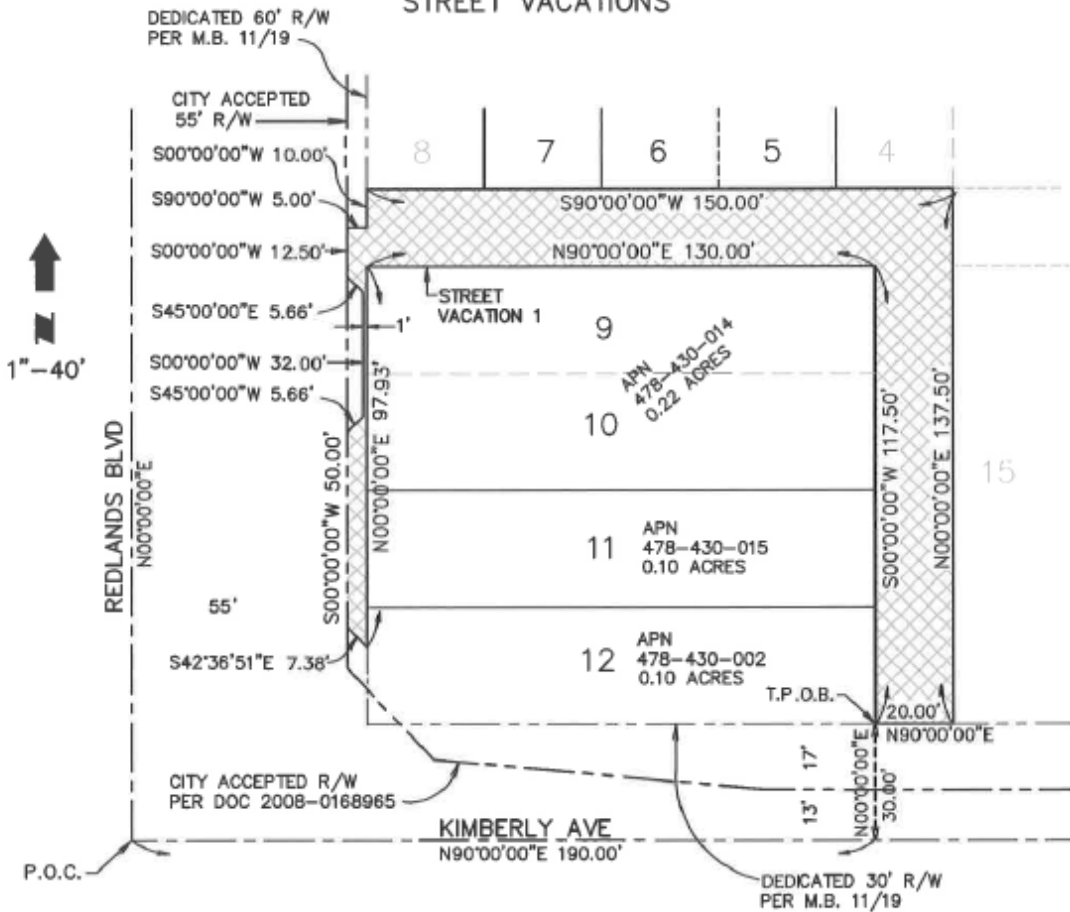
**MICHAEL YEOMAN**  
CIVIL ENGINEER

330 ALABAMA STREET, STE F  
REDLANDS, CALIFORNIA 92373  
(909) 748-0999

# EXHIBIT "B"

## PLAT STREET VACATIONS

SHEET 2 OF 3



INDICATES STREET TO BE VACATED.

--- LOT LINE PER M.B. 11/19

— LOT LINE

--- DEDICATED RIGHT-OF-WAY LINE PER M.B. 11/19

--- CITY ACCEPTED RIGHT-OF-WAY LINE

--- CENTERLINE

T.P.O.B. TRUE POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

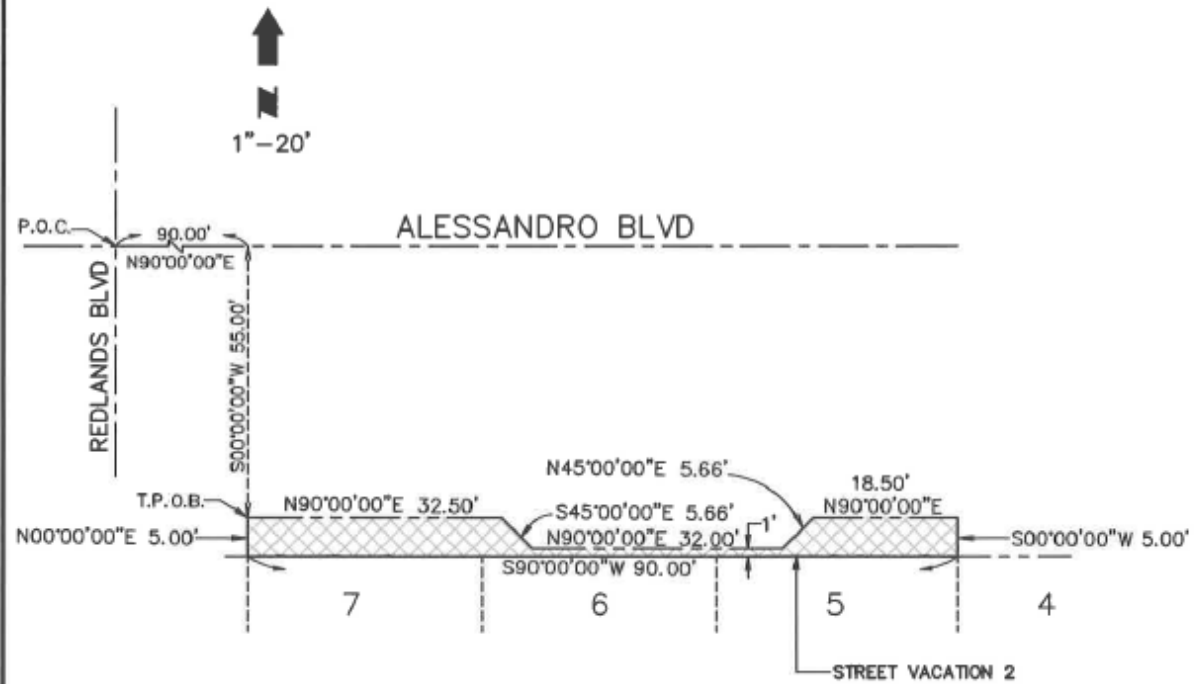
DETAIL A






330 ALABAMA STREET, STE F  
REDLANDS, CALIFORNIA 92373  
(909) 748-0999

**EXHIBIT "B"**  
 PLAT  
 STREET VACATIONS

SHEET 3 OF 3



DETAIL B

-  INDICATES STREET TO BE VACATED.
-  LOT LINE
-  RIGHT-OF-WAY LINE



**MICHAEL YEOMAN**  
 CIVIL ENGINEER

330 ALABAMA STREET, STE F  
 REDLANDS, CALIFORNIA 92373  
 (909) 748-0999

ORDINANCE NO. 828

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF MORENO VALLEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

SECTION 1.

That an amendment to the contract between the City of Moreno Valley and the Board of Administration, California Public Employees' Retirement system is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit", and by such reference made a part hereof as though herein set out in full.

SECTION 2.

The Mayor of the City of Moreno Valley is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3.

This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from passage thereof shall be published at least in the Press Enterprise, a newspaper of general circulation, published and circulated in the County of Riverside and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AND ADOPTED this 8<sup>th</sup> day of November, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Ordinance No. 828  
Date Adopted: November 8, 2011

**ORDINANCE JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 828 had its first reading on October 11, 2011 and had its second reading on November 8, 2011, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8<sup>th</sup> day of November, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

CITY CLERK

Ordinance No. 828  
Date Adopted: November 8, 2011



California  
Public Employees' Retirement System

---

**AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Moreno Valley

---

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 16, 1985, and witnessed October 15, 1985, and as amended effective February 14, 1992, July 5, 1995, July 15, 1997, January 6, 1999, July 18, 2003, January 13, 2007 and March 27, 2009 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective March 27, 2009, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members.
  2. Public Agency shall participate in the Public Employees' Retirement System from and after October 16, 1985 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
- (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
  - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
  - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
  - (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
  - (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.



4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **SAFETY EMPLOYEES.**
6. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after January 13, 2007 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after January 13, 2007 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
9. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 20042 (One-Year Final Compensation) for those local miscellaneous members entering membership on or prior to the effective date of this amendment to contract.
  - b. Section 20938 (Limit Prior Service to Members Employed on Contract Date).
  - c. Section 21574 (Fourth Level of 1959 Survivor Benefits).

- d. Section 21024 (Military Service Credit as Public Service).
  - e. Section 20965 (Credit for Unused Sick Leave).
  - f. Section 20903 (Two Years Additional Service Credit).
  - g. Section 20475 (Different Level of Benefits). Section 21354 (2% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.
10. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
11. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.
12. Public Agency shall also contribute to said Retirement System as follows:
- a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
  - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

13. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
  
14. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF MORENO VALLEY

BY \_\_\_\_\_  
DARRYL WATSON, CHIEF  
CUSTOMER ACCOUNT SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Actuarial and Employer Services Branch

Public Agency Contract Services

P.O. Box 942709

Sacramento, CA 94229-2709

(888) CalPERS (225-7377)

**CERTIFICATION  
OF  
FINAL ACTION OF GOVERNING BODY**

I hereby certify that the \_\_\_\_\_ of the  
(governing body)

\_\_\_\_\_ (public agency)

considered and adopted on \_\_\_\_\_, \_\_\_\_\_, by an affirmative  
(date)

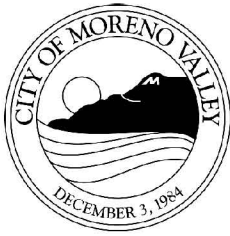
vote of a majority of the members of said Governing Body, **Ordinance / Resolution No.**  
\_\_\_\_\_ approving the attached contractual agreement between the Governing  
Body of said Agency and the Board of Administration of the California Public  
Employees' Retirement System, a certified copy of said **Ordinance / Resolution** in the  
form furnished by said Board of Administration being attached hereto.

Adoption of the retirement benefit increase was not placed on the consent calendar.

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Title

Date \_\_\_\_\_



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RET</i>
CITY MANAGER	<i>ms</i>

## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Richard Teichert, Financial & Administrative Services Director

**AGENDA DATE:** November 8, 2011

**TITLE:** ADOPT RESOLUTION NO. 2011-112 APPROVING THE INTERFUND LOAN FROM THE CORPORATE YARD DEVELOPMENT IMPACT FEE FUND TO THE FACILITY CONSTRUCTION FUND IN THE AMOUNT OF \$2,500,000

---

### RECOMMENDED ACTION

Staff Recommends that the Council Adopt Resolution 2011-112 Approving the Interfund Loan from the Corporate Yard Development Impact Fee Fund to the Facility Construction Fund in the Amount of \$2,500,000.

### BACKGROUND

The City Council has approved the levy of a fee to mitigate the impacts of new development on the Corporate Yard and related facilities pursuant to the California Mitigation Fee Act. These fees are collected and recorded in a separate fund pending use of the funds to be combined with other funds to build a new Corporate Yard facility at the City's current Corporate Yard site. This project is included in the City's Capital Improvement Plan and is targeted to be funded and built when the City has accumulated the additional capital funds for the construction of the larger Corporate Yard facility. The balance of funds in the Corporate Yard Development Impact Fee (DIF) fund is \$2,571,396 as of June 30, 2011.

### DISCUSSION

The City Council approved the Economic Development Action Plan on April 26, 2011. This plan identified the need for funding to complete the re-sequencing of capital projects to facilitate the acceleration of certain capital projects. These projects are intended to energize development to create jobs and increase the tax base of the City. One of these projects is the Cactus Avenue from Lasselle Street to Nason Street and Nason Street from Cactus Avenue to Iris Avenue (the "Project"). Staff is recommending

a loan of funds in the amount of \$2,500,000 from the Corporate Yard DIF Fund to facilitate the funding and accelerated timing of the Project. The loan is recommended for a term consistent with the current operating budget, to be repaid by June 30, 2013. Staff is proposing the loan be repaid from a combination of Measure A Sales Tax, State Gas Tax funds, Arterial DIF and Traffic Signal DIF funds. If the funds are not repaid by June 30, 2013, staff recommends that the loan agreement direct this loan to be presented to City Council for reconsideration at that time. The City Council may choose to extend, modify or rewrite the loan agreement at that time. Ultimately, the City Council retains the option to repay the loan with General Fund revenues or fund balance if it so chooses.

### **ALTERNATIVES**

1. Adopt Resolution No. 2011 - 112 approving the interfund loan from the Corporate Yard Development Impact Fee Fund to the Facility Construction Fund in the Amount of \$2,500,000. Approval of this loan agreement will allow the Project to continue on the accelerated time frame currently planned.
2. Do not adopt Resolution No. 2011 - 112 approving the interfund loan. City Council would need to direct staff to delay the Project or suggest alternative funding for staff to consider in order to maintain the timing of the Project.

### **FISCAL IMPACT**

The approval of the interfund loan would reduce fund balance in the Corporate Yard DIF fund by \$2,500,000 with a requirement to repay the funds from future Measure A Sales Tax, State Gas Tax funds, Arterial DIF and Traffic Signal DIF funds. If the funds are not repaid by June 30, 2013, the loan agreement directs this loan to be presented to City Council for reconsideration at that time. The intent of the agreement is to repay this loan within a timeframe when the balance of funding for construction is available for the complete Corporate Yard Project.

There is no immediate impact to the General Fund budget.

### **SUMMARY**

The City Council has approved an Economic Development Action Plan that has established goals to accelerate certain capital projects to energize development to increase jobs and improve the City's tax base as quickly as possible. One of the key elements of this plan is to immediately fund and start construction on the street improvements on Cactus Avenue from Lasselle to Nason and Nason Street from Cactus to Iris. Staff is recommending approval of an interfund loan in the amount of \$2,500,000 from the Corporate Yard Development Impact Fee Fund to the Facility Construction Fund to provide the necessary funding for the Project to move forward on the current timeline.

**ATTACHMENTS/EXHIBITS**

Resolution No. 2011 - 112 Approving the Interfund Loan from the Corporate Yard Development Impact Fee Fund to the Facility Construction Fund in the Amount of \$2,500,000.

Attachment 1 – Loan Agreement Authorizing an Interfund Loan between the Corporate Yard Development Impact Fee Fund and the Facilities Construction Fund in the amount of \$2,500,000

Prepared by:  
Richard Teichert  
Financial and Administrative Services Director

Department Head Approval  
Richard Teichert  
Financial & Administrative Services Director

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

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RESOLUTION NO. 2011-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AN INTERFUND LOAN BETWEEN THE CORPORATE YARD DEVELOPMENT IMPACT FEE FUND AND THE FACILITY CONSTRUCTION FUND IN THE AMOUNT OF \$2,500,000

WHEREAS, the City Council levies a fee for the mitigation of the impacts of new development on the City's Corporate Yard and related facilities pursuant to the California Mitigation Fee Act (California Government Code Section 66000 et. Seq.); and

WHEREAS, the City collects and records these fees in a separate fund called the Corporate Yard Development Impact Fee Fund (Corporate Yard DIF Fund); and

WHEREAS, the City has a collected balance of funds in the Corporate Yard DIF Fund totaling \$2,571,396 as of June 30, 2011; and

WHEREAS, the City does not intend to begin the Corporate Yard project until sufficient funding is available for the entire project, which will not occur prior to June 30, 2013; and

WHEREAS, the City has a need to temporarily fund capital improvements included in the Economic Development Action Plan approved by the City Council on April 26, 2011, including the project that includes Cactus Avenue from Lasselle Street to Nason Street and Nason Street from Cactus Avenue to Iris Avenue (the "Project"); and

WHEREAS, the City desires to loan the Corporate Yard DIF Funds to the City's Capital Construction Fund to temporarily fund the capital construction of the Project; and

WHEREAS, the City anticipates receiving future Measure A Sales Tax Allocations, State Gas Tax Allocations, Arterial Development Impact Fees, and Traffic Signal Impact Fees, which are intended to be used to repay the loan from the Corporate Yard DIF Fund.

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

BE IT RESOLVED that the Loan Agreement included as Attachment 1 is hereby approved, authorizing the Interfund Loan of two million five hundred thousand dollars (\$2,500,000) from the Corporate Yard DIF Fund to the Capital Construction Fund to provide for the timely construction of the Project.

APPROVED AND ADOPTED this 8th day of November, 2011.

---

Mayor

ATTEST:

---

City Clerk

APPROVED AS TO FORM:

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City Attorney

**RESOLUTION JURAT**

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2011-\_\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8th day of November 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

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## LOAN AGREEMENT

The **City of Moreno Valley** is authorizing this **LOAN AGREEMENT** (“Agreement”) as an Interfund Loan entered into as of the eighth day of November, 2011, authorizing the transfer of funds by and between the **CITY OF MORENO VALLEY CORPORATE YARD DEVELOPMENT IMPACT FEE FUND** (Fund 210) (herein the “Corporate Yard DIF Fund”) and the **CITY OF MORENO VALLEY FACILITY CONSTRUCTION FUND** (Fund 412) (herein the “Facility Construction Fund”).

### RECITALS

- A. Pursuant to the provision of the California Mitigation Fee Act (California Government Code Section 66000 et seq.), the City Council of the City of Moreno Valley has approved the levy of a Corporate Yard Development Impact Fee to collect fees to mitigate the impact of new development on the City’s Corporate Yard facilities.
- B. The City has a balance of collected Corporate Yard DIF Funds totaling \$2,571,396 as of June 30, 2011.
- C. As documented in the approved FY 2011-12 Capital Improvement Plan, the Corporate Yard DIF Funds are required to construct a Corporate Yard building and related facilities.
- D. The Annual Report on Development Impact Fees for Fiscal Year 2009-2010 approved by the City Council included a finding that there is a demonstrated and continuing need to hold the unexpended Corporate Yard DIF Funds for the future Corporate Yard Building Project.
- E. Based on the funding plan in Recital C. the Corporate Yard Building Project will not begin prior to June 30, 2013 and the Corporate Yard DIF Funds are not required prior to this date.
- F. The City has a need to temporarily fund capital improvements on Cactus Avenue from Lasselle Street to Nason Street and on Nason Street from Cactus Avenue to Iris Avenue (herein the “Project”) to support the Economic Development Action Plan approved by the City Council on April 26, 2011.
- G. The Project is anticipated to receive capital funds from future Measure A Sales Tax Funds, State Gas Tax Funds, Arterial Development Impact Fees, and Traffic

Signal Development Impact Fees, which are intended to be used to repay the loan from the Corporate Yard DIF Fund.

- H. The City desires to loan the Corporate Yard DIF Funds to the City's Facility Construction Fund to temporarily fund the capital construction of the Project.
- I. The alternative to loaning the Corporate Yard DIF Funds would be to delay the Project indefinitely until alternative sources of funding can be identified.

### **AGREEMENT**

1. The City agrees to disburse from the Corporate Yard DIF Fund (Fund 210), as a loan, to the Facility Construction Fund (Fund 412), the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) (the 'Loan Amount') within thirty days (30) following the date first set forth above, as such date may be extended upon action of the City Council (acting through its City Manager).
2. City staff is directed to make necessary appropriation adjustments to effectuate this loan.
3. City staff is directed to appropriately record this loan in the City's General Ledger system and subsequent financial reports, as necessary.
4. The Corporate Yard DIF Fund loan will earn interest at the State of California Local Agency Investment Fund (LAIF) rate of interest as determined monthly by the State Treasurer.
5. The Capital Project Fund agrees to pay the Corporate Yard DIF Fund, with interest, the Loan Amount from the City Capital Projects Fund revenue sources identified as coming from the following sources:
  - a. Measure A Sales Tax Allocations
  - b. State Gas Tax Allocations
  - c. Arterial Development Impact Fees
  - d. Traffic Signal Development Impact Fees
6. The funds will be repaid by June 30, 2013.
7. If the funds are not repaid on or before June 30, 2013 in full, the City Council will reconsider this matter and direct staff regarding payment of the outstanding balance, including consideration of repaying the loan from the City's General Fund.

8. It is the intent of the City Council that the actions authorized by this agreement not delay in any manner the construction of the complete Corporate Yard project to be funded from the Corporate Yard DIF funds.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF MORENO VALLEY

By:

---

Henry Garcia  
City Manager

ATTEST:

---

Jane Halstead  
City Clerk

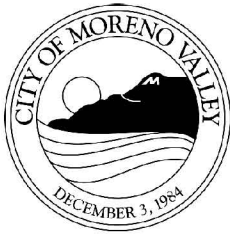
APPROVED AS TO FORM:

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Robert L. Hansen  
City Attorney

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

## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Richard Teichert, Financial & Administrative Services Director

**AGENDA DATE:** November 8, 2011

**TITLE:** ADOPT RESOLUTION NO. 2011-113 APPROVING THE INTERFUND LOAN FROM THE LIBRARY DEVELOPMENT IMPACT FEE FUND TO THE FACILITY CONSTRUCTION FUND IN THE AMOUNT OF \$4,000,000

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### **RECOMMENDED ACTION**

Staff Recommends that the Council Adopt Resolution 2011-113 Approving the Interfund Loan from the Library Development Impact Fee Fund to the Facility Construction Fund in the Amount of \$4,000,000.

### **BACKGROUND**

The City Council has approved the levy of a fee to mitigate the impacts of new development on Library services pursuant to the California Mitigation Fee Act. These fees are collected and recorded in a separate fund pending use of the funds to be combined with other funds to build a new Library facility at the City's Civic Center site. This project is included in the City's Capital Improvement Plan and is targeted to be funded and built when the City has operating funds to support the added operating cost of the larger Library facility. The balance of funds in the Library Development Impact Fee (DIF) fund is \$4,197,023 as of June 30, 2011.

### **DISCUSSION**

The City Council approved the Economic Development Action Plan on April 26, 2011. This plan identified the need for funding to complete the re-sequencing of capital projects to facilitate the acceleration of certain capital projects. These projects are intended to energize development to create jobs and increase the tax base of the City. One of these projects is the Cactus Avenue from Lasselle Street to Nason Street and Nason Street from Cactus Avenue to Iris Avenue (the "Project"). Staff is recommending the loan of funds in the amount of \$4,000,000 from the Library DIF Fund to facilitate the

funding and accelerated timing of the Project. The loan is recommended for a term consistent with the current operating budget, to be repaid by June 30, 2013. Staff is proposing the loan be repaid from a combination of Measure A Sales Tax, State Gas Tax funds, Arterial DIF and Traffic Signal DIF funds. If the funds are not repaid by June 30, 2013, staff recommends that the loan agreement direct this loan to be presented to City Council for reconsideration at that time. The City Council may choose to extend, modify or rewrite the loan agreement at that time. Ultimately, the City Council retains the option to repay the loan with General Fund revenues or fund balance if it so chooses.

### **ALTERNATIVES**

1. Adopt Resolution No. 2011 - 113 approving the Interfund Loan from the Library Development Impact Fee Fund to the Facility Construction Fund in the Amount of \$4,000,000. Approval of this loan agreement will allow the Project to continue on the accelerated time frame currently planned.
2. Do not adopt Resolution No. 2011 -113 approving the interfund loan. City Council would need to direct staff to delay the Project or suggest alternative funding for staff to consider in order to maintain the timing of the Project.

### **FISCAL IMPACT**

The approval of the interfund loan would reduce fund balance in the Library DIF fund by \$4,000,000 with a requirement to repay the funds from future Measure A Sales Tax, State Gas Tax funds, Arterial DIF and Traffic Signal DIF funds. If the funds are not repaid by June 30, 2013, the loan agreement directs this loan to be presented to City Council for reconsideration at that time. The intent of the agreement is to repay this loan within a timeframe when the balance of funding for construction is available and when operating funds have grown to accommodate the additional operating cost required to fund operation of the larger facility.

There is no immediate impact to the General Fund budget.

### **SUMMARY**

The City Council has approved an Economic Development Action Plan that has established goals to accelerate certain capital projects to energize development to increase jobs and improve the City's tax base as quickly as possible. One of the key elements of this plan is to immediately fund and start construction on the street improvements on Cactus Avenue from Lasselle to Nason and Nason Street from Cactus to Iris. Staff is recommending approval of a loan in the amount of \$4,000,000 from the Library Development Impact Fee Fund to the Facility Construction Fund to provide the necessary funding for the Project to move forward on the current timeline.

### **ATTACHMENTS/EXHIBITS**

Resolution No. 2011 - 113 Approving the Interfund Loan from the Library Development Impact Fee Fund to the Facility Construction Fund in the Amount of \$4,000,000.

Attachment 1 – Loan Agreement Authorizing an Interfund Loan between the Library Development Impact Fee Fund and the Facilities Construction Fund in the amount of \$4,000,000

Prepared by:  
 Richard Teichert  
 Financial and Administrative Services Director

Department Head Approval  
 Richard Teichert  
 Financial & Administrative Services Director

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

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RESOLUTION NO. 2011-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AN INTERFUND LOAN BETWEEN THE LIBRARY DEVELOPMENT IMPACT FEE FUND AND THE FACILITY CONSTRUCTION FUND IN THE AMOUNT OF \$4,000,000

WHEREAS, the City Council levies a fee for the mitigation of the impacts of new development in the City's Library services pursuant to the California Mitigation Fee Act (California Government Code Section 66000 et. Seq.); and

WHEREAS, the City collects and records these fees in a separate fund called the Library Development Impact Fee Fund (Library DIF Fund); and

WHEREAS, the City has a collected balance of funds in the Library DIF Fund totaling \$4,197,023 as of June 30, 2011; and

WHEREAS, the City does not intend to begin the Library project until sufficient funding is available for the entire project, which will not occur prior to June 30, 2013; and

WHEREAS, the City has a need to temporarily fund capital improvements included in the Economic Development Action Plan approved by the City Council on April 26, 2011, including the project that includes Cactus Avenue from Lasselle Street to Nason Street and Nason Street from Cactus Avenue to Iris Avenue (the "Project"); and

WHEREAS, the City desires to loan the Library DIF Funds to the City's Capital Construction Fund to temporarily fund the capital construction of the Project; and

WHEREAS, the City anticipates receiving future Measure A Sales Tax Allocations, State Gas Tax Allocations, Arterial Development Impact Fees, and Traffic Signal Impact Fees, which are intended to be used to repay the loan from the Library DIF Fund.

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

BE IT RESOLVED that the Loan Agreement included as Attachment 1 is hereby approved, authorizing the Interfund Loan of four million dollars (\$4,000,000) from the Library DIF Fund to the Capital Construction Fund to provide for the timely construction of the Project.

APPROVED AND ADOPTED this 8th day of November, 2011.

---

Mayor

ATTEST:

---

City Clerk

APPROVED AS TO FORM:

---

City Attorney

**RESOLUTION JURAT**

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

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2011-\_\_\_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8th day of November, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

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## LOAN AGREEMENT

**The City of Moreno Valley** is authorizing this **LOAN AGREEMENT** (“Agreement”) as an Interfund Loan entered into as of the eighth day of November, 2011, by and between the **CITY OF MORENO VALLEY LIBRARY DEVELOPMENT IMPACT FEE FUND** (Fund 208) (herein the “Library DIF Fund”) and the **CITY OF MORENO VALLEY FACILITY CONSTRUCTION FUND** (Fund 412) (herein the “Facility Construction Fund”).

### RECITALS

- A. Pursuant to the provision of the California Mitigation Fee Act (California Government Code Section 66000 et seq.), the City Council of the City of Moreno Valley approved the levy of a Library Development Impact Fee on September 12, 2000 to collect fees to mitigate the impact of new development on the City’s Library services.
- B. The City has a balance of collected Library DIF totaling \$4,197,023 as of June 30, 2011.
- C. As documented in the approved FY 2011-12 Capital Improvement Plan, the Library DIF funds are required to construct a Main Library.
- D. The Annual Report on Development Impact Fees for Fiscal Year 2009-2010 approved by the City Council included a finding that there is a demonstrated and continuing need to hold the unexpended Library Development Impact Fees for the future Main Library Project.
- E. Based on the funding plan in Recital C. the Main Library Project will not begin prior to June 30, 2013 and the Library DIF Funds are not required prior to this date.
- F. The City has a need to temporarily fund capital improvements on Cactus Avenue from Lasselle Street to Nason Street and on Nason Street from Cactus Avenue to Iris Avenue (herein the “Project”) to support the Economic Development Action Plan approved by the City Council on April 26, 2011.
- G. The Project is anticipated to receive capital funds from future Measure A Sales Tax Funds, State Gas Tax Funds, Arterial Development Impact Fees, and Traffic Signal Development Impact Fees, which are intended to be used to repay the loan from Library DIF Fund.
- H. The City desires to loan the Library DIF Fees to the City’s Facility Construction Fund to temporarily fund the capital construction of the Project.

- I. The alternative to loaning the Library DIF funds would be to delay the Project indefinitely until alternative sources of funding can be identified.

## **AGREEMENT**

1. The City agrees to disburse from the Library DIF Fund (Fund 208), as a loan, to the Facility Construction Fund (Fund 412), the amount of Four Million Dollars (\$4,000,000) (the 'Loan Amount') within thirty days (30) following the date first set forth above, as such date may be extended upon action of the City Council (acting through its City Manager).
2. City staff is directed to make necessary appropriation adjustments to effectuate this loan.
3. City staff is directed to appropriately record this loan in the City's General Ledger system and subsequent financial reports, as necessary.
4. The Library DIF Fund loan will earn interest at the State of California Local Agency Investment Fund (LAIF) rate of interest as determined monthly by the State Treasurer.
5. The Capital Project Fund agrees to pay the City Library DIF Fund, with interest, the Loan Amount from the City Capital Projects Fund revenue sources identified as coming from the following sources:
  - a. Measure A Sales Tax Allocations
  - b. State Gas Tax Allocations
  - c. Arterial Development Impact Fees
  - d. Traffic Signal Development Impact Fees
6. The funds will be repaid by June 30, 2013.
7. If the funds are not repaid on or before June 30, 2013 in full, the City Council will reconsider this matter and direct staff regarding payment of the outstanding balance, including consideration of repaying the loan from the City's General Fund.
8. It is the intent of the City Council that the actions authorized by this agreement not delay in any manner the completion of the Main Library project to be funded from the Library DIF Fund.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF MORENO VALLEY

By: \_\_\_\_\_  
Henry Garcia  
City Manager

ATTEST:

\_\_\_\_\_  
Jane Halstead  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert L. Hansen  
City Attorney

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**MINUTES - REGULAR MEETING OF OCTOBER 25, 2011  
(Report of: City Clerk's Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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**MINUTES - REGULAR MEETING OF OCTOBER 25, 2011  
(Report of: City Clerk's Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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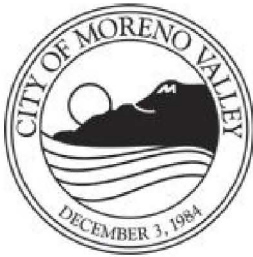


**MINUTES - REGULAR MEETING OF OCTOBER 25, 2011  
(Report of: City Clerk's Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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

## Report to City Council

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**TO:** Mayor and City Council Acting in its Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

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

**AGENDA DATE:** November 8, 2011

**TITLE:** PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR OMP DEV CACTUS—APN 297-150-055 BALLOTING FOR CSD ZONE M

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### RECOMMENDED ACTION

1. Staff recommends that the Mayor and City Council, acting in its capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony, direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for OMP Dev Cactus—Assessor Parcel Number ("APN") 297-150-055;
2. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
3. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
4. If approved, authorize and impose the increase in the CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) annual charge to APN 297-150-055.

### ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

### BACKGROUND

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by

the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial, and multifamily developments be conditioned to fund the maintenance of arterial medians.

OMP Dev Cactus—APN 297-150-055 (“Property Owner”) has a Condition of Approval that requires them to provide a funding source for the maintenance of a future Cactus Avenue median. The median will be constructed on Cactus from the westerly property line to Frederick Street. In October 2007, the Property Owner approved a Zone M ballot charge of \$5,895/year which was to cover landscape maintenance of 6,300 square feet of landscaping in two medians separated by a turn pocket. The combined length of the two medians was 660 feet.

Since that time, the design of the median has changed to a continuous median, increasing the area to be maintained under the Zone M program by 54%. In addition, maintenance and utility costs to operate the program have increased. To ensure that the maintenance charge collected is sufficient to cover the expenses, the Property Owner is being balloted for an increase in their parcel charge. The recalculated Zone M charge estimate of \$19,915.71/year is for 9,750 square feet of median landscaping.

## **DISCUSSION**

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, a mail ballot proceeding is being conducted to give the Property Owner the option to approve or oppose the increase in the CSD Zone M annual charge. The Property Owner has been given two opportunities to address the legislative body. These two opportunities are the Public Meeting on October 25, 2011 and the Public Hearing on November 8, 2011, when the results of the ballot proceeding will be announced.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to mowing, trimming, pruning, fertilizing, replacing plant material(s) as necessary, litter removal, weed control, maintenance of the irrigation system, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

The CSD Zone M annual charge is estimated based on the parcel’s front linear footage to the proposed Cactus Ave. median. Upon approval of the increase in the charge, the CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as construction of the Cactus Ave. median begins. The CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

## **ALTERNATIVES**

1. **Conduct the Public Hearing**, tabulate the ballots, verify, and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing,

receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing, and if approved, authorize and impose the increase in the CSD Zone M annual charge to APN 297-150-055 (and any division thereof). *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 result of the mail ballot proceeding for APN 297-150-055. *This alternative would be contrary to Proposition 218 mandates.*

### **FISCAL IMPACT**

For fiscal year (FY) 2011/12, the proposed CSD Zone M charge for OMP Dev Cactus—APN 297-150-055 (and any division thereof) is \$19,915.71. Beginning in FY 2012/13, the CSD Zone M 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.

**There is no impact on the General Fund for medians constructed as a condition of development.** The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The collection of the CSD Zone M annual charges is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.

### **CITY COUNCIL GOALS**

#### **Community Image, Neighborhood Pride, and Cleanliness**

The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

#### **Revenue Diversification and Preservation**

The CSD Zone M annual charge provides funding for program costs, which include maintenance and administration.

### **SUMMARY**

The action before the CSD Board is to accept public testimony, tabulate the returned ballots, verify, and accept the result of the mail ballot proceeding for OMP Dev Cactus.

### **NOTIFICATION**

The Property Owner has been given a 45-day noticing period to review the ballot documents. The documents included a notice to the property owner, map of the project area, Zone M ballot, instructions for marking and returning the ballot, and a postage-paid envelope for returning the ballot to the City Clerk. (See Attachment 1.)

Newspaper advertising for the October 25, 2011, Public Meeting and November 8, 2011, Public Hearing was published in The Press-Enterprise on October 6, 2011. Additionally, the Public Hearing notification was published on October 20 and will be published again on October 27, 2011.

**ATTACHMENTS**

Attachment 1: OMP Dev Cactus mail ballot packet

Prepared by:  
Jennifer A. Terry,  
Management Analyst

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

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

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

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OMP Dev Cactus  
19300 South Hamilton Ave, No. 200  
Gardena, CA 90248

September 12, 2011

**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) ANNUAL CHARGE FOR APN 297-150-055**

**\*\*\*\*\* OFFICIAL BALLOT ENCLOSED \*\*\*\*\***  
Llame al 951.413.3480 para obtener información verbal en Español

**Introduction**

In November 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. The property owner of Assessor Parcel Number (APN) 297-150-055 balloted and approved the Zone M charge in October 2007. The original Zone M charge was calculated based on 6,300 square feet of landscaping in the proposed median. Current median landscape plans reflect an increase in the median footprint resulting in an increase of 54% of additional landscaped area. In addition to the increased square footage, the City has seen considerable increases in maintenance and utility costs since the original maintenance charge was calculated. To ensure that the annual maintenance charge collected is sufficient to cover the annual expenses for the Cactus Ave. median the Zone M charge has been recalculated. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 297-150-055 the opportunity to express support or opposition for approval of an increase in the annual charge for the CSD Zone M program.

**Background**

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

**Services Provided**

Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: trimming, pruning, fertilizing, replacing plant material(s) as necessary, litter removal, weed control, maintenance of the irrigation system, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

ATTACHMENT 1

### **How is the Amount of the Charge Determined?**

The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 297-150-055 is subdivided. The charge levied shall not exceed the charge approved by the property owners.

### **Current Charge**

The current CSD Zone M charge for FY 2011/12 is \$6,089.36. The total amount of the CSD Zone M charges levied for FY 2011/12 for the program as a whole is \$156,303.84.

### **Proposed Charge**

To meet current projected costs, the Zone M charge is proposed to be adjusted to \$19,915.71.

### **Annual Adjustment**

Beginning in FY 2012/13, the CSD Zone M 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.

### **Duration of the Charge**

The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as construction of the Cactus Ave. median begins. The CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

### **Public Hearing**

To allow for public comment on this mail ballot proceeding the CSD Board has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, October 25, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, November 8, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

### **Effect if Approval of the Increase in the Charge is Approved**

Approval of an increase in the annual charge will be confirmed if the ballot is marked in favor of the charge.

### **Effect if Approval of the Increase in the Charge is Not Approved**

If the ballot is not marked in favor of the CSD Zone M annual charge, then the existing Zone M charge will not cover the annual maintenance expenses, which will result in noncompliance of the Conditions of Approval.

### **For More Information**

If you have any questions about the increase in the annual charge or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public



Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

### Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the increase in the annual charge **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Any ballot received without a signature will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of your ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, November 8, 2011**, 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.

### 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.**

# Concourse at Centerpointe

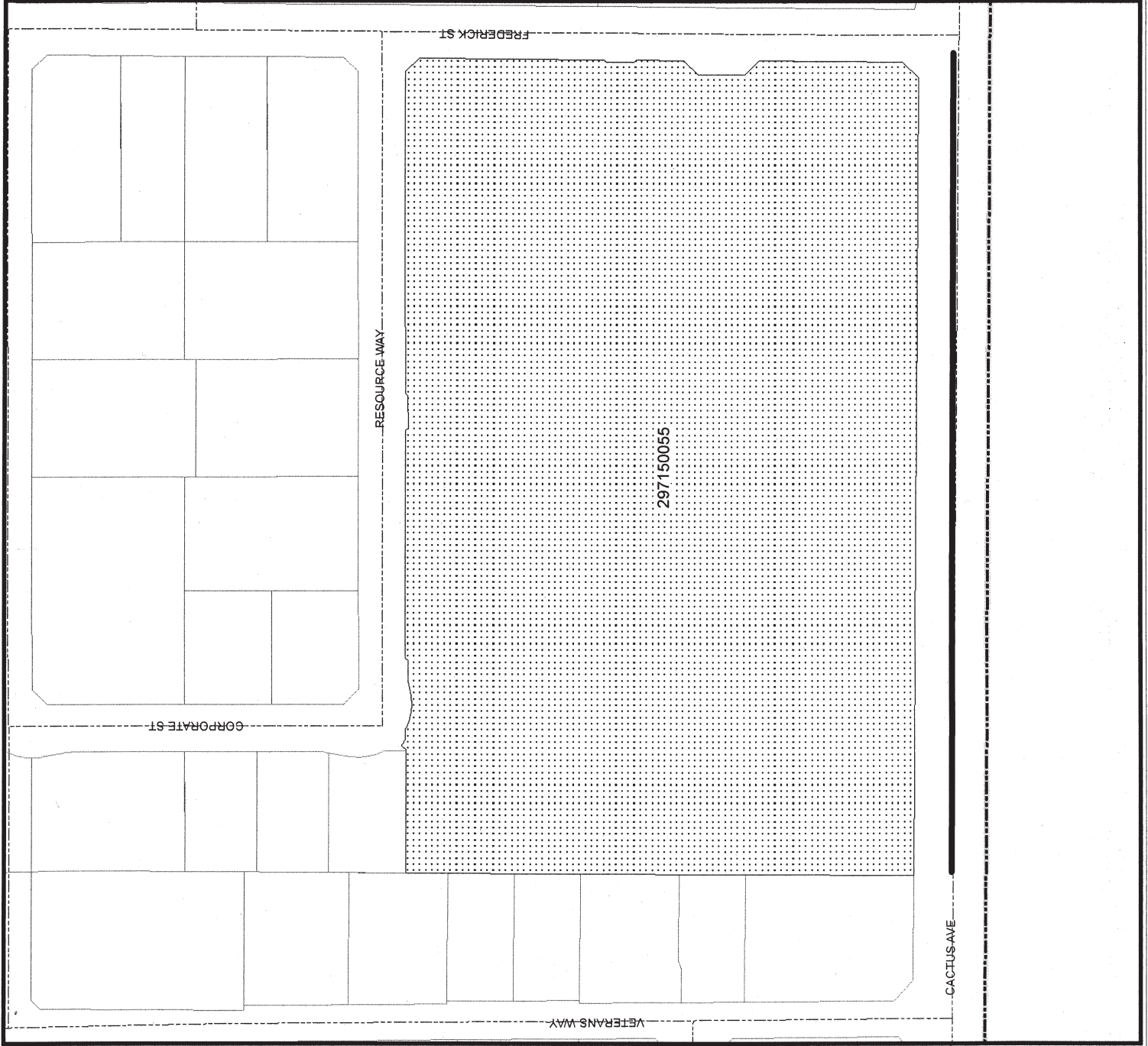
-  Median
-  Landscaped Areas
-  297-150-055
-  Roads
-  Parcels
-  City Boundary

Map reflects all changes indicated  
on Riverside County Assessor Maps  
as of September 8, 2011.



G:\V\PSDA\PA08-0072 OMP.mxd

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



**OFFICIAL MAIL BALLOT for  
ASSESSOR PARCEL NUMBER (APN) 297-150-055**

**Moreno Valley Community Services District (CSD) Zone M  
(Commercial, Industrial, and Multifamily Improved Median Maintenance)**

**YES\*** — as the property owner of APN 297-150-055 (and any division thereof), **I approve** the increase in the annual charge for Zone M services of \$13,826.35. The increase will adjust the approved annual charge from \$6,089.36 to \$19,915.71 for fiscal year (FY) 2011/12. Beginning FY 2012/13, the annual CSD Zone M 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. The CSD Zone M annual charge shall be assessed on the Riverside County property tax bill as construction begins for the Cactus Ave. median. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

**NO\*\*** — as the property owner of APN 297-150-055, **I do not approve** increase in the annual charge for Zone M services of \$13,826.35. I understand that the existing Zone M charge is insufficient to cover the annual maintenance expenses for the proposed Cactus Ave. median. Not providing adequate funding for the Cactus Ave. median will result in noncompliance of the Conditions of Approval.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
297-150-055 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$19,915.71

**This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on November 8, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

\_\_\_\_\_  
PROPERTY OWNER SIGNATURE                      DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

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

---

## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Barry Foster, Economic Development Director

**AGENDA DATE:** November 8, 2011

**TITLE:** PUBLIC HEARING AND INTRODUCTION TO ORDINANCE NO. 834 APPROVING THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR TOWNGATE MIXED-USE DEVELOPMENT

---

### **RECOMMENDED ACTION**

Staff recommends that after conducting the public hearing,

1. The City Council introduce Ordinance No. 834 approving the Third Amendment to the Annexation and Development Agreement for the TownGate Mixed Use Development; and
2. Authorize the Mayor to execute the Third Amendment to the Annexation and Development Agreement for the TownGate Mixed Use Development.

### **SUMMARY**

The proposed adoption of the Amendment to the Development Agreement would extend the term of the Agreement by five years to allow for the development of the remaining development opportunities in the Agreement. The extension of the Agreement is warranted as spelled out in the provisions of the Agreement to fully carryout the development of the TownGate project. Amending the Agreement will further assist in the full and complete implementation of the TownGate Specific Plan. The proposed Amendment will only apply to the land described in Exhibit A attached to the Third Amendment.

### **BACKGROUND**

On October 28, 1986 the Moreno Valley City Council adopted an ordinance approving the Annexation and Development Agreement (the Agreement) for the TownGate

development project. After the 30 day statutory requirement the Annexation and Development Agreement went into force on November 27, 1986. The Agreement was adopted pursuant to State law and the City's established procedures and requirements for development agreements.

The Agreement, along with the Specific Plan established for the planning and development of the mixed-use project for the TownGate area. The use of the Agreement codified a Memorandum of Understanding (MOU) between the City, the Redevelopment Agency, and the developer/property owner of TownGate (the Fritz Duda Company and its other related development entities involved in the Town Gate project). The MOU spelled out a means for funding the infrastructure necessary for the development of the TownGate project, as well as the scope of development of the development plan for the mixed-use development project.

The term of the Agreement was 20-years and was established to undertake and build-out the entire TownGate development project consistent with the approved Specific Plan. Without extending the term of the Agreement it would of terminated on November 27, 2006 or upon completion of the TownGate project. Section 3-D of the Agreement spells out the time frame for the completion of the TownGate project and called for the entire project to be finished by the end of 2005. Section 3-D of the Agreement states that "the timing may be tolled during any periods of delay resulting from acts of God, or other causes including but not limited to real estate, economic, financial and market conditions reasonably beyond the control of the property owner". In November 2006, the Development Agreement was amended to allow for extending the term for an additional five years.

## **DISCUSSION**

The Developer of TownGate has requested that the City extend the term of the Agreement by five years in recognition of the economic downturn that is commonly referred to as the Great Recession period. Clearly Moreno Valley experienced a severe economic downturn in the local economy during this period and development virtually came to a halt for many years in the community, including the TownGate area. In pursuit of the completion of TownGate Specific Plan and the development governed by the Development Agreement, the Developer believes the five year extension is warranted and appropriate with the terms and conditions of the original Agreement. The City Manager and Community & Economic Development Director would concur and support this request to enable the completion of the TownGate development project.

The continued development of TownGate is an important component of the City's economic development efforts. The extension of the TownGate Development Agreement will help assist in attracting new development projects to the TownGate area, which in turn will enhance the economic vitality of Moreno Valley. The extension of the term of the Agreement shall only apply to the property owners pursuing further development of the TownGate project. Attached is a map illustrating the areas that will remain in the Agreement and still be developed.



The original parties for the Development Agreement were RIR Associates Property and Ryder Property. The successor and related companies to these entities include the Gateway L.C., Dallas Plaza Partners, Eastridge Partners LTD and TSC L.C. The Development Agreement has assignment provisions for the sale or transfer of properties.

In accordance with government code, the Planning Commission will consider the Amendment to the Development Agreement on November 3. Staff will report their action at the City Council meeting.

### **FISCAL IMPACT**

Approving the extension to the Development Agreement will continue the policy of not charging Development Impact Fees (DIF) for projects in TownGate. Not having to pay DIF is an important tool in making new projects economically feasible in TownGate. All of the TownGate area is part of a Community Facilities District that built the original infrastructure for TownGate years ago. While not receiving DIF from new projects in TownGate, the City/RDA receives significant new revenues from sales tax and property tax increment from new development. Completing the entire and complete TownGate development project will be a positive impact for the City/RDA.

### **ALTERNATIVES**

1. Introducing the proposed ordinance thus approving the Amendment to the Development Agreement, in accordance with provisions of the Agreement, would allow for the complete implementation of the TownGate development project.
2. Not approving the Amendment to the Development Agreement would jeopardize the momentum of new development in TownGate and potentially expose the City to litigation from the Developer of the TownGate development project.

### **ENVIRONMENTAL REVIEW**

The extension of the Agreement is exempt from environmental review under the California Environment Quality Act (CEQA) pursuant to CEQA Guidelines 15061 (b) (3) because the extension of the term of the Development Agreement would not have the potential for a significant impact on the environment.

### **NOTIFICATION**

The public hearing notice for this project was published in the local newspaper.

### **ATTACHMENTS**

1. Proposed Ordinance Approving the Third Amendment to the Annexation and Development Agreement for TownGate

- 2. Third Amendment to the Annexation and Development Agreement for TownGate
- 3. Exhibit A - Property Map

Prepared By:  
Barry Foster  
Community & Economic Development Director

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



ORDINANCE NO. 834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MORENO VALLEY, RIR ASSOCIATES AND RYDER HOMES RELATIVE TO THE DEVELOPMENT KNOWN AS MORENO VALLEY MIXED USE DEVELOPMENT (TOWNGATE)

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

SECTION 1. RECITALS

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.

SECTION 2. FINDINGS

2.1 On October 28, 1986, the City Council enacted Ordinance No. 102 which approved the Annexation and Development Agreement between the City of Moreno Valley, RIR Associates and Ryder Homes Relative to the Development known as Moreno Valley Mixed Use Development (TownGate) (the "Development Agreement") which was recorded on January 30, 1987, as Document No. 26860 in the Official Records of Riverside County.

2.2 The Development Agreement was amended on October 25, 2006 to extend the term of the Agreement for five years.

2.3 The Development Agreement will terminate on November 27, 2011, unless its term is extended.

2.4 The current landowners, as successors-in-interest to RIR Associates and Ryder Homes, have been developing the Project, as that term is defined in Recital 8 of the Development Agreement. Much of the Project is now built out.

2.5 Economic conditions which have occurred since the Development Agreement was entered into have delayed the completion of the development foreseen for the Project.

2.6 The current landowners are contemplating further development on their land described in Exhibit A to the Third Amendment.

2.7 It is in the City's best interest to extend the term of the Development Agreement by five years.

2.7 The Development Agreement, as originally written and as extended, is consistent with the City's General Plan and the Moreno Valley Mixed Use Development Specific Plan No. 200.

SECTION 3. AMENDMENT TO THE DEVELOPMENT PLAN

3.1 The Development Agreement is hereby amended as stated in the Third Amendment to Annexation and Development Agreement between the City of Moreno Valley, RIR Associated and Ryder Homes Relative to the Development known as Moreno Valley Mixed Use Development (TownGate), unless terminated, modified or extended by the circumstances set forth in the Development Agreement or by the mutual consent of the City and the parties to the Development Agreement.

3.2 The Mayor or her designee is authorized to sign the sign the Third Amendment to the Development Agreement, in substantially the form attached hereto as Exhibit A, on behalf of the City.

SECTION 4. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

4.1 The extension of the term of the Development Agreement authorized by this Ordinance is exempt from environmental review under the California Environmental Quality Act pursuant to CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility that the extension of the term of the Development Agreement will have a significant effect on the environment.

SECTION 5. EFFECT OF ENACTMENT

5.1 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 6. NOTICE OF ADOPTION

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

SECTION 7. EFFECTIVE DATE

7.1 This Ordinance shall take effect thirty days after the date of its adoption.

*(Signature page follows)*

APPROVED AND ADOPTED this 22<sup>nd</sup> day of November, 2011.

---

MAYOR

ATTEST:

---

CITY CLERK

APPROVED AS TO FORM:

---

CITY ATTORNEY

ORDINANCE JURAT

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

I, JANE HALSTEAD, City Clerk of the City of Moreno Valley, California, do hereby certify that the Ordinance No. \_\_\_\_\_ had its first reading on \_\_\_\_\_, 2006, and had its third reading on \_\_\_\_\_, 2011, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on \_\_\_\_\_, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
CITY CLERK

(SEAL)

**THIRD AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF MORENO VALLEY, RIR ASSOCIATED AND RYDER  
HOMES RELATIVE TO THE DEVELOPMENT KNOWN AS MORENO VALLEY  
MIXED USE DEVELOPMENT (TOWNGATE)**

THIS THIRD AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MORENO VALLEY, RIR ASSOCIATES AND RYDER HOMES RELATIVE TO THE DEVELOPMENT KNOWN AS MORENO VALLEY MIXED USE DEVELOPMENT (TOWNGATE) (the "Third Amendment" to the "Development Agreement") is made and entered into as of November 8, 2011, by and between the City of Moreno Valley (the "City") and the Gateway Company L.C. ("Gateway"), Dallas Plaza Partners, Eastridge Partners, LTD., TSC, L.C., and Town Circle Holdings LLC (collectively the "current landowners") with respect to the following facts:

- A. On October 28, 1986, the City Council enacted Ordinance No. 102 approving the Development Agreement which was recorded on January 30, 1987, as document number 26860 in the official records of Riverside County.
- B. On October 14, 2006, the City Council enacted Ordinance No. 728 approving an extension to the Development Agreement.
- C. The Development Agreement will terminate on November 27, 2011, unless the term is extended.
- D. The current landowners, as successors in interest to RIR Associates and Ryder Homes, have been developing the Project, as that term is defined in Recital 8 of the Development Agreement. Much of the Project is now built out.
- E. Economic conditions which have occurred since the Development Agreement was entered into have prevented the completion of the development foreseen for the Project.
- F. The current landowners are contemplating further development on their land.
- G. In order to provide the necessary certainty that further development of the Project can be built once the approval process is completed, the City and the current landowners agree that it will be mutually beneficial to extend the term of the Development Agreement by five years.
- H. The extension of the term shall only apply to property yet to be developed as part of the Project.

IN LIGHT OF THE FOREGOING, IT IS HEREBY AGREED THAT:

1. Paragraph 1.B(1) of the Development Agreement is amended to read:

“The term of this Development Agreement shall extend to November 27, 2016, unless this Development Agreement is terminated, modified or extended by circumstances set forth in this Development Agreement or by mutual consent of the parties hereto.”

2. The Amendment set forth in paragraph 1 above shall only apply to the land described in Exhibit A to this Third Amendment.

3. Except as set forth in paragraphs 1 and 2 above, the provisions of the Development Agreement remain unchanged.

Dated: \_\_\_\_\_, 2011

CITY OF MORENO VALLEY

By: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

[SIGNATURES CONTINUED ON THE NEXT PAGE]

Dated: \_\_\_\_\_, 2011

GATEWAY COMPANY L.C.  
a Nevada limited liability company  
By: Fritz Duda Company,  
a Texas corporation  
Its Manager

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Dated: \_\_\_\_\_, 2011

DALLAS PLAZA PARTNERS  
a Texas limited partnership  
By: Fritz Duda Company,  
a Texas corporation  
Its General Partner

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Dated: \_\_\_\_\_, 2011

EASTRIDGE PARTNERS, LTD.  
a Texas limited partnership  
By: Fritz Duda Company,  
a Texas corporation  
Its General Partner

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Dated: \_\_\_\_\_, 2011

TSC, L.C.  
a Nevada limited liability company  
By: Fritz Duda Company,  
a Texas corporation  
Its General Partner

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Dated: \_\_\_\_\_, 2011

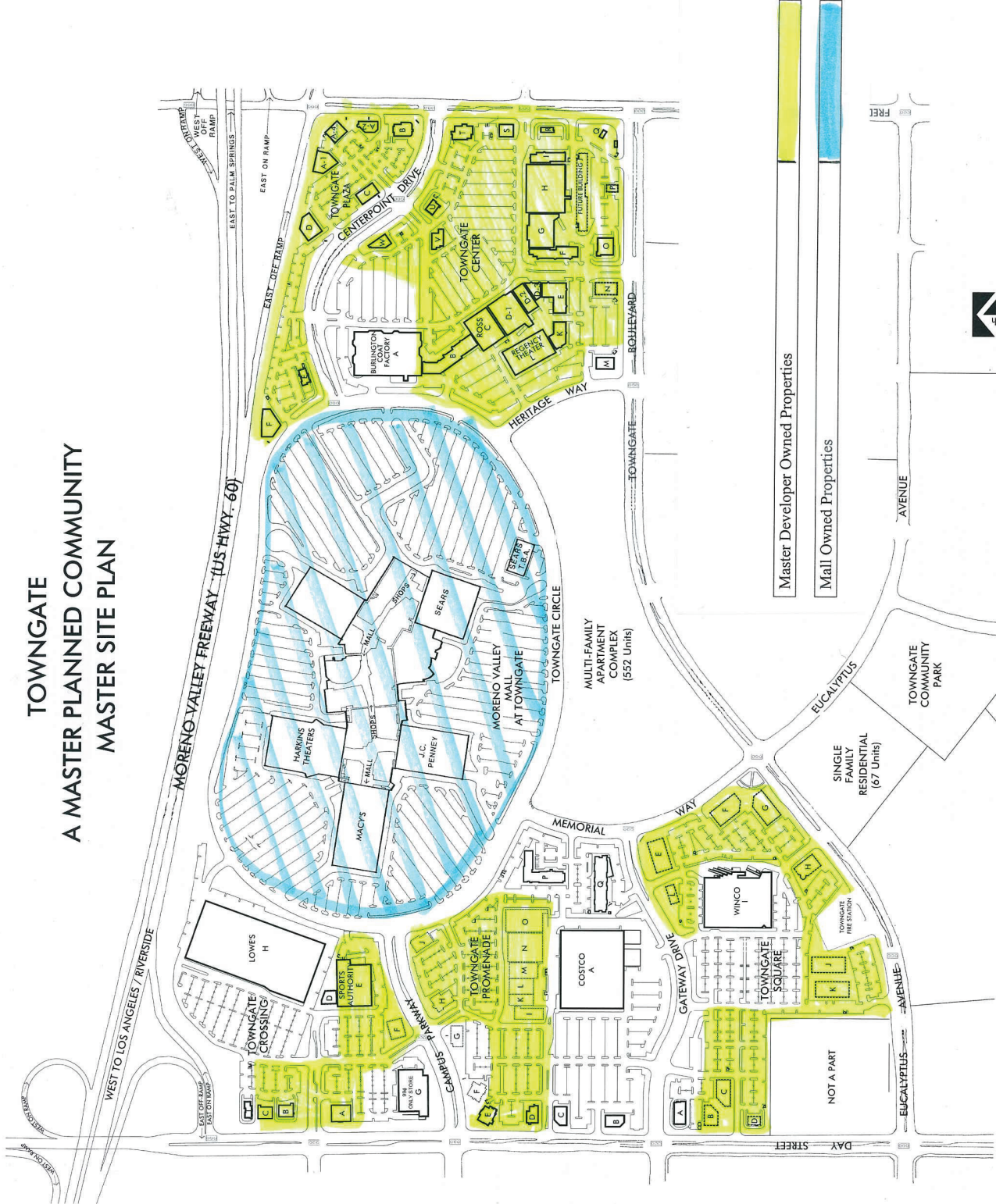
TOWN CIRCLE HOLDINGS LLC

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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# TOWNGATE A MASTER PLANNED COMMUNITY MASTER SITE PLAN

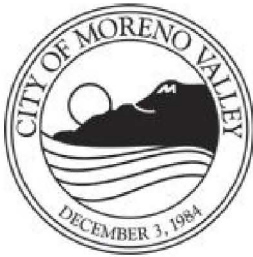


Master Developer Owned Properties

Mall Owned Properties



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

## Report to City Council

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**TO:** Mayor and City Council

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

**AGENDA DATE:** November 8, 2011

**TITLE:** PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR APNS 481-281-059 and 481-281-060 BALLOTING FOR NPDES

---

### **RECOMMENDED ACTION**

Staff recommends that the Mayor and City Council accept public comments regarding the mail ballot proceeding for Assessor Parcel Numbers (APNs) 481-281-059 and 481-281-060 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

### **ADVISORY BOARD/COMMISSION RECOMMENDATION**

N/A

### **BACKGROUND**

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Community and Economic Development Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

Conditions of Approval for APNs 481-281-059 and 481-281-060 require that the property owner provide a funding source to help support the Stormwater Management program. Approving the NPDES maximum commercial/industrial regulatory rate through a mail ballot proceeding shall fulfill this requirement.

### **DISCUSSION**

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, a mail ballot proceeding is being conducted to give the property owner of APNs 481-281-059 and 481-281-060 the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate. Property owners are given two opportunities to address the legislative body regarding the charge(s) they are being balloted on. These two opportunities are the Public Meeting on November 8, 2011 and the Public Hearing on December 13, 2011, when the results of the ballot proceeding will be announced.

Public agencies are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballot is approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

### **ALTERNATIVES**

1. **Accept public comments** regarding the mail ballot proceeding for APNs 481-281-059 and 481-281-060 for approval of the NPDES Maximum Commercial/Industrial Regulatory Rate. *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment.*
2. **Do not accept public comments** regarding the mail ballot proceeding for APNs 481-281-059 and 481-281-060 for approval of the NPDES Maximum Commercial/Industrial Regulatory Rate. *This alternative would be contrary to state statutes and would require the noticing period for the mail ballot proceeding to begin again.*

### **FISCAL IMPACT**

For fiscal year (FY) 2011/12, the NPDES annual regulatory rate per parcel is \$212. Beginning FY 2012/13, the NPDES Maximum Commercial/Industrial Regulatory Rate 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.

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

**CITY COUNCIL GOALS**

**Advocacy**

Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

**Revenue Diversification and Preservation**

The NPDES maximum commercial/industrial regulatory rate provides funding for program costs, which include maintenance and administration.

**SUMMARY**

The action before the City Council is to accept public comments regarding the mail ballot proceeding for APNs 481-281-059 and 481-281-060.

**NOTIFICATION**

The property owner of APNs 481-281-059 and 481-281-060 has been given a 45-day noticing period to review the ballot documents. The documents included a notice to the property owner, map of the project area, ballot, instructions for marking and returning the ballot, and a postage-paid envelope for returning the ballot to the City Clerk. (See Attachment 1.)

Newspaper advertising for the November 8, 2011, Public Meeting and December 13, 2011, Public Hearing was published in The Press-Enterprise on October 27, 2011. Additionally, the Public Hearing notification will be published on November 23 and again on December 1, 2011.

**ATTACHMENTS**

Attachment 1: Hemlock Family Apartments mail ballot packet

Prepared by:  
Jennifer A. Terry,  
Management Analyst

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

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

Concurred by:  
Mark Sambito,  
Engineering 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 11.12\NPDES\Hemlock Family Apartments\Stfprt PM 11.08.11.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

MV Hemlock Limited Partnership  
Attn: James M. Jernigan  
5051 Canyon Crest Drive, Suite 104  
Riverside, CA 92507

October 25, 2011

**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR ASSESSOR PARCEL NUMBERS (APNs) 481-281-059 and 481-281-060**

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

Llame al 951.413.3480 para obtener información verbal en Español

**Introduction**

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APNs 481-281-059 and 481-281-060 (and any division thereof) the opportunity to express support of or opposition to for approval of the NPDES regulatory rate and services.

**Background**

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

**Services Provided**

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**How is the Amount of the Charge Determined?**

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

ATTACHMENT 1

**Proposed Charge**

For FY 2011/12, the NPDES maximum commercial/industrial regulatory rate is \$212 per parcel. The total amount of the NPDES rates levied for FY 2011/12 for the program as a whole is \$396,356.

**Annual Adjustment**

Beginning in FY 2012/13, the NPDES Maximum Commercial/Industrial Regulatory Rate 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.

**Duration of the Charge**

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APNs 481-281-059 and 481-281-060 (and any division thereof) and shall be placed on the 2012/13 Riverside County property tax bill or as a monthly charge on a utility bill. The NPDES Maximum Commercial/Industrial regulatory rate will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

**Public Hearing**

To provide information concerning this mail ballot proceeding the City has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, November 8, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, December 13, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

**Effect if Inclusion into and Approval of the Charges is Approved**

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if the ballot is marked in favor of the charge. Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate shall satisfy the Conditions of Approval to provide a funding source for the stormwater program.

**Effect if Inclusion into and Approval of the Charges is Not Approved**

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements shall result in noncompliance with the Conditions of Approval.

**For More Information**

If you have any questions about the proposed program, the annual rate, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.



### Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed program and annual rate **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, December 13, 2011**, 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.

### 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

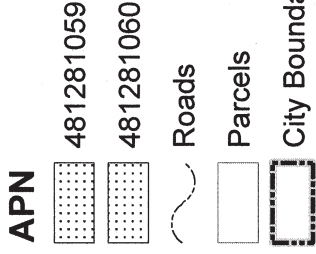


A square or rectangle around the box and/or associated clause.

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.**

# MV Hemlock Limited Partnership



Map reflects all changes indicated on Riverside County Assessor Maps as of October 20, 2011.



G:\AVP\SDA\Hemlock Family Apartments.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



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

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

**Inflation Factor Adjustments**

FY 2006/2007 - 4.5% = (\$33.00 & \$158.00)  
 FY 2007/2008 - 3.1% = (\$34.00 & \$163.00)  
 FY 2008/2009 - 4.2% = (\$35.00 & \$170.00)  
 FY 2009/2010 - no change = (\$35.00 & \$170.00)  
 FY 2010/2011 - no change = (\$35.00 & \$170.00)  
 FY 2011/2012 - 3.8% = (\$36.00 & \$176.00)

**OFFICIAL MAIL BALLOT for  
Assessor Parcel Numbers (APNs) 481-281-059 and 481-281-060**

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

**YES\*** — as property owner of APNs 481-281-059 and 481-281-060, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2011/12, the NPDES maximum commercial/industrial regulatory rate is \$212 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2012/13, the maximum regulatory rate 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. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate shall satisfy the Conditions of Approval to provide a funding source for the stormwater program.

**NO\*\*** — as property owner of APNs 481-281-059 and 481-281-060, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
APN 481-281-059 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$212
APN 481-281-060 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$212

**This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on December 13, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

\_\_\_\_\_  
PROPERTY OWNER SIGNATURE                      DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español





APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	Best
CITY MANAGER	ms

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Michelle Dawson, Assistant City Manager

**AGENDA DATE:** November 8, 2011 (continued from October 11, 2011)

**TITLE:** MEDIA AND COMMUNICATIONS STRATEGY

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### **RECOMMENDED ACTION**

Staff recommends that the City Council approve the proposed Media and Communications Strategy.

### **BACKGROUND**

At the May 2011 Goal Setting Workshop, the City Council identified prioritized goals and developed specific action items to achieve these collective goals to continue to move Moreno Valley forward. One prioritized goal identified by the Council was to enhance the City's image. An integral part of this is the development of a Media and Communications Strategy that will increase the use of social media and e-mail communications with the community as well as expand communication outreach to the public. Council also directed City staff to develop a series of town hall meetings with at least one meeting conducted in each Council District per year.

In July 2011 the City Council adopted action steps to make Moreno Valley a *Best Place to do Business*. One of the five action steps included in the plan was to improve the City's marketing and communication efforts. The proposed Media and Communication Strategy addresses the necessary steps to ensure the City is successfully and enthusiastically marketed as a *Best Place to do Business* in a cohesive and focused manner.

### **DISCUSSION**

Council Members, City staff, residents, business owners and local stakeholders often express frustration with the City's image. Simply put, they are unhappy that the perception of our community is negative and not indicative of the overwhelmingly

positive reality that we recognize. Understanding that perception oftentimes equals reality, the proposed Media and Communication Strategy (attached) aims to better control our message and enhance the dissemination of accurate information about Moreno Valley. Three goals identified to achieve this include:

- **Goal 1: Ensure accurate information is disseminated to the public**
- **Goal 2: Maximize media and communication resources to 1) better promote the City's many positive City events, programs and services, 2) enhance the City's "Shop MoVal" program, and 3) advance Moreno Valley as a Best Place to do Business**
- **Goal 3: Enhance our residents' connection with City Government and demonstrate the value of City services**

This Media and Communications Strategy aims to achieve these goals in a coordinated, concerted, and cost-effective manner. Through effective communication with all of the stakeholders within Moreno Valley, the City can enhance community pride, create a more positive environment, and attract and retain key business partners in Moreno Valley. As indicated in the attached plan, each action has been assigned to the appropriate department for implementation.

### **ALTERNATIVES**

- 1) Approve the proposed Media and Communications Strategy. *Staff recommends this alternative as the proposed strategy helps address the Council's expressed goals of enhancing the City's image, expanding communication outreach to the public and improving the City's marketing and communication efforts (one of the adopted action steps to make Moreno Valley a Best Place to do Business.)*
- 2) Not approve the proposed Media and Communications Strategy. *Staff does not recommend this alternative as the proposed strategy is a task related to the Council-adopted goal to enhance the City's image and is part of the Council-adopted action steps to make Moreno Valley a Best Place to do Business.*

### **FISCAL IMPACT**

Implementing the proposed Media and Communications Strategy will have no fiscal impact as all of the strategies and action items can be executed within the adopted budget.

### **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 proposed Media and Communications Strategy assists in addressing the City Council’s goal of enhancing the City’s image and implements the necessary steps to ensure the City is successfully and enthusiastically marketed as a *Best Place to do Business*.

**ATTACHMENT**

Proposed Media and Communications Strategy

Prepared By:  
Michelle Dawson  
Assistant City Manager

Concurred By:  
Barry Foster  
Community and 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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## ***Introduction***

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At their May 2011 Goal Setting Workshop, the City Council identified prioritized goals and developed specific action items to achieve these collective goals to continue to move Moreno Valley forward. One prioritized goal identified by the Council was to enhance the City's image (see Attachment "A"). An integral part of this is the development of a Media and Communications Strategy that will increase the use of social media and e-mail communications with the community as well as expand communication outreach to the public. Council also directed City staff to develop a series of town hall meetings with at least one meeting conducted in each Council District per year.

In July 2011 the City Council adopted action steps to make Moreno Valley a *Best Place to do Business* (Attachment "B"). One of the five action steps included in the plan was to improve the City's marketing and communication efforts. This Media and Communication Strategy address the necessary steps to ensure the City is successfully and enthusiastically marketed as a *Best Place to do Business* in a cohesive and focused manner.

Council Members, City staff, residents, business owners and local stakeholders often express frustration with the City's image. Simply put, they are unhappy that the perception of our community is negative and not indicative of the overwhelmingly positive reality that we recognize. Understanding that perception oftentimes equals reality, this Media and Communication Strategy aims to better control our message and enhance the dissemination of accurate information about Moreno Valley. Three goals identified to achieve this include:

- ***Goal 1: Ensure accurate information is disseminated to the public***
- ***Goal 2: Maximize media and communication resources to 1) better promote the City's many positive City events, programs and services, 2) enhance the City's "Shop MoVal" program, and 3) advance Moreno Valley as a Best Place to do Business***
- ***Goal 3: Enhance our residents' connection with City Government and demonstrate the value of City services***

This Media and Communications Strategy aims to achieve these goals in a coordinated, concerted, and cost-effective manner. Through effective communication with all of the stakeholders within Moreno Valley, the City can enhance community pride, create a more positive environment, and attract and retain key business partners in Moreno Valley.

## ***Target Audience***

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Communicating accurate information to better promote Moreno Valley is everybody's job. By providing target audiences with timely and informative news about their community we can help ensure that our many positives outweigh the periodic negative items that occur in every community. It is critical that the City clearly communicates information to the community in a helpful, accessible, consistent, and unthreatening manner to ensure that the citizens, businesses, and visitors to Moreno Valley feel welcome and engaged within in our community.

### ***Primary Target Audience***

The primary target audiences for an effective media and communications strategy are the groups of people with whom the City wishes to regularly communicate on a variety of topics and issues:

- ◆ Residents of Moreno Valley
- ◆ City Council, Commissions, and Committees
- ◆ Non-profit organizations
- ◆ County, State, and Federal representatives
- ◆ Community groups and organizations
- ◆ News media
- ◆ Development community
- ◆ Chambers of Commerce
- ◆ Existing businesses, property owners, and managers
- ◆ Public agencies
- ◆ Employees
- ◆ Regional organizations and agencies
- ◆ Volunteers
- ◆ School Districts
- ◆ Visitors to Moreno Valley

### ***Secondary Target Audience***

The secondary target audiences are groups with which the City communicates on a semi-regular basis:

- ◆ Businesses in neighboring cities and communities
- ◆ Other government television stations
- ◆ Residents living in neighboring cities and communities
- ◆ Future or potential residents

## ***Goals, Strategies and Actions***

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With the understanding that a Media and Communications Strategy that builds on strong themes is more effective than a program with scattered and unrelated messages, key themes will be communicated frequently in a variety of ways utilizing simple messages. It is important that all communications reinforce and reflect the goals and target issues of the City as established by the City Council, underscoring the idea of an organization with its focus on "people, pride and progress."

**Goal 1: Ensure Accurate Information is Disseminated to the Public**

Accuracy is the most basic, and also the most critical, element in communicating effectively. The following goals and strategies will assist in ensuring that accurate and timely information is being provided by the City:

Strategy: Ensure continuity of message.

Action:

- ◆ **Review and reinforce City administrative policy #2.5, “Public Information & Media Relations”** (Attachment “C”), which establishes procedures and guidelines for the coordination and dissemination of information to the public on behalf of the City. In order to ensure accuracy and continuity of message, all departments will observe this policy, with particular attention to the following (Assigned to: All Departments):

All printed materials (fliers, posters, signs, pamphlets, brochures, advertisements, maps, presentation materials, etc.) designed for distribution to and/or viewing by the public shall be reviewed by the Public Information Officer prior to printing or copying.

Strategy: Ensure that the City’s Website contains current information and continue to enhance the site to improve user-friendliness

Actions:

- ◆ **Perform an audit of the City’s website** to ensure that it is user friendly and data rich, and identify areas where processes can be clarified (Assigned to: City Manager’s Office and the Community and Economic Development Department)
- ◆ **Review the City’s main web page daily** for current content and remove any outdated content immediately (Assigned to: City Manager’s Office)
- ◆ **Reactivate the City’s Media Liaison Team**
  - Update the current Media Liaison list to include one representative from each Department that is responsible to maintain the information on their department web pages (Assigned to: City Manager’s Office)
  - Team will participate in regular meetings (Assigned to: All Departments)
  - Team will work together to improve the utilization of social media sources (Assigned to: All Departments)
  - Solicit article ideas for submission to various business journals, government magazines, and other news media to promote City programs and events (Assigned to: All Departments)
  - Review the City’s *Brand & Style Guide* with all departments to ensure continued and consistent usage (Assigned to: All Departments)
  - Team will review information posted by the webmaster for accuracy (Assigned to: All Departments)

**Goal 2: Maximize media and communication resources to 1) better promote the City's many positive events, programs and services, 2) enhance the City's "Shop MoVal" program, and 3) advance Moreno Valley as a Best Place to do Business**

Strategy: Develop a retooled marketing plan (Assigned to: Community and Economic Development Department)

Actions:

- ◆ **Encourage cooperative marketing opportunities** with targeted area developers to attract tenants through outreach to media outlets and the community
- ◆ **Promote the vision that Moreno Valley is a Medical Community** as outlined in the Economic Development Action Plan adopted by City Council in April 2011 through creating media content for the City's website, developing public service announcements, and working with media outlets to distribute storylines detailing this development
- ◆ **Brand the City as a Best Place to do Business and as a Job Center**
- ◆ **Identify new publications and aggressively pursue publication** of City stories to print media in addition to the Press-Enterprise and working with editors to ensure they are published, including business journals (Assigned to: City Manager's Office and Community and Economic Development Department)
- ◆ Work with the Moreno Valley Chamber of Commerce to **videotape the featured speaker at the monthly Wake Up Moreno Valley** meetings for airing on MVTV-3 to promote local programs and businesses (Assigned to: City Manager's Office)
- ◆ **Develop a City media packet** with information on City staff and community data (Assigned to: City Manager's Office)
- ◆ **Billboard signage campaign** to fill unused billboard space to promote City information for free or at reduced costs. (Assigned to: Community and Economic Development Department)
- ◆ Work with the Moreno Valley Police Department to **establish a press release policy** identifying which events and actions warrant media notification. (Assigned to: City Manager's Office)
- ◆ MVTV-3 **video productions promoting local restaurants**, similar to current Spotlight on Business productions (Assigned to: City Manager's Office)

Strategy: Develop smartphone applications to improve communication and connectivity (Assigned to: Financial and Administrative Services Department)

Actions:

- ◆ **Establish a City committee** to develop the use of Smartphone applications
  - Assign at least one committee member from each department
  - Invite the Chambers of Commerce to participate
  - Survey City staff, community members, and other cities to identify desired smartphone applications specific to Moreno Valley such as:
    - Promoting City events
    - Connecting to City services such as reporting stray animals, graffiti, potholes, etc.
    - Crime tip reporting and online crime maps
    - Places to dine and stay

- ◆ **Explore cost sharing opportunities** for the development and maintenance of applications that include:
  - Public Safety related items, seek grants for federal funding opportunities (Assigned to: City Manager’s Office, Police and Fire)
  - Chamber of Commerce related items in order to create a “Things to do” and “Place to dine” section for the application (Assigned to: Community and Economic Development Department and City Manager’s Office)

Strategy: Create and maintain a Community Calendar

Actions:

- ◆ Work with the Chambers of Commerce to **establish a joint community calendar of events** (Assigned to: Community and Economic Development Department and City Manager’s Office).
- ◆ **Develop an online form** for businesses, non-profit organizations, homeowners associations, schools, etc. to easily submit information on community events that they are sponsoring (Assigned to: City Manager’s Office)
- ◆ **Promote the Community Calendar events** by distributing the calendar via the City’s e-mail database and ensure that the City’s Twitter account sends out information in a timely manner regarding these events (Assigned to: City Manager’s Office)

***Goal 3: Enhance our residents’ connection with City Government and demonstrate the value of City services***

The City will be proactive in communicating with the community rather than reactive. By taking a positive approach in the planning and execution of communicating with the community, the City will build a stronger rapport with our residents, business owners, and stakeholders. While the City currently offers a variety of ways for its citizens to provide input and learn about City services, it is imperative that the City continues to encourage residents and businesses to communicate both positive and negative issues with their Council representative and with City staff. It is also important to demonstrate the value of City services so that our residents understand and support local government.

Strategy: Enhance direct communications by the City Council and City Staff with the community (Assigned to: City Manager’s Office)

Actions

- ◆ **Establish Council Connection Town Hall meetings** within each City Council District promoting two-way communication with residents (Assigned to: City Manager’s Office and City Council Office)
  - Include meet and greet with Department Heads, remarks by the Council Member and City Manager, a presentation focusing on one topic (public safety, economic development, etc.), and a question & answer session.
  - Post all questions and answers from each Town Hall meeting on the City’s web site within on week.

- ◆ **Establish City and Business Connection Luncheons** in each Council District as an opportunity for business leaders to communicate with their Council Member (Assigned to: Community and Economic Development Department)
- ◆ **Develop and build an e-mail database** to distribute e-mail “blasts” to residents and businesses containing City news and events (Assigned to: City Manager’s Office)
- ◆ Investigate the **use of podcasting** City Council and Planning Commission meetings (Assigned to: City Manager’s Office)
- ◆ Convert “City Link” from a quarterly publication distributed as part of “Soaring” to a **monthly e-newsletter** (Assigned to: City Manager’s Office)
- ◆ **Include performance indicators** in City publications to celebrate accomplishments and educate residents about the benefits of City programs and services.

Strategy: Improve the City’s use of social networking

Actions

- ◆ **Increase the use of Facebook** by City Departments (Assigned to: City Manager’s Office)
- ◆ **Increase the number of City followers on Twitter** by providing “how to” training to staff to enhance City Departments’ use (Assigned to: All City Departments)
- ◆ Increase the community’s awareness and viewership of City Programming that is available on **YouTube** (Assigned to: City Manager’s Office)

***Media and Communications Toolbox***

The City uses a variety of interactive communication tools and techniques wherever and whenever possible to involve target audiences in the communications process. This aids in building the idea that this is not just the residents’ City or the businesses’ City but this is everyone’s City. Below is a list of the tools to be used by City staff to communicate effectively with both our primary and secondary target audiences.

- |                                      |   |   |
|--------------------------------------|---|---|
| ◆ Advertisements                     | ◆ Fact Sheet                                | ◆ Public service announcements                        |
| ◆ Booths at major events             | ◆ Facebook                                  | ◆ Publish articles in magazines and business journals |
| ◆ Brochures                          | ◆ Internet                                  | ◆ Radio talk programs                                 |
| ◆ Citizen surveys                    | ◆ Media packet                              | ◆ Town Hall meetings                                  |
| ◆ City Council meetings              | ◆ MVTV-3                                    | ◆ State of the City                                   |
| ◆ <i>City Link</i> e-newsletter      | ◆ New conferences                           | ◆ Council business luncheons                          |
| ◆ City website                       | ◆ Open house events                         | ◆ Twitter   |
| ◆ Comprehensive Annual Fiscal Report | ◆ Parks and Recreation <i>Soaring</i> guide | ◆ Utility Bill Insert                                 |
|                                      | ◆ Press releases                            | ◆ You Tube  |

## **Assessment**

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City Staff will periodically review and assess progress made in achieving the goals described in this Media and Communication Plan by measuring its success utilizing a variety of tools, including:

- ◆ Content of media coverage
- ◆ City Council surveys
- ◆ Communication and service awards
- ◆ Survey e-mail subscribers from the City's website
- ◆ News release totals
- ◆ Web visitors and Web analyses

## **Summary**

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The intent of this plan is to foster proactive communications with the Moreno Valley community and neighboring communities reflecting the many positive aspects of our City; to connect the public with the government by reaching out and establishing two-way communications through a variety of resources; to promote Moreno Valley as a *Best Place to do Business*; and to better control our message by ensuring that accurate information about Moreno Valley is distributed to the public. Every resident, business owner, and employee within the City “owns” a piece of Moreno Valley and it is the job of each of these stakeholders to promote our community as the place to be. This plan is a dynamic strategy that will serve as a road map to assist in this endeavor.

Attachment "A"

<b>Prioritized Goal #5: Enhance City Image</b>
Actions
1. Develop Media & Communications Strategy: <ul style="list-style-type: none"> <li>a. Increase use of Social Networks</li> <li>b. E-mail Blasts</li> <li>c. Expand Communication Outreach/ Networking</li> <li>d. District Town Hall Meetings</li> </ul>
2. Corridor Beautification Program

Further defined tasks, responsible department, and schedule:

<b>TASK</b>	<b>DEPARTMENT</b>	<b>SCHEDULE</b>
<b>Develop database of e-mail addresses to distribute immediate information to residents, businesses, and other agencies</b>	<b>CMgr</b>	<b>June 2011</b>
<b>Transition "City Link" newsletter to an on-line e-newsletter posted on the web site and automatically e-mailed to subscribed residents and businesses</b>	<b>CMgr</b>	<b>July 2011</b>
<b>Expand options for distributing City 2011 information to magazines and news outlets, promote the community and events via alternative publications and through attendance at various meetings</b>	<b>CMgr</b>	<b>September</b>
<b>Explore and discuss District Town Hall meetings with the Council, establish a schedule for quarterly or semi-annual events</b>	<b>CMgr</b>	<b>June 2011</b>
<b>Review options for a Citywide Corridor Beautification Program for Council consideration</b>	<b>PW</b>	<b>August 2011</b>



“Attachment B”  
Recommendations for Action Steps  
to Make Moreno Valley a “Best Place to do Business”

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Development Services

- Implement the use of “E-permitting” to accelerate the process of doing business in Moreno Valley
- Expand and strengthen business and development ombudsperson program to include new or expanding small businesses.
- Host quarterly workshops with contractors and developers aimed at improving development processes in Moreno Valley.
- Improve Pre-Project Review Staff Committee (PRSC) and PRSC process to include project management services to small business.
- Create consistent explanation (website and handouts) of codes and processes, and to provide clarity and coordination of development services processes.

Business Attraction

- Identify and form key industry leadership groups to create industry specific synergy in the community helping to mitigate any obstacles to business attraction and help develop strategies to attract industry related business and workforce, improve city processes, and evaluate policies that may require updating to support the objectives outlined in the Economic Development Action Plan.
- Explore policy development for the creation of a tiered Moreno Valley Electric Utility “Economic Development” rate structure and incentive program.

Business Retention and Expansion

- Develop ways to expand the Shop MoVal campaign to provide more exposure for local business and encourage increased business-to-business relationships.
- Pursue ways to increase local vendor preference, including expanding existing procurement policy.
- Implement a new meeting program with local businesses to discuss business opportunities. The Program would be held once a year in each Council District and include the opportunity to talk to the Councilmember, City Manager, and Community & Economic Development Director. The Program will compliment the existing Business Roundtable.
- Enhance the Business Resource Guide.

## Marketing and Communication

- Perform an audit of the City's website to ensure that it is user friendly and data rich, and identify areas where processes can be clarified.
- Develop a re-tooled marketing plan to incorporate the following:
  - Cooperative marketing opportunities with targeted area developers to attract tenants
  - Identifying the City as a medical community
  - Brand the City as a job center
- Create an e-newsletter or explore other communication methods to improve residents' and business' knowledge about what's happening in the City.
- Increase use of social media.
- Create and maintain a community calendar to include business networking and education opportunities as well as community events and meetings.
- Explore use of Smartphone apps for improved communication and connectivity.
- Encourage on going feedback (How are we doing?) by posting regular surveys on the city's website.

## Community Vitality

The best places to do business also reflect characteristics of the best places to live. These places tend to exude a "sense of place" reflected in aspects of quality of life including activity, arts and culture, and beauty in the environment.

- Explore additional community events- things to do.
- Explore idea of annual corporate sponsorship programs to create marketing value for local business and provide funding for community events.
- Enhance neighborhood groups by implementing community update meetings.

## "Attachment C"

City of Moreno Valley

General Management  
Policy #2.5  
Page 1 of 8

### PUBLIC INFORMATION & MEDIA RELATIONS

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**PURPOSE:** To provide procedures and guidelines for coordinating and disseminating information to the public on behalf of the City of Moreno Valley. The policy will be modified and expanded as necessary.

**STATEMENT:** The City of Moreno Valley shall provide timely and accurate information to keep the Council, staff and community apprised of pertinent City issues, services and events. The City shall utilize appropriate and effective means to communicate its messages to both general and target audiences. This policy contains guidelines that will achieve the City's communications objectives and facilitate a successful working relationship with the local and regional media.

**POLICY GOALS:**

- Fully utilize the news and special interest media, MVTV-3, City publications and the City Web site as an effective means of communicating with citizens and target groups (including business sector, community leaders, homeowner groups, City employees).
- Facilitate the timely flow of public information to appropriate media through an effective internal process that maximizes message consistency, factual accuracy and proper positioning.
- Educate the community about how government works and encourage citizen participation in the policy-making process.

**POLICY:**

**I. General Public Communications:**

- A. Letters and opinion surveys designed for mass distribution shall be reviewed by and coordinated with the City Manager's Office for content and format analysis and for placement strategies.
- B. All printed materials (fliers, posters, signs, pamphlets, brochures, advertisements, maps, presentation materials, etc.) designed for distribution to and/or viewing by the public shall be reviewed by the Public Information Officer prior to printing or copying.

**II. Federal Regulations for Newsletters and Mass Mailings:**

- A. FPPC Compliance: All newsletters and mass-distributed documents prepared at "taxpayers' expense" that are to be mailed or delivered to 200 or more residences or businesses in a single calendar month must comply with guidelines established by the Fair Political Practices Commission with respect to how elected officials are identified in these materials. (A complete copy of these regulations is printed in the California Code of Regulations, Title 2. Administration, S18901, et seq., and on file in the City Attorney's Office.) Following are the major guidelines and restrictions:
  - 1. A newsletter may include an article which references the name of a City Council member only if the Council has no control or review authority over the content of that newsletter. (This "independence" test is not violated if the Council merely approves a budget item to fund the newsletter, hires the staff to produce it, and dictates the frequency that the newsletter will be distributed.) If City staff determines that the independence test has been met, then they may include references regarding the activities of Council members as long as their names are not "featured."

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**PUBLIC INFORMATION & MEDIA RELATIONS**

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- a. "Featured" is defined as "...singles out the elected officer by the manner of display of his/her name or office in the layout of the document, such as by headlines, captions, type size, typeface, or type color." Therefore, except for the roster listing of all of the Council members or use of letterhead, the name of an elected officer may not be set apart from the text, such as indicating that the author of the article was an elected official by putting their name in the caption to the article.
  - b. The name or office of a Council member may not be in the headlines of the article, because the type size and typeface of that heading is different from the type size and typeface of the text of the article.
  - c. The definition of "featured" also provides that the item distributed may not include the Council member's photograph or his/her signature.
- 2. The City or a Council member may send out informational notices on City stationery which meet the 200-per-month threshold as long as such notices do not reference the name of that elected official in the heading, text or by use of his/her signature. It may, however, be permissible to include the name of that elected official in the text of that notice printed on the City stationery as long as it was not prepared or sent in cooperation, consultation, coordination or in concert with that elected officer and it does not "feature" his/her name.
  - 3. FPPC regulations allow Council members to send a letter which "features" their name by the manner of its display or by use of their photo or signature if it is a press release or editorial sent to members of the media. Therefore, there is no limitation on the content or format of any document sent only to members of the media. In addition, the number of copies of a mailing which is sent to the media is excluded from the 200-per-month threshold level.
  - 4. The FPPC has opined that the intent of the guidelines governing printed material also applies to video productions prepared at taxpayer expense; a Council member may not be featured in such video production in any way that may be construed as promotion of the Council member. The role of an elected official in a tax-supported video production must be limited to educating and informing the public, to retain FPPC compliance.

III. **Media Response Philosophy:**

- A. **Timely and Accurate Responses:** The City encourages accurate press coverage of programs, events and decisions which could be of interest and impact a significant segment of the community. In this regard, the City and the media have a mutual responsibility to provide accurate, objective information of City affairs to City residents. Inquiries from the news media are to be given a high priority and be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and to ensure that all information released is accurate and messages properly developed.

IV. **Press Releases:**

Press releases are any official written or verbal announcements initiated by City Hall to the media regarding official City business.

- A. **Responsibility.** All media releases relative to major citywide policies and actions shall be prepared and distributed by the City Manager's Office. Other departments that may prepare their own releases include:

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**PUBLIC INFORMATION & MEDIA RELATIONS**


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1. Parks & Community Services Department, promoting special recreational and cultural activities.
  2. Police and Fire departments, providing fast-breaking news updates regarding major police and fire activity.
- B. Assistance. Upon request, the City Manager's Office will provide assistance with media releases prepared by those above. Other departments requiring press releases or technical assistance in preparing press releases should provide the CMO with written information pertaining to the topic as well as any special distribution list.
- C. Release Preparation & Format. Press releases shall be prepared according to the City's established format. Releases are kept on file in the City Manager's Office. A copy of all media releases distributed by any unit outside of the City Manager's Office should be forwarded to the City Manager's Office, which in turn will maintain a master file of press releases.
- V. **Release of Information Pertaining to Significant Issues & Events:**
- A. Definition of Issues. It is the responsibility of department directors to notify the City Manager of significant events or issues which occur within their departments which may be of major interest to the general public or media. Such issues include, but are not limited to:
    1. An event/issue in an operating department or program that is controversial.
    2. Injury or death of a City employee while on or off official duty.
    3. Major malfunctions of a City facility which could impact the general welfare of the public or environment.
    4. An unexpected work stoppage or inability to provide a critical City service.
    5. The arrest or conviction of a City employee which may impact that individual's ability in successfully carrying out his/her professional responsibility.
    6. Major police or fire activities. *(Note: This is handled through the City's Emergency Notification Policy.)*
  - B. Reporting Procedure. Once receiving the information, the City Manager will determine if it is necessary to contact the City Council, other department directors and the City's Public Information Officer. If public release of information is deemed appropriate, the City Manager, in consultation with the department director and the Public Information Officer, will determine the most appropriate mechanism in notifying the press.
  - C. Back-up Procedure. If the City Manager is unavailable, the department director should contact the Assistant City Manager, then the Public Information Officer directly for dissemination of information. On those occasions when neither of these individuals or an acting City Manager is available, the department director should use his/her own judgment in releasing information to the press on fast-breaking news stories.

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Approved by: City Manager  
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**PUBLIC INFORMATION & MEDIA RELATIONS**

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**VI. Who Responds to Media Inquiries:**

- A. Spokesperson. The City Manager will respond directly or designate a media spokesperson to respond to an issue of major public significance to ensure that the information is disseminated quickly and accurately to all interested media sources. When such a designation is made, the City Manager will notify the appropriate department director(s) and the Public Information Officer to forward all inquiries regarding the particular issue to the appointed spokesperson.
- B. Media Contacts to Staff. Non-management employees shall refer media inquiries to their department heads. A department director may delegate an employee to respond to an inquiry because of her/his involvement with an event or issue. In such cases, the staff member should work with the department director and Public Information Officer before the interview to develop appropriate responses to anticipated questions.
- C. City Council. Whenever possible, Council members are encouraged to notify the City Manager or Public Information Officer when they are approached by the media. Especially when having to respond to controversial issues, Council members are encouraged to review the issue with the City Manager and Public Information Officer to formulate their response.
- D. Public Safety. The Disaster Director (City Manager or Assistant City Manager) will work with the Public Information Officer to develop media responses in the event of major emergencies and disasters. A more detailed description of emergency public information procedures are contained in the City's Standard Operating Procedures (SOP).
- E. Police & Fire Issues. Whenever there is a fast-breaking story involving a major police/fire activity, the first media contact is the Police or Fire Chief or his/her designee, followed by the City Manager, public safety liaison and the Public Information Officer.

Throughout the entire chain of responsibility, it is essential that each individual involved in providing information to the media is kept abreast and briefed on the status of the event as it occurs. The chain of command can be modified to expedite release of crucial information.

**VII. What to Do When Contacted by the Press:**

All media inquiries received by staff should be responded to as quickly as possible, keeping in mind the frequent deadlines that are often imposed upon the working media. Clerical staff should be instructed to give priority to media calls by alerting their respective department head of media inquiries.

- A. Determine Nature & Focus of Story. It is important to determine the focus of the story as well as the specific information desired by the reporter. What may seem to be an "innocent" information request, oftentimes can turn out to be a front-page story, distorting the data supplied by the City. That's why it is always important to determine the reporter's focus and slant.
- B. Notification Procedure. Any staff member (management or non-management) who responds to a media inquiry, provides an interview, appears on a radio or television program, etc., shall notify his/her immediate supervisor, the department director, the City Manager and the Public Information Officer either by phone or written memo.

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**PUBLIC INFORMATION & MEDIA RELATIONS**

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Regarding controversial matters, the City Manager and/or Public Information Officer must be consulted before conducting the interview. This gives the spokesperson the opportunity to review anticipated questions and to formulate and properly position appropriate responses.

Departments which have on-going daily contact with the media are not required to follow the notification procedure for every media contact, only those which involve significant issues of concern.

**VIII. Media Etiquette:**

There are some very important "do's" and "don'ts" that should be observed in strengthening the relations between City Hall and the local media.

- A. Responding to Council Actions. Staff should not publicly make judgmental comments regarding individual Council members, Council actions, City administration or official City policy when responding to media inquiries. Staff should also refrain from anticipating an action or position which has not been formally taken by the City Council or City. Any inquiry regarding "why" an individual Council member voted in a particular manner on a specific issue should be forwarded to the Council member in question.
- B. Scope of Response. Staff members should not respond to media inquiries which are not directly related to carrying out the employee's professional responsibilities. If such a media inquiry is made, the staff members should assist the media in receiving the needed information by referring the source to the appropriate program manager or the Public Information Officer..
- C. Inaccurate Information. The media should not be intentionally misled or provided inaccurate information by a staff member regarding any City policy or event. Such tactics can lead to "city bashing," media skepticism and unwanted investigations.

**IX. Public vs. Confidential Issues:**

Most City records and official City meetings are open to the public and media. The media are no more or less privileged than the general public in being provided access to City Council meetings and City records. While City operations need not be disrupted or extraordinary accommodations made to provide access to public records, it should be emphasized that adequate information provided to the media or the public is beneficial both to citizens and the City in carrying out its public information efforts.

- A. Attendance at Meetings. The media and public are encouraged to attend and report on actions taken at Council meetings, study sessions, as well as regularly scheduled committee and commission meetings.
- B. Closed Sessions. Public and media attendance is not allowed at closed Council sessions dealing with litigation, security, negotiations or personnel-related matters.
- C. Public Records. The media and the general public shall be provided access to all records or proceedings which have been deemed to be of a public nature including:
  - 1. Written and taped proceedings of City Council meetings, committee and commission meetings, special ad hoc committee meetings and public hearings.
  - 2. Official City contracts and resolutions.

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**PUBLIC INFORMATION & MEDIA RELATIONS**


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3. Public Safety summary, including the following information:
    - a. crime reports
    - b. booking information
    - c. traffic collision reports
    - d. fire reports (accidents causing death, injury, severe damage)
    - e. fire inspection records for public assembly facilities
  4. Salary grades of City employees, upon request.
  5. FPPC/conflict of interest disclosure statements filed by the Council, commissioners and affected City staff.
  6. Interoffice correspondence that is not in draft form and does not address a personnel or confidential legal matter.
- D. Closed Records. City records that constitute an unwarranted invasion of individual privacy or involve confidential legal matters of City litigation are usually exempt from public disclosure. Such records include:
1. Personnel or medical records of City employees, including performance evaluations, background checks, disciplinary action, and such similar records.
  2. Actual proceedings of closed Council sessions. (The media can be told whether the Council will be discussing a litigation or personnel issue.)
  3. Preliminary labor negotiations leading up to labor contracts. Once executed, all employment contracts--both individual and union--become public records.
  4. Certain police/fire records, including juvenile records, prior criminal records or information regarding the character or reputation of an accused individual in a criminal action; and certain fire investigation records.
  5. Draft correspondence, including preliminary notes not yet finalized.
  6. Records pertaining to pending City litigation in which the City is a party.
  7. Confidential memos between the City Attorney and City officials/staff.
- NOTE:** In situations where there is a discrepancy or uncertainty on the part of a City employee regarding release of an official record to the media, the City Attorney should be contacted to make the final determination. Specific categories of records may be exempted by the Public Records Act.
- E. Litigation Issues. Staff members shall not respond to media inquiries regarding an issue involving City litigation or render personal or legal opinions on City policies or activities. If an employee is in doubt, the City Attorney should be contacted for clarification before responding to a media inquiry.

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**PUBLIC INFORMATION & MEDIA RELATIONS**

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**X. Correcting Misinformation:**

The City has an obligation to clarify or correct any information released by the media which contains inaccuracies or quotes taken out of context relating to a City issue.

- A. Factual Discrepancies. The Public Information Officer shall contact the media when a story has been published or aired containing factual error which significantly impacts the public's perception of the issue being addressed. Managers are encouraged to notify the Public Information Officer immediately when they believe incorrect information is being communicated by the press regarding a City issue or program.
- B. Editorial Discrepancies. Managers should contact the Public Information Officer when there is evidence that a specific editorial comment or news story has been published or aired which does not appropriately represent a balanced perspective of the issue being discussed. The City Manager, in consultation with the Public Information Officer, will determine when an official City rebuttal or response is appropriate.
- C. Letters to the Editor. Department directors who believe an official City rebuttal is warranted regarding a news story should discuss the issue with the City Manager's Office. They will determine if a response is appropriate, as well as who should prepare and sign the letter. The City Manager must authorize and review all letters sent to editors on official City letterhead and/or by an employee who is acting in an official capacity commenting on City issues or programs.
- D. Responding as Private Citizens. City employees who choose to contact, initiate or respond to City-related news stories as private citizens shall not prepare such responses on City time, by City phones, on City stationery, or mail at City expense. Responses or letters shall not state or imply that the response is on behalf of the City. Use of City facilities or supplies is prohibited. These guidelines also apply to employees responding to or initiating press contacts as official representatives of City-sanctioned employee groups.

**XI. Public Meeting Notification:**

Public notices are any printed official announcement which notifies the community of a scheduled public meeting or hearing. The announcement can take the form of a flyer, legal notice or form letter for mass distribution. A copy of all printed notices should be submitted to the City Manager's Office.

- A. Public Meetings. Departments will be responsible for developing and disseminating notices announcing public meetings and hearings. Most affected are the City Clerk's Office, the Community Development Department, the Economic Development Department, the Redevelopment Agency, and the Public Works Department. The City Manager's Office will lend editorial graphics assistance in developing the notices.
- B. Agenda Notification. City Council agendas shall be made available to the public prior to Council meetings at the City Clerk's Office, at public facilities designated by the Clerk and the City's Web site. Copies shall be made available to the news media at the City Clerk's Office.

**XII. Advertising:**

- A. Display Advertising. The City Manager's Office coordinates development and placement of media advertising to promote City programs, services, events and issues. All requests for advertising must be

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**PUBLIC INFORMATION & MEDIA RELATIONS**

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submitted to the City Manager's Office, which will coordinate copy development, graphic design and media placement with the requesting department. This policy does not apply to employment and legal advertising, which will be coordinated by the appropriate departments (i.e., Human Resources and City Clerk, respectively).

- B. Public Service Announcement. The City Manager's Office is the central coordinator for developing and placing public service announcements with the broadcast media (radio, TV and cable). PSA spots are announced free by the media as a community service. Two-to-three-week lead times are desired by most stations. All requests for PSAs must be submitted to the City Manager's Office, which will coordinate copy development and placement with the requesting department.

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**MORENO VALLEY**  
WHERE DREAMS SOAR

*City of Moreno Valley*

# **Media and Communications Strategy**

*Presented By: City Manager's Office  
November 8, 2011*

- **May 2011 Goal Setting Workshop**
- **July 2011 “Best Place to Do Business” action steps**

## **Prioritized Goal #5: Improve MV’s Image**

- ✦ **Negative image not reflective of positive reality.**
- ✦ **Improvement needed in communications.**

### **Develop Media & Communications Strategy:**

- **Increase use of Social Media**
- **E-mail Blasts**
- **Expand Communication Outreach/ Networking**
- **District Town Hall Meetings**

# **Goal 1: Distribute Information that is Accurate**

## **Strategy: Ensure Continuity of Message**

-  **Review all printed materials**

## **Strategy: Enhance the Website**

-  **Audit for content and user-friendliness**
-  **Update the main web page daily**
-  **Reactivate the Media Liaison Team**




### **Strategy: Update the Marketing Plan**

- **Partner with local developers**
- **Expand article placements**
- **Media Packet**
- **Billboard space**
- **Press Release Policy**
- **MVTV-3: Chamber Wake-up speakers and a local restaurant production**

## Strategy: Develop Smartphone Apps

-  Smartphone App Team to ID desired apps
-  Team will collaborate with the Chambers

## Strategy: Create a Community Calendar

-  Establish Calendar with Chambers of Commerce
-  Online form for submittal of community events
-  Promote events by calendar distribution

## **Goal 3: Enhance Connections and Demonstrate value**

### **Strategy: Facilitate Direct Communications**

- ❖ **Town Hall Meetings, Business Connection Luncheons**
- ❖ **Email database of e-blast subscribers**
- ❖ **Convert CityLink**
- ❖ **Include performance indicators in publications**



## **Goal 3: Enhance Connections and Demonstrate value**

### **Strategy: Utilize Social Networking**

- ❖ **Increase followers of City social network sites:  
Facebook and Twitter**
- ❖ **Train City Departments to post updates**
- ❖ **Increase viewership of City Programming on YouTube**

# **Media and Communications Strategy**

# CITY MANAGER'S REPORT

**(Informational Oral Presentation only –  
not for Council action)**

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