

AGENDA

**NOTICE AND CALL OF SPECIAL 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**

June 14, 2011

**SPECIAL MEETING – 5:00 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.

Richard A. Stewart, Mayor

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

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

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

**SPECIAL MEETING - 5:00 PM
REGULAR MEETING – 6:30 PM
JUNE 14, 2011**

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District and the Community Redevelopment Agency of the City of Moreno Valley will be held on June 14, 2011 commencing at 5:00 PM followed by a Regular Meeting at 6:30 PM in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

Said special meeting shall be for the purpose of:

*All Items on this Agenda, Except for those Items Indicating they are to be Considered on the Regular Meeting Agenda.

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

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

AGENDA
June 14, 2011

9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MAY 24, 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 May 18 - June 7, 2011.

A.4 TRACT MAP 22709 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: D.R. HORTON, F.K.A WESTERN PACIFIC HOUSING, INC., IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-44 authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system; and

Resolution No. 2011-44

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 22709, and Accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the Portion of John F. Kennedy Drive Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

- A.5 PA04-0010 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: ONE MORENO VALLEY 240 LP, LONG BEACH, CA 90802 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-45 authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system; and

Resolution No. 2011-45

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA04-0010, and Accepting the Portion of Perris Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.6 TRACT MAP 22709-1 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE, AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: D.R. HORTON F.K.A. WESTERN PACIFIC HOUSING, INC., IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-46 authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system; and

Resolution No. 2011-46

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 22709-1, and Accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the Portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 TRACT MAP 31327 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: D.R. HORTON F.K.A. WESTERN PACIFIC HOUSING INC., IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-47 authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system; and

Resolution No. 2011-47

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31327 and Accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the Portions of Alessandro Avenue, Morrison Street and Bay Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.8 FINAL MAPS 29920, 29920-1, 29920-2, AND 29920-3--APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN CITY OF MORENO VALLEY AND PACIFIC MORENO VALLEY, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the Maintenance Agreement by and between the City of Moreno Valley (City) and Pacific Moreno Valley, Inc.;
2. Authorize the Mayor to execute the Maintenance Agreement;
3. Authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement;
4. Authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement;
5. Authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney; and
6. Authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation.

A.9 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) (Report of: Public Works Department)

Recommendation:

1. Acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) ("CFD No. 87-1") approve and adopt the following: Resolution No. 2011-48 to accept and approve the Special Tax Report for fiscal year (FY) 2011/12 regarding CFD No. 87-1; and

Resolution No. 2011-48

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Special Tax Report for Fiscal Year 2011/12 Regarding Community Facilities District No. 87-1 (Towngate)

2. Approve and Adopt Resolution No. 2011-49 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1.

Resolution No. 2011-49

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 87-1 (Towngate) of the City of Moreno Valley, Approving the Submittal of an Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 87-1

A.10 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1 (Report of: Public Works Department)

Recommendation:

1. Acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) Improvement Area No. 1 ("CFD No. 87-1, Improvement Area No. 1") approve and adopt the following: Resolution No. 2011-50 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12 for CFD No. 87-1 Improvement Area No. 1; and

Resolution No. 2011-50

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Report for Fiscal Year 2010/11 Regarding Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1

2. Resolution No. 2011-51 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1.

Resolution No. 2011-51

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1 of the City of Moreno Valley, Approving the Submittal of the Annual Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 87-1 Improvement Area No. 1

A.11 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 3 (AUTO MALL REFINANCING) (Report of: Public Works Department)

Recommendation:

Acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 3 (Auto Mall Refinancing) (“CFD No. 3”), approve and adopt Resolution No. 2011-52 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12, on file in the office of the City Treasurer.

Resolution No. 2011-52

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Special Tax Report for Fiscal Year 2011/12 Regarding Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing)

- A.12 APPROVAL AND ACCEPTANCE OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 4—MAINTENANCE FOR FISCAL YEAR 2011/12 (Report of: Public Works Department)

Recommendation:

Acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 4—Maintenance (“CFD No. 4—M”) approve and adopt Resolution No. 2011-53 to accept and approve the Annual Special Tax Report for CFD No. 4—M for fiscal year 2011/12.

Resolution No. 2011-53

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Annual Special Tax Report for Fiscal Year 2011/12 Regarding Community Facilities District No. 4-Maintenance

- A.13 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR FISCAL YEAR 2011/12 REGARDING MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 5 (Report of: Public Works Department)

Recommendation:

1. Acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 5 adopt the following: Resolution No. 2011-54 to accept and approve the Annual Special Tax Report for fiscal year 2011/12 regarding Community Facilities District No. 5.

Resolution No. 2011-54

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Annual Special Tax Report

for Fiscal Year 2011/12 Regarding Community Facilities District No. 5

2. Adopt Resolution No. 2011-55 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5.

Resolution No. 2011-55

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 5 of the City of Moreno Valley, Approving the Submittal of the Annual Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5

- A.14 PA04-0004 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS, SOUTHWEST CORNER OF BAY AVENUE AND PAN AM BOULEVARD, DEVELOPER: MOVAL BAY APARTMENTS, L.P., IRVINE, CA 92614 (Report of: Public Works Department)

Recommendation:

1. Authorize the acceptance of certain public improvements associated with the project; and
2. Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor bond associated with project PA04-0004 for public improvements.

- A.15 AUTHORIZE THE FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR STATE ROUTE 60/MORENO BEACH DRIVE INTERCHANGE AND NASON STREET OVERCROSSING IMPROVEMENTS -- PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014;
2. Authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc.; and

3. Authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling \$723,267.77 to be funded from Account Nos. 415.70024 (\$323,918.50) and 897.91728 (\$399,349.27) and authorize the issuance of a purchase order for \$461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for \$1,184,976.41 brings the not-to-exceed contract total to \$4,826,047.86.

A.16 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE - PROJECT NO. 08-41678827 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder;
2. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc.; on behalf of the City;
3. Authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of \$363,398.74 (\$315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties;
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of \$47,399.84, subject to the approval of the City Attorney; and
5. Authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011.

A.17 ADOPTION OF THE PRIORITIZED GOALS AND ACTION PLAN DEVELOPED IN THE CITY COUNCIL GOAL SETTING WORKSHOP (Report of: City Manager's Office)

Recommendation:

Adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop.

A.18 GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB)
AGENDA
June 14, 2011

STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) (ALSO LISTED AS B7 & C3)

Recommendation:

1. Adopt Resolution No. 2011-62, classifying the various components of fund balance as defined in GASB Statement No. 54; and
Resolution No. 2011-62

A Resolution of the City Council of the City of Moreno Valley, California, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

2. Designate the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance for inclusion in the annual financial reports.

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 MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

B.3 APPROVAL AND ACCEPTANCE OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 (Report of: Public Works Department)

Recommendation:

Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") and as the legislative body of Community Facilities District No. 1 ("CFD No. 1" or "District") approve and adopt Resolution No. CSD 2011-08 to accept and approve the CFD No. 1 Annual Special Tax Report for fiscal year 2011/12, which is on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 1.

Resolution No. CSD 2011-08

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Accepting and Approving the Community Facilities District No. 1 Annual Special Tax Report for Fiscal Year 2011/12

- B.4 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-1/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-1 (TOWNGATE) AND E-1A (RENAISSANCE PARK) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for CSD Project E-1/11 (the “Agreement”) with Marina Landscape Inc.;
2. Authorize the President of the CSD Board to execute said Agreement with Marina Landscape Inc., and;
3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to Marina Landscape Inc., in the amounts of:

NINETY-SEVEN THOUSAND NINE HUNDRED AND SIX AND 80/100 DOLLARS (\$97,906.80) for twelve (12) months of base maintenance services and;

NINE THOUSAND SEVEN HUNDRED NINETY AND 68/100 DOLLARS (\$9,790.68) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

- B.5 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-4/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-4 (MORENO VALLEY RANCH - EAST) AND E-4A (DAYBREAK) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for CSD Project E-4/11 (the “Agreement”) with TruGreen Landcare;
2. Authorize the President of the CSD Board to execute said Agreement with TruGreen Landcare, and;
3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to TruGreen Landcare, in the amounts of:

ONE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED AND SIXTY-FOUR AND 76/100 DOLLARS (\$179,564.76) for twelve (12) months of base maintenance services and;

FOURTEEN THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$14,800.00) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

- B.6 FIRST EXTENSION OF CONTRACT - PROJECT NO. E-3/10 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - MORENO VALLEY RANCH-WEST (ZONE E-3) AND LASSELLE POWERLINE PARKWAY (ZONE E-3A) (CONTINUED FROM MAY 24, 2011) (Report of: Public Works Department)

Recommendation:

1. Approve the first Extension Agreement for CSD Project No. E-3/10 to extend the term of the contract for an additional one-year period;
2. Authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc., San Clemente, California; and
3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Bemus Landscape, Inc., in the amounts of:
 - a.) ONE HUNDRED THIRTY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$139,500.00) for twelve months of base maintenance service, and
 - b.) THIRTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS (\$13,260.00) for anticipated Additional Work per Section 5 of the first Extension Agreement.

- B.7 GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) (ALSO LISTED AS A18 & C3)

Recommendation:

Adopt Resolution No. CSD 2011-22, classifying the various components of fund balance as defined in GASB Statement No. 54.

Resolution No. CSD 2011-22

A Resolution of the Moreno Valley Community Services District, Classifying

the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

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 MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

C.3 GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) (ALSO LISTED AS A18 & B7)

Recommendation:

Acting in its capacity as the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. 2011-09, classifying the various components of fund balance as defined in GASB Statement No. 54.

Resolution No. RDA 2011-09

A Resolution of the Moreno Valley Community Services District, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

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 MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

E. PUBLIC HEARINGS

ALL PUBLIC HEARING ITEMS TO BE CONSIDERED UNDER THE REGULAR MEETING AGENDA

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 FIRST AMENDMENT - AQUABELLA DEVELOPMENT AGREEMENT (P11-029) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Conduct a public hearing and subsequently introduce Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

Ordinance No. 825

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a First Amendment to the Aquabella Development Agreement (P11-029) to Remove Planning Area 2

E.2 PUBLIC HEARING TO CONSIDER APPROVING THE CONTINUANCE OF CURRENT MORENO VALLEY COMMUNITY SERVICES DISTRICT ANNUAL PARCEL CHARGES PROPOSED FOR FISCAL YEAR 2011/12 (Report of: Public Works Department)

Recommendation: That the CSD:

1. Conduct a Public Hearing to approve and adopt the following proposed resolutions:

Resolution No. CSD 2011-09

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone A (Parks and Community Services) Services During Fiscal Year 2011/2012

2. Approve and adopt the proposed Resolution No. CSD 2011-10;

Resolution No. CSD 2011-10

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone B (Residential Street Lighting)

Services During Fiscal Year 2011/2012

3. Approve and adopt the proposed Resolution No. CSD 2011-11 (Zone C);

Resolution No. CSD 2011-11

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone C (Arterial Street Lighting and Intersection Lighting) Services During Fiscal Year 2011/2012

4. Approve and adopt the proposed Resolution No. CSD 2011-12 (Zone D);

Resolution No. CSD 2011-12

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone D (Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

5. Approve and adopt the proposed Resolution No. CSD 2011-13 (Zone E);

Resolution No. CSD 2011-13

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E (Extensive Landscape Maintenance) Services During Fiscal Year 2011/2012

6. Approve and adopt the proposed Resolution No. CSD 2011-14 (Zone E-1A);

Resolution No. CSD 2011-14

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-1A (Renaissance Park – Internal Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

7. Approve and adopt the proposed Resolution No. CSD 2011-15 (Zone

E-3A);

Resolution No. CSD 2011-15

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-3A (Lasselle Powerline Parkway Internal Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

8. Approve and adopt the proposed Resolution No. CSD 2011-16 (Zone E-4A);

Resolution No. CSD 2011-16

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-4A (Daybreak Development – Internal Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

9. Approve and adopt the proposed Resolution No. CSD 2011-17 (Zone M);

Resolution No. CSD 2011-17

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone M (Commercial/Industrial/Multifamily Improved Median Maintenance) Services During Fiscal Year 2011/2012

10. Approve and adopt the proposed Resolution No. CSD 2011-18 (ZoneS);

Resolution No. CSD 2011-18

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone S (Sunnymead Boulevard Maintenance) Services During Fiscal Year 2011/2012

E.3 PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT

PROPOSED FISCAL YEAR (FY) 2011/2012 ANNUAL RATES (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice; and
2. Adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."

Resolution No. 2011-56

A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll

E.4 PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE CITY OF MORENO VALLEY FOR FISCAL YEAR 2011-12 (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public comments on the City's appropriations limit for Fiscal Year 2011-12; and
2. Adopt Resolution No. 2011-57 establishing the appropriations limit at \$89,463,807 for the City of Moreno Valley for Fiscal Year 2011-12.

Resolution No. 2011-57

A Resolution of the City Council of the City of Moreno Valley, California, Establishing the Appropriations Limit for Fiscal Year 2011-12

E.5 PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT FOR FISCAL YEAR 2011-12 (Report of: Financial & Administrative Services Department)

Recommendation: That the CSD:

1. Conduct a Public Hearing to receive public comments on the Moreno Valley Community Services District's appropriations limit for Fiscal Year 2011-12; and
2. Adopt Resolution No. CSD 2011-19 establishing the appropriations limit at \$14,416,480 for the Moreno Valley Community Services District for Fiscal Year 2011-12.

Resolution No. CSD 2011-19

A Resolution of the Moreno Valley Community Services District
Establishing the Appropriations Limit for Fiscal Year 2011-12

- E.6 A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE MUNICIPAL CODE (PA10-0035) TO IMPLEMENT NEW DESIGN STANDARDS TO COMPLY WITH THE 2010 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

1. RECOGNIZE that PA10-0035 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and
2. Introduce Ordinance No. 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4).

Ordinance No. 826

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

- E.7 HEARING ON PROPOSED RESOLUTION OF NECESSITY, TO MAKE FINDING AND DETERMINATION AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT OF WAY FOR THE PERRIS BOULEVARD WIDENING FROM IRONWOOD

AVENUE TO MANZANITA AVENUE PROJECT - PROJECT NO. 11-41570225 (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing;
2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan;
3. Find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt;
4. Find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity;
5. Find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct;
6. Adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; That the Acquisition and Taking of the Easements In the Herein-Described Property is Necessary for the Project; That the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Properties [APN NOs: 474-

064-001, 474-120-008, and 474-120-024]; and

Resolution No. 2011-58

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easement in the Herein-Described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property

7. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

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

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a) Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG) (Informational Oral Presentation - not for Council action)

G.2 RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) 60/215 EAST JUNCTION CONSTRUCTION PROJECT (Informational Oral Presentation - Not for Council Action)

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

Recommendation: That the City Council:

Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail

ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

- G.4 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED SUB-ZONES FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE (Report of: Public Works Department) ***ITEM TO BE CONSIDERED UNDER THE REGULAR MEETING AGENDA***

Recommendation: That the City Council:

Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for the proposed increase in the CSD Zone E annual parcel charge for Zone E-1 (TownGate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East) landscape areas.

- G.5 ADOPTION OF A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CALPERS CONTRACT TO PROVIDE THE 2% AT AGE 55 AND THREE YEARS HIGHEST AVERAGE COMPENSATION CALCULATION RETIREMENT BENEFITS FOR NEWLY HIRED EMPLOYEES STARTING ON AUGUST 19, 2011, AND CONDUCT THE FIRST READING OF THE RELATED ORDINANCE AS REQUIRED BY CALPERS (Report of: Human Resources Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-59 , to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the City Council City of Moreno Valley

Resolution No. 2011-59

A Resolution of the City Council of the City of Moreno Valley, California, to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the City Council City of Moreno Valley

Ordinance No. 828

An Ordinance of the City 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

G.6 ADOPTION OF FY2011/12-2012/13 OPERATING BUDGET
(SUPPORTING MATERIALS PROVIDED UNDER SEPARATE COVER)
(Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-60, approving the Operating Budget for the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

Resolution No. 2011-60

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Operating Budget for Fiscal Years 2011/12 – 2012/13

2. Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2011-20, approving the Operating Budget for the Moreno Valley Community Services District for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

Resolution No. CSD 2011-20

A Resolution of the Moreno Valley Community Services District, Adopting the Operating Budget for Fiscal Years 2011/12-2012/13

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-07, approving the Operating Budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

Resolution No. RDA 2011-07

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California Adopting the Operating Budget for Fiscal Years 2011/12-2012/13

4. Approve the position control as detailed on pages 3-7 in the Proposed Operating Budget Book presented as Attachment A; and
5. Approve the elimination of Fire Truck 58 in FY 2011/12 and direct staff to reserve the additional \$1.2 million in savings for the purchase

of a fire engine and the balance of savings for the operating costs to open the Morrison Park Fire Station.

G.7 ADOPTION OF FY 2011/12 CAPITAL IMPROVEMENT PLAN (Report of: Public Works Department)

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A");

Resolution No. 2011-61

A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Capital Improvement Plan for Fiscal Year 2011-12

2. Acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2011-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"); and

Resolution No. CSD 2011-21

A Resolution of the Moreno Valley Community Services District, Adopting the Capital Improvement Plan for Fiscal Year 2011-12

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

Resolution No. RDA 2011-08

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California adopting the Capital Improvement Plan for

Fiscal Year 2011-12

G.8 4TH OF JULY PARADE AT A REDUCED COST (STEWART)

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

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

H.1 .1 INTRODUCTION OF ORDINANCE NO. 827 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS (Report of: Public Works Department)

Recommendation: That the City Council:

Waive the reading of Ordinance No. 827, in its entirety and read by title only (roll call required) and introduce Ordinance No. 827 an Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

Ordinance No. 827

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.10 Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations

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

ITEM UNDER THE REGULAR MEETING AGENDA

Those wishing to speak should complete and submit a BLUE speaker slip to the

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

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

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

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

Number of Cases: 5

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

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential
Management Employees

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

ADJOURNMENT

**MINUTES
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
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)**

**REGULAR MEETING - 6:30 PM
MAY 24, 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 6:33 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Robin N. Hastings

INVOCATION - Rev. Dennis Krueger, Shepherd of the Valley Lutheran Church

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
Cindy Miller	Executive Assistant to the Mayor/City Council
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Chad Bianco	Police Lieutenant
Abdul Ahmad	Battalion Chief
Chris Vogt	Public Works 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 Stewart opened the Consent Calendar agenda items for public comments, which were received from David Zeitz (A10), Ms. Smith (B4), Deanna Reeder (A10, A17, and C4), Carolyn Defazio (A10), Ronald Meyers (A10), and Marcia Amino (B3).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MAY 10, 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 May 4-17, 2011.

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

Recommendation:

Adopt Resolution No. 2011-37, approving the Check Register for the month of March, 2011 in the amount of \$10,905,638.09.

Resolution No. 2011-37

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

A.5 TRACT MAP 29857-1 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF IRIS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: IRIS PARTNERS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-38 authorizing the acceptance of the public improvements within Tract Map 29857-1 as complete and

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accepting the portion of Iris Avenue associated with the project into the City's maintained street system; and

Resolution No. 2011-38

A Resolution of the City Council of the City Of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 29857-1, and Accepting the Portion of Iris Avenue Associated with the Project Into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.6 APPROVE THE AMENDED SOLAR INITIATIVE PROGRAM FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:

1. Approve the amended Moreno Valley Electric Utility (MVU) Solar Initiative Program, and the MVU Solar Incentive Program Overview and Guidelines; and
2. Authorize the Electric Utility Manager to implement and administer the MVU Solar Initiative Program and execute corresponding agreements.

A.7 PA10-0028 – APPROVAL OF PROPOSED RESOLUTION FOR A SUMMARY VACATION OF A PORTION OF BRODIAEA AVENUE WEST OF GRAHAM STREET LOCATED ALONG A PORTION OF PARCEL 3 OF PARCEL MAP 32326 AND A PORTION OF LOT 8 OF MAP 1 OF THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, NORTH SIDE OF BRODIAEA AVENUE WEST OF GRAHAM STREET, DEVELOPER: RIDGE MORENO VALLEY, LLC, LONG BEACH, CA. 90803 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-40, summarily vacating a portion of the north side of Brodiaea just west of Graham Street; and

Resolution No. 2011-40

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Brodiaea

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Avenue West of Graham Street Located Along a Portion of Parcel 3 of Parcel Map 32326 and a Portion of Lot 8 of Map 1 of the Bear Valley and Alessandro Development Company

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.8 PURCHASE OF FIRE ENGINE FOR MORRISON PARK FIRE STATION
(Report of: Fire Department)

Recommendation:

1. Approve the purchase of a Multi-Function Type 1 Fire Engine and award a bid in the amount of \$445,754 to SMEAL Fire Apparatus Company, Snyder Nebraska as being in the best interest of the City;
2. Approve the purchase of \$50,000 in fire equipment from the Riverside County Fire Department for the Multi-Function Type 1 Fire Engine;
3. Approve the transfer of \$200,000 from Fire Operations operating expense account (133.65110.6251.252) to Fire Operations vehicles expense account (133.65110.6641.645) to partially fund the Fire Engine (the \$200,000 is anticipated Fire Department FY 2010/2011 savings);
4. Approve an appropriation in the amount of \$295,754 from General Fund fund balance to Fire Services Operations Fund account number 133.65110.6641.645 in the amount of \$445,754 and 133.65110.66441.648 in the amount of \$50,000 to fund the purchase of the fire engine and fire equipment; and
5. Authorize the Financial & Administrative Services Director to issue a purchase order to SMEAL Fire Apparatus Company in the amount of \$445,754 and issue a second purchase order to Riverside County Fire in the amount of \$50,000 for the purchase of new fire equipment.

A.9 CITY HALL HEATING VENTILATION AND AIR CONDITIONING (HVAC) -
ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT AWARD
(Report of: Financial & Administrative Services Department)

Recommendation:

1. Ratify the contract award to Southcoast Heating & Air Conditioning, the lowest bidder, for the installation of the City Hall HVAC equipment, in the amount of \$486,735 (four hundred eighty six thousand seven hundred and thirty five dollars) from EECBG funding in account number 229.80501.7200;

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2. Ratify the contract award to Trane in the amount of \$147,809.70 (one hundred forty seven thousand eight hundred and nine and seventy cents) for the purchase of two 75- ton roof top HVAC units and two 6-ton split system units for the MVTV3 City Hall Studio from EECBG funding in account number 229.80501.7200; and
3. Approve the addition of a 10% contingency fund in an amount of \$46,673.00 (forty six thousand six hundred and seventy three dollars) to Southcoast Heating & Air Conditioning from monies in the FY 10/11 budget, account number 754.71425.7400 (will not affect the General Fund).

A.10 ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE IRONWOOD AVENUE WIDENING FROM PERRIS BOULEVARD TO NASON STREET PROJECT NO. 07-41572727 (Report of: Public Works Department)

Recommendation:

Adopt a Mitigated Negative Declaration (MND) for the Ironwood Avenue Widening from Perris Boulevard to Nason Street, Project No. 07-41572727, presented as Attachments B and C, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

A.11 ANNUAL STATEMENT OF INVESTMENT POLICY (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Annual Statement of Investment Policy

A.12 RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED MARCH 31, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A.13 ADOPTION OF RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM C.3) (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-41 authorizing accepting the transfer of certain real property (the Moreno Valley Senior Center) from the RDA to the City of

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Moreno Valley for an amount equal to \$2,686,600.

Resolution No. 2011-41

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form and Authorizing the Execution of a Substitution of Trustee and Full Reconveyance Relating to a Deed of Trust Executed by the Community Redevelopment Agency of the City of Moreno Valley, as Trustor, for the Benefit of the City, as Beneficiary, and Approving the Transfer of Real Property conveyed by the Agency of the City

- A.14 ADOPTION OF RESOLUTION OF THE CITY COUNCIL OF MORENO VALLEY AUTHORIZING CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE REFUNDING OF THE CITY'S VARIABLE RATE DEMAND CERTIFICATES OF PARTICIPATION (1997 CITY HALL REFINANCING PROJECT) (Report of: Financial & Administrative Services Department)

Recommendation:

1. Adopt Resolution 2011-42 authorizing the execution of certain lease financing documents in connection with the refunding of the City's Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and authorizing and directing certain actions with respect there to;

Resolution No. 2011-42

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form and Authorizing the Execution of Certain Lease Financing Documents in Connection with the Refunding of the City's Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and Authorizing and Directing Certain Recommendation: with Respect Thereto

2. Authorize the City Manager to approve an agreement for financial advisor services, in an amount not to exceed \$28,500, with Fieldman Rolapp & Associates to serve as financial advisor for the recommended private placement debt issue; and
 3. Authorize the City Manager to approve an agreement for bond counsel services, in an amount not to exceed \$30,000 with Quint & Thimmig LLP to serve as Bond Counsel to complete the refunding through a private placement process.
- A.15 ORDINANCE NO. 824 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION

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1.10.080 AND 11.80.060 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT (Report of: City Attorney)

Recommendation:

Adopt Ordinance No. 824.

Ordinance No. 824

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Sections 1.10.080 and 11.80.060 of the City of Moreno Valley Municipal Code, Relating to Civil Citations and Noise Enforcement

- A.16 APPROVE STATE-LOCAL PARTNERSHIP PROGRAM (SLPP) FUNDING APPROPRIATION FOR HIGHLAND FAIRVIEW'S EUCALYPTUS AVENUE STREET IMPROVEMENTS PROJECT BETWEEN REDLANDS BOULEVARD AND THEODORE STREET SLPPCL10-5441(048) (Report of: Public Works Department)

Recommendation:

1. Accept and appropriate both \$1 million State-Local Partnership Program (SLPP) grants, one for the Eucalyptus Avenue Street Improvement Project between Redlands Boulevard and Theodore Street and one for the Cactus Avenue Street Improvement Project between Lasselle Street and Nason Street, from the California Transportation Commission (CTC); and
2. Adopt Resolution No. 2011-43, authorizing the Public Works Director/City Engineer to execute the Program Supplement Agreements (PSA) with Caltrans for the Eucalyptus Avenue Street Improvement Project between Redlands Boulevard and Theodore Street, and the Cactus Avenue Street Improvement Project between Lasselle Street and Nason Street.

Resolution No. 2011-43

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Execution of Program Supplement Agreements to Administering Agency-State Agreements Between the State of California, Acting by and through the Department of Transportation, and the City of Moreno Valley

- A.17 AMENDMENT NO. 1 - COOPERATION AGREEMENT BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL & WATER DISTRICT, THE CITY OF MORENO VALLEY AND THE REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM C.4) (Report of: Community & Economic Development Department)

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Recommendation:

Approve Amendment No. 1 for the Cooperation Agreement between Riverside County Flood Control, the City of Moreno Valley and the Redevelopment Agency of the City of Moreno Valley.

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 MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

B.3 SECOND EXTENSION OF CONTRACT - PROJECT NO. E-2/09 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - HIDDEN SPRINGS ZONE E-2 (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for CSD Project No. E-2/09 to extend the term of the contract for an additional one-year period;
2. Authorize the President of the CSD Board to execute said Extension Agreement with Tropical Plaza Nursery, Inc., of Villa Park, California; and
3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Tropical Plaza Nursery, Inc. in the amounts of:
 - a.) ONE HUNDRED EIGHTY-EIGHT THOUSAND FOUR HUNDRED AND 00/100 DOLLARS (\$188,400.00) for twelve months of base maintenance service, and
 - b.) TWENTY NINE THOUSAND SIX HUNDRED AND 00/100 DOLLARS (\$29,600.00) for anticipated Additional Work per Section 5 of the Extension Agreement.

B.4 FIRST EXTENSION OF CONTRACT - PROJECT NO. E-3/10 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - MORENO VALLEY RANCH-WEST (ZONE E-3) AND LASSELLE POWERLINE PARKWAY (ZONE E-3A)(Report of: Public Works Department)

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Recommendation:

1. Approve the first Extension Agreement for CSD Project No. E-3/10 to extend the term of the contract for an additional one-year period;
2. Authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc., San Clemente, California; and
3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Bemus Landscape, Inc., in the amounts of:
 - a.) ONE HUNDRED THIRTY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$139,500.00) for twelve months of base maintenance service, and
 - b.) THIRTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS (\$13,260.00) for anticipated Additional Work per Section 5 of the first Extension Agreement.

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 MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

C.3 ADOPTION OF RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM A.13) (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. RDA No. 2011-06 authorizing the transfer of certain real property (the Moreno Valley Senior Center) from the RDA to the City of Moreno Valley for an amount equal to \$2,686,600.

Resolution No. RDA No. 2011-06

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Resolution Authorizing the Transfer of Certain Real Property to the City of Moreno Valley

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- C.4 AMENDMENT NO. 1 - COOPERATION AGREEMENT BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL & WATER DISTRICT, THE CITY OF MORENO VALLEY AND THE REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM A.17) (Report of: Community & Economic Development Department)

Recommendation:

Approve Amendment No. 1 for the Cooperation Agreement between Riverside County Flood Control, the City of Moreno Valley and the Redevelopment Agency of the City of Moreno Valley.

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 MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

**Motion to Continue Agenda Item B4 to June 14, 2011 by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.**

**Motion to Approve Joint Consent Calendar Items A1 – D2, except Item B4, which was continued to June 14, 2011 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.**

ADJOURNED THE 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 TO THE SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

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**SPECIAL MEETING
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION
(MVPFFC)**

CALL TO ORDER - The Special meeting of the Moreno Valley Public Facilities Financing Corporation was called to order at 7:24 p.m. by President Stewart in the Council Chamber located at 14177 Frederick St.

ROLL CALL

Board of Directors:

Richard A. Stewart	President
Jesse L. Molina	Vice-President
William H. Batey II	Board Member
Marcelo Co	Board Member
Robin N. Hastings	Board Member

PUBLIC COMMENTS ON ANY SUBJECT ON THE AGENDA UNDER THE JURISDICTION OF THE CORPORATION

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

SPECIAL ORDER OF BUSINESS

- 1 ADOPTION OF RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION AUTHORIZING THE EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE REFUNDING OF THE CITY OF MORENO VALLEY VARIABLE RATE DEMAND CERTIFICATES OF PARTICIPATION (1997 CITY HALL REFINANCING PROJECT) (Report of: Financial & Administrative Services Department)

Recommendation:

The Board of Directors of the Moreno Valley Public Facilities Financing Corporation adopt Resolution No. MVPFFC 2011-01 authorizing the execution of certain lease financing documents in connection with the refunding of the City of Moreno Valley's Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and authorizing and directing certain actions with respect there to.

Resolution No. MVPFFC 2011-01

A Resolution of the Moreno Valley Public Facilities Financing Corporation of the City of Moreno Valley, California Approving the Form and Authorizing the Execution of Certain Lease Financing Documents in Connection with

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the Refunding of the City of Moreno Valley Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and Authorizing and Directing Certain Recommendation: with Respect Thereto

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

ADJOURNMENT – 7:32 p.m.

RECONVENED 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

E. PUBLIC HEARINGS

- E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011) (Report of: Community & Economic Development Department)

Recommendation:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

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Motion to Continue to July 12, 2011 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

- E.2 HEARING ON PROPOSED RESOLUTION OF NECESSITY, TO MAKE FINDING AND DETERMINATION AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT OF WAY FOR THE PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE PROJECT - PROJECT NO. 11-41570125 (Report of: Public Works Department)

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

Recommendation:

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing;
2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

3. Find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easement necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

4. Find that the proposed "Factual Summary to Support Findings

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Required in the Resolution," is true and correct as to the proposed Resolution of Necessity;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

5. Find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

6. Adopt the following Resolution by a vote of two-thirds of all members of the City Council; and

Resolution No. 2011-39

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property [APN: 482-230-013]

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

7. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

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

None

G. REPORTS

- G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
- a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Council Member Batey reported the rail head is no longer an issue; Mayor Stewart reported March HealthCare has come to an impasse with CrossWord Church, chapel will remain in place.

- G.2 REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE MORENO VALLEY COMMUNITY SERVICES DISTRICT'S PROPOSED FISCAL YEAR 2011/12 ANNUAL CHARGES (Report of: Public Works Department)

President Stewart opened the agenda item for public comments, which were received from Deanna Reeder, E. Hernandez, Pete Bleckert, and Marcia Amino.

Recommendation: That the CSD:

Accept public comments regarding the proposed fiscal year (FY) 2011/2012 annual CSD charges. The proposed charges shall fund program services for parks, recreation programs and services, residential street lighting, arterial street lighting, parkway landscaping, extensive parkway landscaping, internal parkway landscaping, medians, and maintenance of certain Sunnymead Boulevard improvements. These programs, services, and associated charges are discussed in detail in the Preliminary Annual Levy Report, which is on file in the office of the City Clerk.

- G.3 REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR 2011/2012 ANNUAL RATES. (Report of: Public Works Department)

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

Recommendation: That the City Council:

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Hold a public meeting to accept public comments regarding the “NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development” proposed Fiscal Year 2011/2012 annual rates.

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

None

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

Pete Bleckert

1. Parks in Council District 1
2. Visits to Mexico

Marcia Amino

1. City of Santa Clarita CAL-ED Award
2. City Manager's Economic Development Plan
3. City Manager's salary and benefits
4. Storage of fire truck
5. Vehicle reimbursement

Deanna Reeder

1. June 2 Child-Teen Safety Workshop
2. Rancho Belago signs
3. Crime in Rancho Belago area

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

Council Member William H. Batey II

1. Congratulated Fire Fighter of the Year and Employees of the Quarter.
2. Thanked the businesses that provided training and internships for the

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Workability Program.

Mayor Pro Tem Jesse L. Molina

1. Transfer of parkland inventory.
2. Attended Redistricting Committee meeting and encouraged attendance at future meetings to support the City being within one district, not split among several districts.
3. Requested to move quickly on the City Council Redistricting and hire a consultant.
4. Recognized those who fought for our rights on Memorial Day.
5. Wished everyone a safe Memorial Day.

Council Member Marcelo Co

1. Urged City Council to endorse a resolution regarding the Moreno Valley Unified School District high school site location.
2. Since census figures are available, requested a consultant be designated for the City Council Redistricting by the time Council returns from recess.
3. City can get to the point of no taxes by promoting revenue based business strategies.
4. Encouraged the public to participate in the City Council proceedings.
5. Memorial Day is to recognize those who have sacrificed for our freedoms.

Council Member Robin N. Hastings

1. Advised that Moreno Valley residents received robo calls from Riverside County Sheriff's Association that contained misinformation. Board of Supervisors approved a 10% reduction for the Sheriff's Department which is comparable to other County employee reductions for a one year period. The reduction will result in a 5-7% decrease in the City of Moreno Valley's police contract, which will be \$2-3 million reduction. The reduction will impact the unincorporated County areas; it does not impact the level of service in Moreno Valley.
2. Attended Career Day at Moreno Elementary School and acknowledged the participants.
3. Attended the play Kila'Delphia.
4. Will be judging the talent contest at Hendricks Ranch Elementary School.
5. Advised the County redistricting of the Moreno Valley supervisorial district will remain the same.
6. Invited everyone to attend the Memorial Day Ceremony on May 30, and reminded everyone to remember to thank a veteran.

Mayor Richard A. Stewart

1. *Press Enterprise* article on crime rates.
2. CSD Zone parks fee of \$87.50 has not changed since 1988. Mixed-in

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cost items from the General Fund into districts ignore the reality of law. The districts are set-up to benefit the district, vandalism increases costs, the administrative fee is capped, and the bottom line is property owners get what they pay for.

3. Economic Development Plan is not limited, concentrates on assets.
4. In 1988, Rick Moore secured permission to store a fire truck at the City Yard. When Mayor Stewart purchased the fire truck, he stored it at his partner's backyard and then donated it to a museum.
5. Public should address issues and leave personalities out of it. Attacking the single largest landowner and businessman is ill advised.
6. Panera Bread is open.
7. Attended the Student of the Year Dinner. Announced one of the students received a Congressional appointment to the United States Air Force Academy.
8. Commended the police department.
9. City Council workshop was very successful, saw a commonality among Council Members.
10. Praised Don Allard, who recently passed away, for his commitment to the community, working with students, charities and service clubs.

ADJOURNMENT

Motion to adjourn in memory of Don Allard by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II.
Approved by a vote of 5-0.

There being no further business to conduct, the meeting was adjourned at 8:37 p.m. by unanimous informal consent.

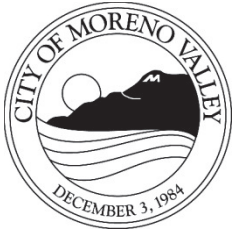
Submitted by:

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

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

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Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: June 14, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of May 18 – June 7, 2011.

<i>Reports on Reimbursable Activities</i> May 18 – June 7, 2011		
Council Member	Date	Meeting
William H. Batey II	5/25/11	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Marcelo Co	5/18/11	Western Riverside Council of Governments (WRCOG) Vital Leadership Seminar
	5/26/11	33 rd Annual Law Enforcement Appreciation and Awards Ceremony
	5/27/11	Moreno Valley Black Chamber of Commerce Conference and Luncheon
	6/7/11	Moreno Valley Hispanic Chamber of Commerce Adelante
Robin N. Hastings		None
Jesse L. Molina	5/18/11	Western Riverside Council of Governments (WRCOG) Vital Leadership Seminar
	5/24/11	Joe Bautista's Retirement Luncheon
Richard A. Stewart	5/26/11	33 rd Annual Law Enforcement Appreciation and Awards Ceremony
	5/27/11	Moreno Valley Black Chamber of Commerce Conference and Luncheon
	6/4/11	Moreno Valley Chamber of Commerce Taste of the Valley

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>RAH</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

AGENDA DATE: June 14, 2011

TITLE: TRACT MAP 22709 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – D.R. HORTON, F.K.A WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN AVENUE, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-44 authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system.
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 22709 is a 97-lot single family residential development located at the west side of Moreno Beach Drive, north of John F. Kennedy Drive that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, storm drain, sewer, water facilities, pedestrian and vehicle bridges, and water quality basin. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of \$3,940,000 issued by Fidelity and Deposit Company of Maryland. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The*

required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

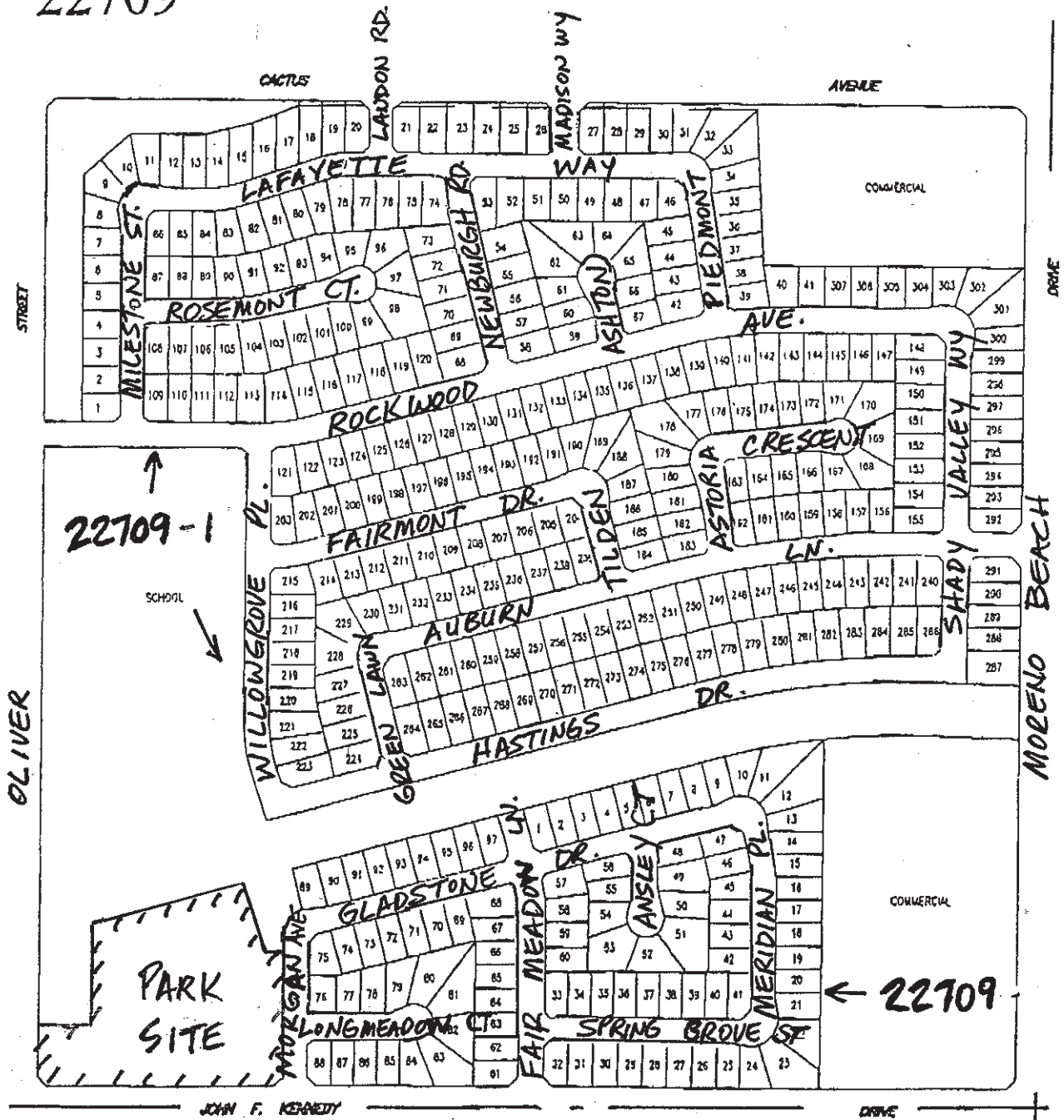
Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

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

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

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TRACT 22709



VICINITY MAP SHOWING TRACT 22709, 22709-1, & PARK SITE

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

TRACT 22709

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RESOLUTION NO. 2011-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 22709, AND ACCEPTING MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by D.R. Horton, F.K.A. Western Pacific Housing, Inc. on Morgan Avenue, Longmeadow Court, Gladstone Avenue, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

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

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 22709, and accept Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system, and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN TRACT MAP 22709 ARE COMPLETE AND MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor

EXHIBIT 'B'

1

Resolution No. 2011-44
Date Adopted: June 14, 2011

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, 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 ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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

AGENDA DATE: June 14, 2011

TITLE: PA04-0010 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – ONE MORENO VALLEY 240 LP
320 GOLDEN SHORE, SUITE 200
LONG BEACH, CA 90802-4217

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-45 authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system.
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

PA04-0010 is a 241-unit affordable apartment complex on 19.20 acres located on the east side of Perris Boulevard, approximately 600 feet south of John F. Kennedy Drive that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, street lights, landscaping, storm drain, water, and sewer facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of \$1,147,000 issued by Westchester Fire Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*
2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system.

Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

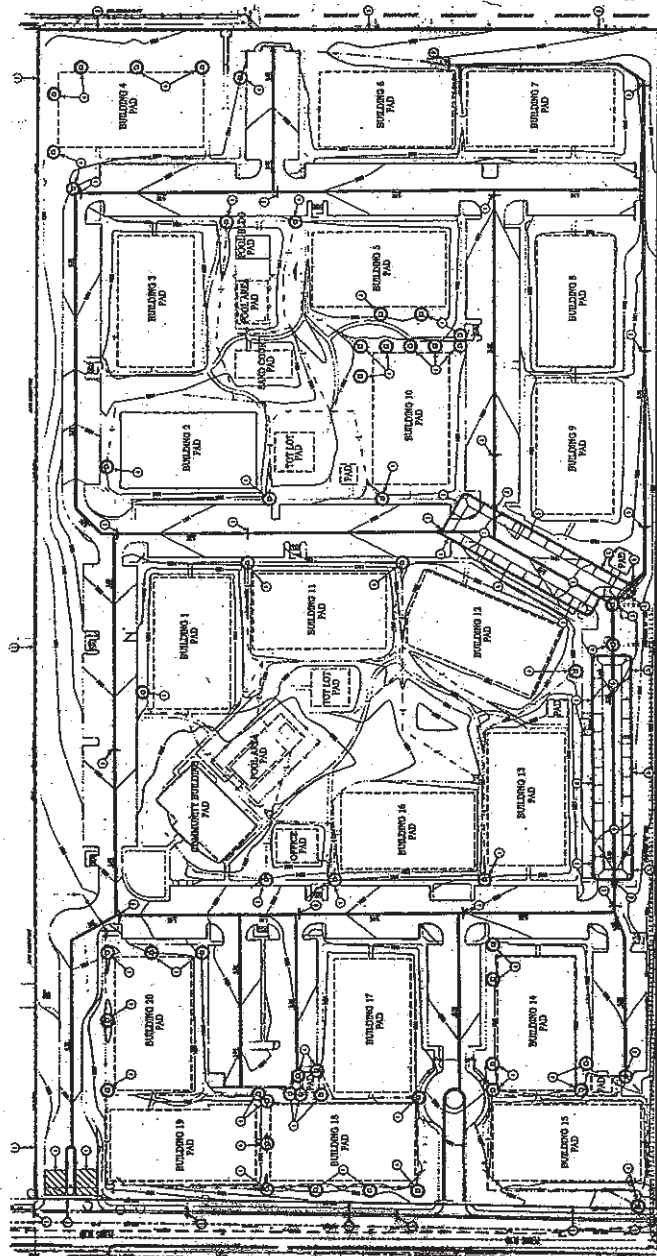
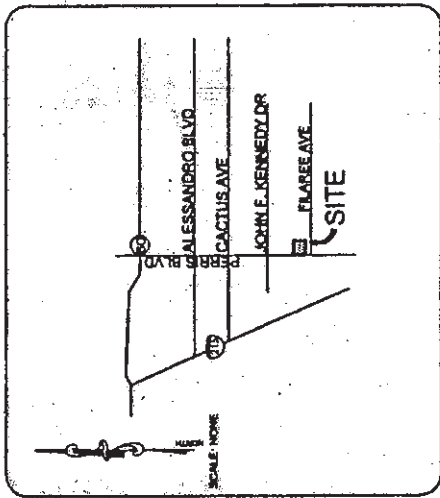
Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

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

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

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VICINITY MAP



CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT

PA04-0010
VICINITY MAP

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RESOLUTION NO. 2011-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN PA04-0010, AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by One Moreno Valley 240 LP on the portion of Perris Boulevard associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

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

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within PA04-0010 and accept the portion of Perris Boulevard associated with the project into the City's maintained street system, and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN PA04-0010 ARE COMPLETE AND THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT 'B'

1

Resolution No. 2011-45
Date Adopted: June 14, 2011

RESOLUTION JURAT

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

I, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>MSJ</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: June 14, 2011

TITLE: TRACT MAP 22709-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – D.R. HORTON, F.K.A WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN AVENUE, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-46 authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno

Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 22709-1 is a 307-lot single family residential development located at the west side of Moreno Beach Drive, north of John F. Kennedy Drive that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, storm drain, sewer, water facilities, pedestrian and vehicle bridges, and water quality basin. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of \$11,428,000 issued by Fidelity and Deposit Company of Maryland. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place,

Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

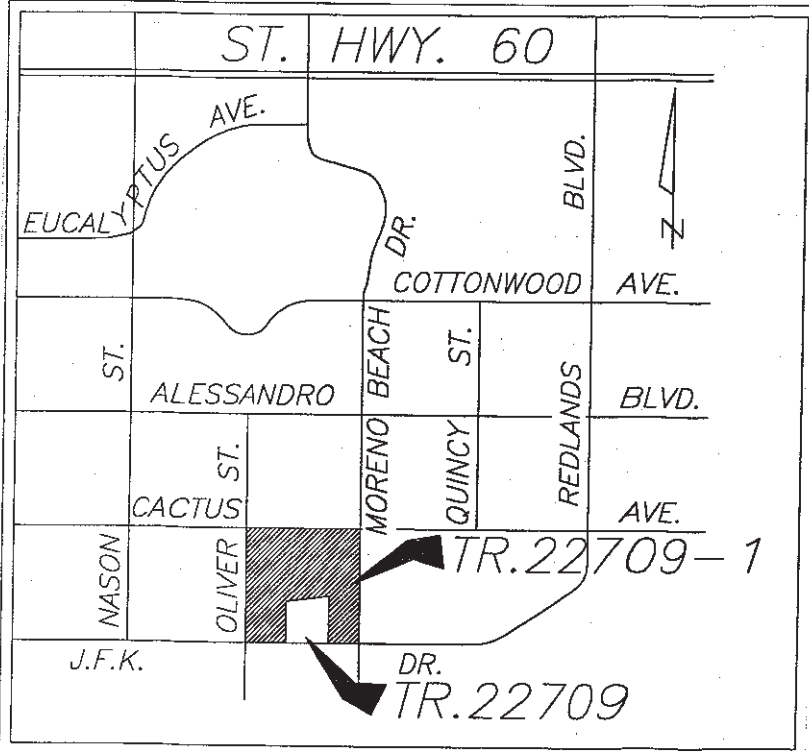
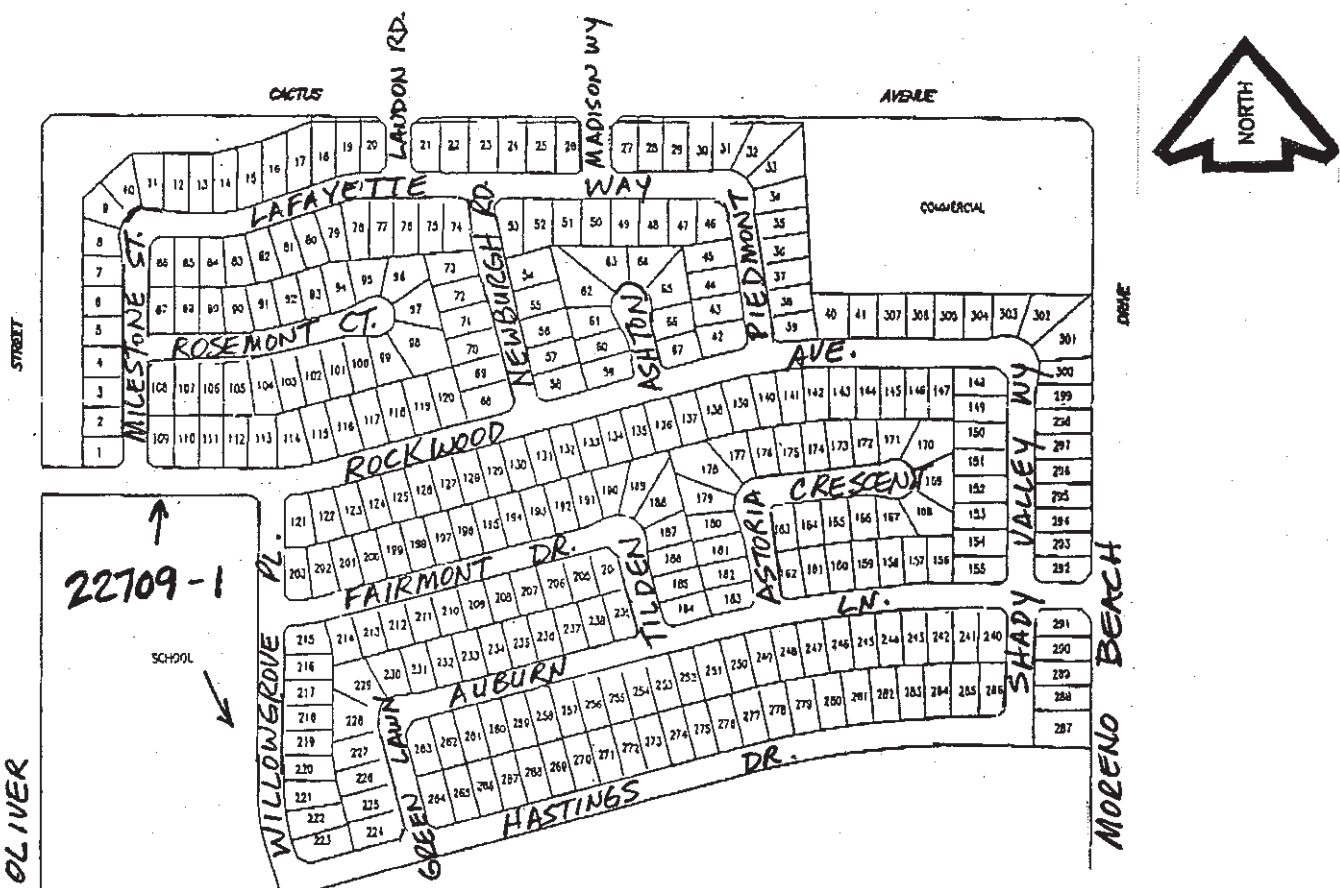
Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

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

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

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VICINITY MAP
NOT TO SCALE

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

TRACT 22709-1
VICINITY MAP

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RESOLUTION NO. 2011-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 22709-1, AND ACCEPTING MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by D.R. Horton F.K.A Western Pacific Housing, Inc. on Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue were constructed according to the approved plans on file with the City of Moreno Valley, and

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

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 22709-1, and accept Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system, and

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

EXHIBIT "B"

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN TRACT MAP 22709-1 ARE COMPLETE AND MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LONDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 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, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

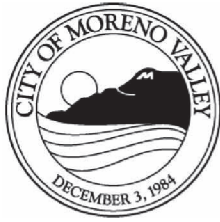
ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>gmb</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

AGENDA DATE: June 14, 2011

TITLE: TRACT MAP 31327 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – D.R. HORTON, F.K.A. WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN AVENUE, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-47 authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system.
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 31327 is a 65-lot single family residential development located at the northeast corner of Alessandro Boulevard and Morrison Street that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lighting, traffic signal, electrical infrastructure, storm drain, sewer, and water work. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of \$2,700,000 issued by The Continental Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The*

required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sage Brush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" - Proposed Resolution

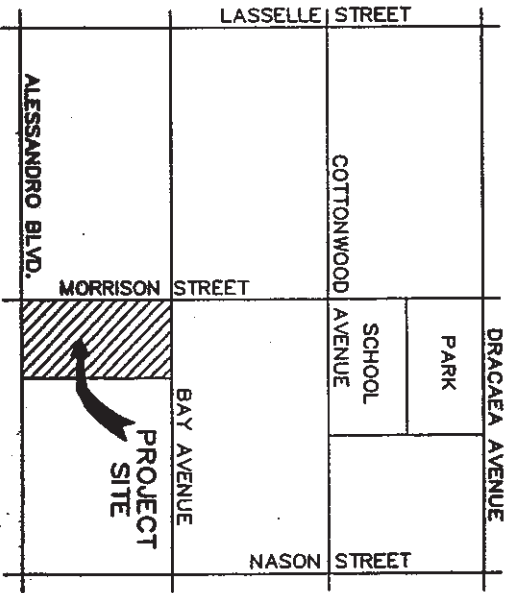
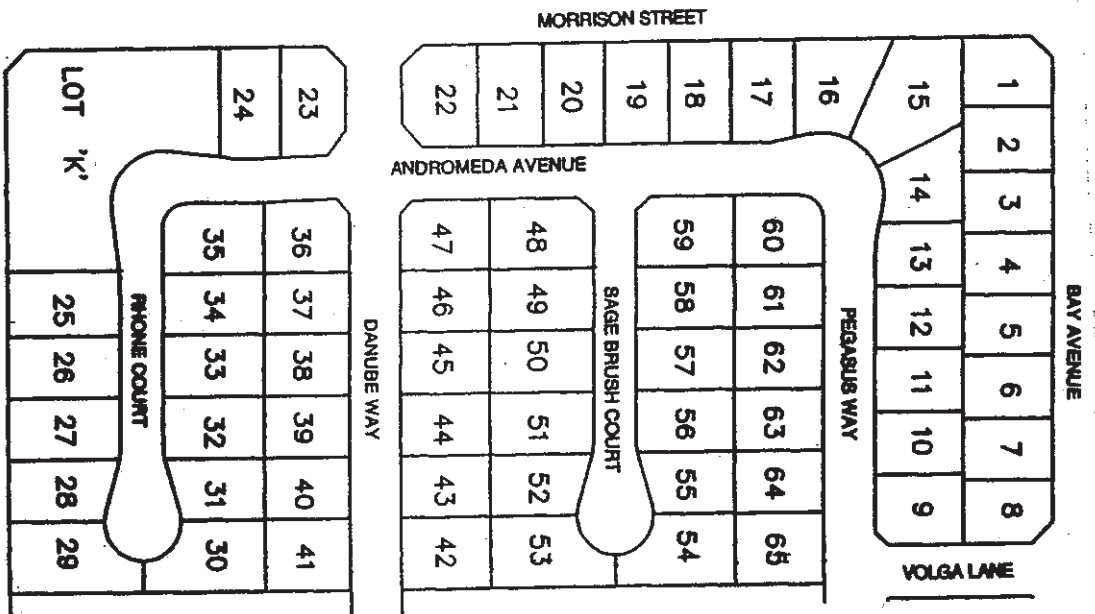
Prepared By
Anitra N. Holt
Management Analyst

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

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

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

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

TRACT 31327

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RESOLUTION NO. 2011-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 31327 AND ACCEPTING RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by D.R. Horton F.K.A. Western Pacific Housing, Inc. on Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

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

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 31327, and accept Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system, and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN TRACT MAP 31327 ARE COMPLETE AND RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor

EXHIBIT 'B'

1

Resolution No. 2011-47
Date Adopted: June 14, 2011

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

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

I, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

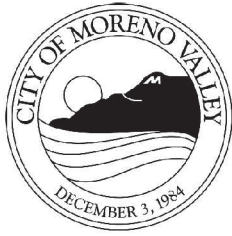
ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>SMB</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

AGENDA DATE: June 14, 2011

TITLE: FINAL MAPS 29920, 29920-1, 29920-2, AND 29920-3--
APPROVAL OF MAINTENANCE AGREEMENT BY AND
BETWEEN CITY OF MORENO VALLEY AND PACIFIC MORENO
VALLEY, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Maintenance Agreement by and between the City of Moreno Valley (City) and Pacific Moreno Valley, Inc.;
2. Authorize the Mayor to execute the Maintenance Agreement;
3. Authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement;
4. Authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement;
5. Authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney and;
6. Authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

Pacific Communities has installed Best Management Practices (BMPs) within Final Maps 29920, 29920-1, 29920-2, and 29920-3 to mitigate the development's impacts on water quality. These BMPs include two water quality basins.

The City will maintain the landscaping within the water quality basins. Staff determined that a maintenance agreement and maintenance easements would be required since the water quality basins will be privately owned.

DISCUSSION

Pacific Communities is the developer and owner of Final Maps 29920, 29920-1, 29920-2, and 29920-3, generally located at the southeast corner of Iris Avenue and Grande Vista Drive. Pacific Communities is constructing the water quality basins to mitigate certain environmental impacts. Pacific Communities has formed a homeowners association (HOA), Pacific Moreno Valley, Inc., to retain ownership of the water quality basins.

The water quality basins not only provide mitigation for certain water quality impacts but also act as an extension of the City's storm drain system. Under the requirements of the 2010 National Pollutant Discharge Elimination System (NPDES) Permit, it is essential that the City monitors and ensures continued maintenance of the water quality basin that will accept storm water and non-storm water discharges from the development. Pacific Communities dedicated Maintenance Easements to the City for maintenance purposes on the final maps previously approved by City Council.

Authorizing the City to maintain the landscaping within the water quality basins will assist the City in the following ways:

- Assure continued maintenance of the required extensive landscaping within the water quality basins, and
- Comply with State and Federal regulations for monitoring storm water and non-storm water discharges to the City storm drains.

The maintenance agreement is necessary to guarantee long-term funding for public maintenance of the landscaping and to ensure continued access to the water quality basin. Some of the key components of the agreement include;

- Thirty (30) year term with provisions for extension(s).

- Identifies specific areas to be maintained by the City.
- Identifies schedules for maintenance.
- Minimum insurance requirements to be carried by the HOA.
- Establishment of a Trust Fund--the sole beneficiary to be the City. The fund must be maintained at three (3) times the deductible amount in the insurance policy.
- A provision that the HOA will assess the City charges via its HOA powers should the future residents remove the approved City maintenance charges via Proposition 218 election procedures.
- Annual City Maintenance Budget to include administrative overhead and CPI adjustment(s).
- Provisions for the City to levy on behalf of the HOA the Annual Levies needed to pay the City and/or create and release property liens should the HOA fail to perform its contractual duties.

ALTERNATIVES

1. Approve the Maintenance Agreement; authorize the Mayor to execute the Maintenance Agreement; authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement; authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement; authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney and; authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation. *Approval of this alternative ensures the water quality basins will be maintained by a public agency. This ensures the City remains in compliance with NPDES requirements.*
2. Do not approve the Maintenance Agreement; authorize the Mayor to execute the Maintenance Agreement; authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement; authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement; authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney and; authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation. *This alternative leaves maintenance of the water quality basins with the HOA. Additionally, the alternative may cause the City to be in non-compliance with NPDES requirements.*

FISCAL IMPACT

There is no fiscal impact associated with Alternative One. Pacific Communities previously approved the NPDES Rate Schedule.

CITY COUNCIL GOALS

The recommended action furthers City Council goals by:

1. Revenue Diversification and Preservation - It provides a means to ensure revenue is secured from private parties that receive special benefit for essential and mandated services from City programs.
2. Public Safety - It provides the necessary means to assist staff in implementing State and Federal regulations related to water quality.

SUMMARY

Pacific Communities and Pacific Moreno Valley, Inc. propose the City maintain the water quality basins within Final Maps 29920, 29920-1, 29920-2, and 29920-3, as a means to reduce pollutants in storm water and non-storm water discharges associated with the development. A maintenance agreement and maintenance easements between Pacific Moreno Valley, Inc. and the City are necessary to ensure long-term access, maintenance and funding are provided and secured for this area.

NOTIFICATION

Publication of Agenda

ATTACHMENTS/EXHIBITS

Attachment 1 – Maintenance Agreement by and between City of Moreno Valley and Pacific Moreno Valley, Inc.

Prepared By
Phuong Hunter
Associate Environmental Engineer

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

Concurred By
Kent Wegelin
Storm Water Program Manager

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

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

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RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

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

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley

(Space Above for Recorder's Use)

**MAINTENANCE AGREEMENT
BY AND BETWEEN
CITY OF MORENO VALLEY
AND
PACIFIC MORENO VALLEY, INC.**

**MAINTENANCE AGREEMENT
BY AND BETWEEN
CITY OF MORENO VALLEY
AND
PACIFIC MORENO VALLEY, INC.**

This Maintenance Agreement ("**Agreement**") is made and entered into effective on the date ("**Effective Date**") the Mayor signs this Agreement. This Agreement is by and between PACIFIC MORENO VALLEY, INC., a California nonprofit mutual benefit corporation ("**Association**"), and the CITY OF MORENO VALLEY (the "**City**"). Each of Association and the City are sometimes hereinafter referred to as a "**Party**" and collectively as the "**Parties**".

P R E A M B L E

A. Association is an incorporated homeowners' association responsible for the operation and maintenance of Association Property (as hereinafter defined) of a single-family residential development known as "Pacific Iris" located on Tract Nos. 29920, 29920-1, 29920-2 and 29920-3 in the City of Moreno Valley, County of Riverside, State of California ("**Project**"). Association's maintenance responsibilities are set forth in Article V of the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements Pacific Iris recorded against the Project (the "**Declaration**"). Unless otherwise expressly provided, all capitalized terms used in this Agreement shall have the definition and meanings set forth in the Declaration.

B. In satisfaction of the City conditions of approval for development of the Project, Association is required to enter into an agreement for the City to provide certain services relating to maintenance ("**Maintenance**") of certain improvements within the Project which are the responsibility of Association pursuant to the Declaration, including without limitation, certain water quality basins, which are located within the Common Area(s) ("**Association Property**"), all as more fully described in **Exhibit "A"**.

NOW THEREFORE, in consideration of the promises contained herein, the City and Association agree as set forth below:

1. Term. Subject to applicable law, the term ("**Term**") of this Agreement shall commence as of the Effective Date of this Agreement, and shall remain in effect for thirty (30) years from the Effective Date of this Agreement. At the end of such thirty (30) year period, this Agreement shall be extended for successive terms of thirty (30) years unless a document executed by each of the Parties hereto or their respective successors-in-interest cancels this Agreement or any portion hereof and said document is recorded in the office of the County Recorder of Riverside County. If applicable law limits the duration of the Term, then this Agreement shall be deemed to have a Term equal to the maximum Term permitted by law, and unless affirmatively terminated by the parties hereto, shall be deemed to be renewed and extended for successive maximum terms as permitted by law. The Maintenance shall commence at such time as such maintenance is required following the Effective Date of this Agreement. During the Term of this Agreement, the Parties hereby covenant and agree to negotiate in good

faith any changes to the terms set forth herein as then required by law or otherwise reasonably required.

2. Maintenance of Association Property by the City. After the termination of the Establishment Period (as defined in **Exhibit "B"**), and throughout the remaining term of this Agreement, the City shall directly provide all Maintenance of Association Property depicted on **Exhibit "A"** attached hereto. Such Maintenance shall include, without limitation, the maintenance responsibilities described on **Exhibit "B"** attached hereto and incorporated herein. For as long as it is authorized to do so, the City shall assess an annual levy, parcel charge, or fee (however such amount shall be denominated, the "**Annual Levy**") against the Lots within the Project designed and intended for the construction of a Residence and ownership by an individual Owner (hereinafter referred to as the "**Residential Lots**") for the cost and expenses related to the Maintenance.

3. Suspension of Payments of the City. For a period ("**Suspension Period**") commencing on the Effective Date of this Agreement and continuing to the date as of which the City is no longer able to assess, through Annual Levies, adequate charges against the Residential Lots within the Project for expenses incurred by the City relating to the Maintenance, Association shall not be responsible for the payment of any cost or expenses related to the Maintenance. Upon receipt of written notice from the City to Association at the address listed in **Section 8** hereof (or such other address of which Association shall have previously notified the City in writing in accordance with **Section 8** hereof), informing Association of the City's inability to assess all or any portion of the Annual levies sufficient for the Maintenance, the Suspension Period shall terminate and Association shall have the absolute obligation to pay the City the full amount necessary to cover all costs and expenses related to the City's Maintenance of Association Property in excess of the amount that the City is able to assess directly against the Residential Lots (the "**HOA Payment Obligations**"). Further, Association hereby assigns to the City, and the City shall have, the first right to any amounts collected by Association from owners of Residential Lots ("**Owners**") in such amounts as necessary to satisfy the HOA Payment Obligations.

4. Budget and Reimbursement to the City. Following termination of the Suspension Period, the City shall prepare and provide to Association a budget for the next Fiscal Year (as defined below) for the Maintenance obligations described in **Exhibit "B"** ("**Budget**"), which Budget shall set forth the Fiscal Year expenses projected to be incurred by the City for Maintenance and operations of the City with respect to Association Property (including, without limitation, the City's administrative overhead). The expense projections in each year's Budget shall be based upon the Maintenance and operating expenses (including, without limitation, the City's administrative overhead) incurred by the City within the previous three (3) years, and may include (i) normal and customary reserves and contingencies, and (ii) cost of living increases based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the United States Department of Labor's Bureau of Labor Statistics. The Budget shall also reflect an amount for depreciation of facilities, if any, and a reserve for replacement of

plants and other improvements. Following the termination of the Suspension Period and Association's receipt of the Budget, Association shall make annual payments to the City for Maintenance and operations expenses incurred by the City as set forth in such Budget by July 1 of the Fiscal Year to which such payment applies. For the purposes of this Agreement, the City's "Fiscal Year" shall be July 1 through June 30, unless Association is otherwise notified of a change pursuant to **Section 8** hereof.

Notwithstanding any other provision herein, the parties hereto acknowledge, understand and agree that in the event that the right of the City to impose the charges contemplated herein is or becomes prohibited, then, notwithstanding such prohibition, it is the intention of the parties hereto to continue to have the City perform the Maintenance as contemplated hereby, and to have the costs therefor charged to Association. In the event that Association fails or is unable to so assess the Owners for the amounts that the City is prohibited from assessing as contemplated hereby, then, after no less than sixty (60) days prior written notice by the City that Association is in default, Association shall have the absolute obligation to pay the City, and the City shall have the right to collect the HOA Payment Obligations from Association. Further, if and to the extent that there is a change in applicable law, including, without limitation, Section 1367.1 of the California Civil Code (which the Parties acknowledge arguably prohibits an "Assignment" (as defined below)) such that an Assignment is clearly permitted (as reasonably determined by Association), the City shall have the option to require Association to assign to the City Association's right to directly assess Owners for such assessments, together with Association's corresponding remedies of lien and foreclosure provided in the Declaration in the event that any such Owner(s) fail to pay the required assessments (an "Assignment"). An Assignment pursuant to this paragraph is expressly subject to the following:

- a. Any such delegation and/or assignment of assessment and/or lien rights shall be deemed a partial, non-exclusive assignment;
- b. Association shall not make and expressly disclaims any representations and/or warranties that it has the right to assign any of its lien rights or rights to assess real property or levy assessments under the Declaration, and, if any assignment is made or deemed made, the City pursues same at its own risk; and
- c. If any Assignment is determined, at any time, by any court or arbitrator, to not be permitted as a matter of law, the City shall immediately cease any actions related thereto.

5. Special Assessments and Increases in Assessments. This Agreement shall have no effect on Association's ability and right, in accordance with the terms of the Declaration, to (i) levy assessments, as may be required, or (ii) increase the budgeted amount of regular assessments, or (iii) to collect any parcel charges and to file assessment liens for such charges.

6. Obligations of Association. Association agrees as follows:

- a. Association and its members shall not amend or repeal, directly or indirectly, the Declaration, or the restrictions described therein, and no rules or regulations of the

Board of Association shall be adopted, amended, or repealed, in each case which in any manner increases or may increase the obligations of the City, or decreases or may decrease the obligations of Association, under this Agreement, without the prior written consent of the City, which consent the City may grant or withhold in its sole and absolute discretion;

b. Association may not assign, transfer, or hypothecate this Agreement or their rights or obligations hereunder; provided, however, that the parties hereto hereby agree and recognize that any right of the City to payment from Association in respect of the HOA Payment Obligations does not constitute an assignment or transfer of the rights or obligations under this Agreement. In addition, in view of the personal nature of this Agreement, Association agrees that, during the term of this Agreement, it will not sell, transfer, encumber, or otherwise dispose of Association Property, or any part thereof, without the prior written consent of the City, which consent the City may grant or withhold in its sole and absolute discretion, and any purported sale, transfer, hypothecation, or other disposition thereof, without such consent, shall be null and void ab initio; and

c. Association shall pay, the annual amount to the City required pursuant to **Section 4** hereof, if any, which payment obligation shall constitute a "Common Expense" as such term is defined in the Declaration.

7. Establishment and Maintenance of Trust Account.

a. No later than thirty (30) days after the approval of this Agreement by the legislative body of the City, Association and the City shall establish an irrevocable trust account to be held by the City (the "**Trust**" or the "**Trust Account**"), the sole beneficiary of which is the City. The purpose of such Trust shall be to: (i) fund any unfunded liability of Association associated with or arising from the Maintenance, or arising out of or related to the subject matter of this Agreement after giving effect to all applicable insurance as described in **Section 11** hereof; (ii) provide full or partial payment with respect to any lawsuit, claim, charge, or fine associated with the Maintenance; (iii) to pay any insurance premium associated with Association Property or the Maintenance thereof if Association shall default in its obligation to pay same pursuant to **Section 11** hereof; and (iv) pay any amounts not promptly paid by Association with respect to its indemnity under **Section 10** hereof. The amounts held in trust may be invested with other amounts held by the City.

b. The initial deposit into the Trust shall be made by Association and shall equal three (3) times the deductible amount in the insurance policy for bodily injury and property damage insurance that Association must furnish in accordance with **Section 11** hereof. Each year Association shall as quickly as reasonably possible and consistent with all applicable legal authorities increase the amount in the Trust as necessary so that after any additional deposit the Trust value shall equal at least three (3) times the then deductible amount under the then effective liability insurance policy purchased to meet the terms of **Section 11** hereof.

c. All interest earned, dividends paid, or other amounts that accrue to the benefit of Trust shall be credited in the Trust.

d. If any amount in the Trust is withdrawn at any time for any lawful purpose permitted hereunder, Association covenants and agrees to replenish such amounts within ten (10) days upon written notice of such withdrawal to an amount equal at least three (3) times the then deductible amount under the liability insurance policy purchased to meet the terms of **Section 11** hereof.

e. At such time as the amount in the Trust exceeds five times the highest annual liability insurance policy deductible for the preceding five years (the "**Maximum Trust Amount**"), any funds in excess of such Maximum Trust Amount will be paid to Association.

f. Notwithstanding anything to the contrary herein, monies shall not be withdrawn from the Trust (or if withdrawn shall be promptly replenished by the City) if the liability arises due to the City's gross negligence or willful misconduct.

g. The Trust amount will be invested by the City in any investment permitted under the Government Code at the time of such investment.

8. Notices. All notices, statements, or other documents which any party shall be required or desire to give to any other party hereunder must be in writing and shall be given by the party only in one of the following ways: (i) by personal delivery, or (ii) by addressing it as indicated below, and by depositing it, registered or certified mail, postage prepaid, in the United States mail. If so delivered or mailed, each such notice, statement, or other document shall be conclusively deemed to have been given when personally delivered, or forty-eight (48) hours after the date of mailing (excluding Saturdays, Sundays, and federal holidays), as the case may be. The addresses for notices and other communications, until further notice, are:

THE CITY:

City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92553
Attn: Henry Garcia

ASSOCIATION:

Pacific Moreno Valley, Inc.
c/o Euclid Management Company
P.O. Box 1510
Upland, CA 91785-1510
Attn: Rosan Mickey

9. Resolution of Certain Disputes. Any dispute between the City and Association, which relates to this Agreement shall be settled between them by Judicial Reference as provided by California Law. Accordingly, any such dispute shall be heard by a referee pursuant to the provisions of the California Code of Civil Procedure, §§638 - 645.1, inclusive, and in connection therewith:

a. The Parties to such dispute shall promptly and diligently cooperate with one another and the referee, and shall perform such acts as may be necessary to obtain a prompt

and expeditious resolution of the dispute or controversy in accordance with the terms of this Agreement;

b. The Parties to such dispute shall agree upon a single referee who shall then try all issues, whether of fact or law, and report a finding and judgment thereon. If the Parties are unable to agree upon a referee within ten (10) days of a written request to do so by any party, then any party may seek to have a referee appointed pursuant to the California Code of Civil Procedure §§638 and 640;

c. Subject to the limitations of this Section, the referee shall have the right to award all legal or equitable relief appropriate under the circumstances of the controversy before him or her;

d. The cost of such proceeding shall be apportioned among the Parties to the dispute in accordance with California Code of Civil Procedure §645.1. In no event shall any such reference proceeding or any appeal therefrom result in an award of punitive damages, and all such damages are hereby waived.

10. Indemnity.

a. Association agrees to indemnify, save, defend, and hold harmless the Community Services District of the City of Moreno Valley, the City, the Moreno Valley Redevelopment Agency, and their respective officers, agents and employees (all of the foregoing persons, other than Association, are collectively referred to as the "City Indemnitees") from and against any claim, action, damages, costs (including, without limitation, all attorney's fees and litigation costs), injuries, or liability (collectively referred to as "Claims") arising out of the performance of any action contemplated by this Agreement by Association. Should any of the City Indemnitees be named in any suit, or should any claim be brought against any of the City Indemnitees by suit or otherwise, arising out of performance by Association of services rendered pursuant to this Agreement, Association will defend each such City Indemnitee (at each such City Indemnitee's request and with counsel satisfactory to each such City Indemnitee) and will indemnify each such City Indemnitee for any judgment rendered against it or any sums paid out in settlement or costs incurred in defense otherwise; provided, however, that this indemnification and hold harmless shall not include any Claims arising from the sole negligence or willful misconduct of such City Indemnitee.

b. The City agrees to indemnify, save, defend and hold harmless the Association and its officers, agents and employees from any and all liability, claims, damages or injuries to any person, including injury to the City's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, its officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any Claims arising from the negligence or willful misconduct of the Association, its officers, agents or employees.

11. Insurance.

a. Before commencing performance under this Agreement, and at all other times this Agreement is effective, Association will procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

<u>Type of Insurance</u>	<u>Limits (combined single)</u>
Commercial general liability:	\$1,000,000 per occurrence \$ 500,000 Property Damage \$2,000,000 aggregate
Business automobile liability	\$1,000,000
Workers' compensation	Statutory requirement.

b. Commercial general liability insurance will meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed (i) to name the City, Moreno Valley Community Services District, Redevelopment Agency of the City of Moreno Valley, and their respective officials and employees as "additional insured" under said insurance coverage, and (ii) to state that such insurance will be deemed "primary" such that any other insurance that may be carried by any of the City Indemnitees will be excess thereto. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancellable or subject to reduction except upon thirty (30) days prior written notice to the City Indemnitees.

c. [Intentionally Omitted]

d. Automobile coverage will be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

e. Each of the City Indemnitees shall be named as additional insured on all policies of insurance except errors and omissions and workers' compensation.

f. Association will furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A-VII." Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage.

g. Should Association, for any reason, fail to obtain and maintain the insurance required by this Agreement, the City may obtain such coverage at Association's expense and deduct the cost of such insurance from payments due to Association under this Agreement or terminate.

h. If the definitive insurance policy meeting the terms of **Section 11** and corresponding to the pro forma policy is not issued within ninety (90) days from the Effective

Date of this Agreement, then Association covenants and hereby agrees without defense or future objection that the City may do the following without any liability whatsoever:

- i. Cease issuing building permits for the Project; and
- ii. Cease issuing or otherwise approving certificates of occupancy for any aspect of the Project regardless of the date the building permit was issued.

i. Association further acknowledges and agrees that notwithstanding **Subsections 11(g) and 11(h)** above, all of its other obligations under this Agreement will become effective and remain in full force and effect upon the execution and delivery of this Agreement and the delivery and acceptance by the City of the documents and material described in **Subsection 11(f)** above and/or the insurance policy.

The requirements for the insurance shall only terminate upon termination of this Agreement as specified in **Section 1** hereof.

12. Recordation. This Agreement and any amendment thereto shall be recorded within the records of the Office of the Recorder for the County of Riverside and shall constitute a covenant running with the land for all the parcels within the Project and shall be binding on Association, all property owners, administrators, executors, assigns, heirs, and all other successors in interest.

13. Default and Remedies. In the event Association fails to make the payments required under **Section 4** hereof, fails to obtain the insurance required under **Section 11** hereof, or fails to take any other required action under this Agreement, the City may take whatever action at law or in equity or under this Agreement to which it is entitled, including but not limited to an action for damages or for specific performance or otherwise to enforce performance and observance of any obligation, condition or covenant of Association under this Agreement. Notwithstanding anything else in this Agreement, if Association fails to obtain the insurance required under **Section 11** hereof, the City may obtain such insurance insuring the City, and if available, Association, and charge Association for same. As permitted under the Declaration, the City may recover such insurance costs and other costs associated with the remedies permitted hereby through the Regular Assessment as defined in the Declaration. In addition, the City shall be entitled to all of its costs associated with enforcing the terms of this Agreement, including, without limitation, attorneys' fees and costs, and court costs. Such costs may also be enforced through the Regular Assessments.

14. Miscellaneous. As used in this Agreement, all words in the masculine, feminine, or neuter gender, and the plural or singular number, shall each be construed to include the others whenever the context so requires. This Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the Parties hereto. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Time is of the essence of this Agreement. No change in or addition to, or waiver or termination of this Agreement or any part thereof, shall be valid unless in writing and signed on behalf of each of the Parties hereto. Every provision of this Agreement is intended to be severable. If any term or provision

hereof is illegal or invalid for any reason whatsoever, such illegality or unenforceability shall not affect the validity of the remainder of this Agreement. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date set forth below.

THE CITY:

ASSOCIATION:

CITY OF MORENO VALLEY

PACIFIC MORENO VALLEY, INC., a
California nonprofit mutual benefit corporation

By: _____
Name: Richard Stewart
Title: Mayor

By: Rosan Mickey
Name: Rosan Mickey
Title: President

By: Rebecca Ngai
Name: Rebecca Ngai
Title: Vice President

Effective Date: _____

Attest:

Jane Halstead, the City Clerk
Date

Approved As To Form:

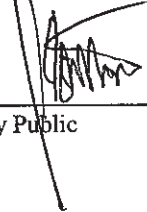
Robert L. Hansen, the City Attorney
Date

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

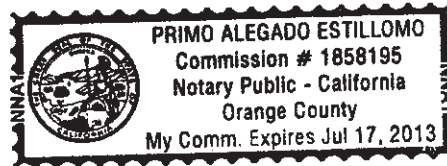
On APRIL 13, 2011, before me, PRIMO ALEGADO ESTILLOMO, a Notary Public,
(ANNA ROSE MICKEY)
personally appeared ROSAN MICKEY AND REBECCA NGAI,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that 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



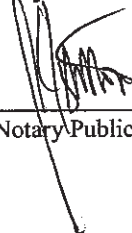
Place Notary Seal Above

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

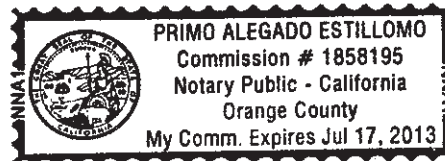
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the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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



Place Notary Seal Above

EXHIBIT "A"

Association Property

LOT "T" OF TRACT 29920-1 IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER THAT TRACT MAP RECORDED IN BOOK 369, PAGE(S) 10 – 14, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

LOT "G" OF TRACT 29920 IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER THAT TRACT MAP RECORDED IN BOOK 417, PAGE(S) 90-93, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

EXHIBIT "B"

Maintenance of Association Property by the City

The purpose of the maintenance services program is to ensure the protection of water quality and stormwater control by the successful implementation of those landscape and irrigation improvements, located within Association Property identified in **Exhibit "A"**.

These maintenance guidelines are specifically tailored to establish and sustain material installed within Association Property. The City personnel with experience and knowledge in first flush/water quality ponds, plant habitat creation/preservation and landscaping and irrigation management will supervise all maintenance personnel.

For a minimum period of one hundred twenty (120) days ("**Establishment Period**") following completion of the initial material installation including completion of the landscape and irrigation improvements by Association, Association will be responsible for the care and maintenance of all material and improvements. Association's involvement during this period is proven to increase the successful adaptation of the plant material.

Within fourteen (14) calendar days, following the Establishment Period and the submittal to the City of "As-Built" planting, irrigation and grading plans for all areas to maintained under this Agreement, the City will evaluate Association Property for health of plant material and determine whether the landscape and irrigation systems are fully operable. If judged satisfactory by the City, the Establishment Period will be considered concluded and the City will notify Association pursuant to **Section 8** of this Agreement. At that time, the long-term maintenance program will begin, and the City will assume the maintenance services identified herein. Should the City judge the health of plant material and/or the landscape and irrigation systems are not fully operable, the City will not assume maintenance services and will notify Association at the address set forth in **Section 8** of this Agreement (or such other address of which Association shall have previously notified the City in writing in accordance with **Section 8** hereof) of its decision.

Maintenance Services

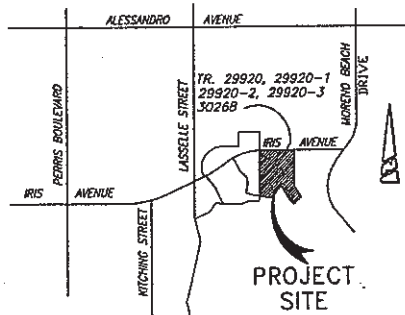
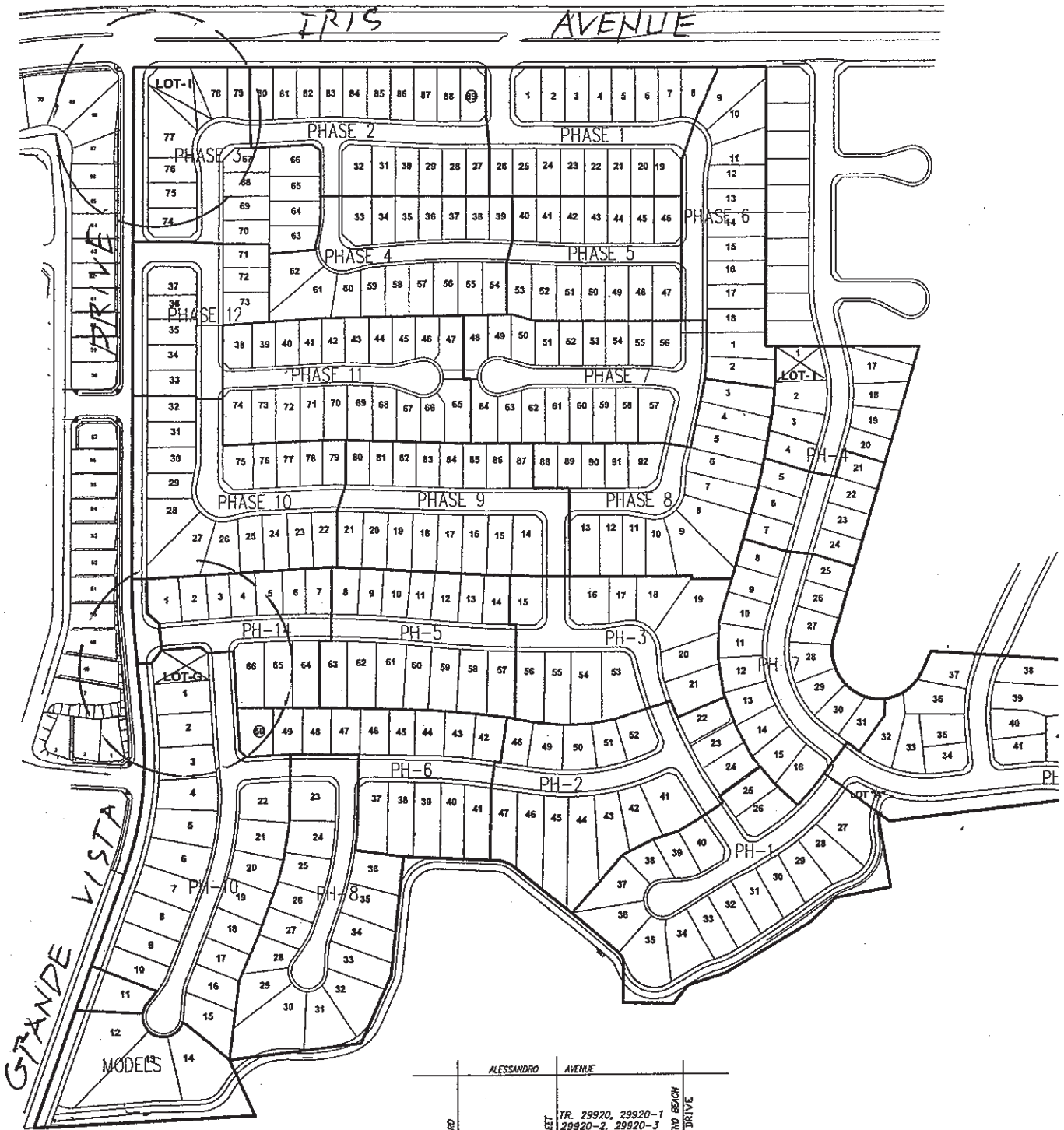
In accordance with the City's Plant and Irrigation Maintenance Specifications, and all applicable law or regulations, the City will perform the maintenance services on an as-needed basis within Association Property. The determination of when such services are needed will be in the City's sole discretion.

The City shall not perform or otherwise be responsible to implement any monitoring or mitigation compliance or certify to monitoring or mitigation compliance affecting Association Property pursuant to, (i) any conservation covenant or easement, and (ii) any permits issued by the United States Army Corps of Engineers or other similar governmental regulatory agencies.

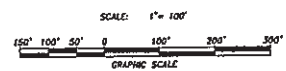
No other services by the City may be implied or inferred without amendment or modification to this Agreement.

PACIFIC IRIS III & EAGLE

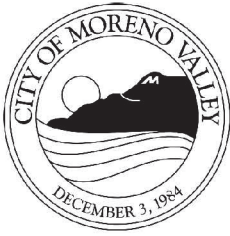
29920-1, 29920



VICINITY MAP
NOT TO SCALE



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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 Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 87-1 (Towngate)

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

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) ("CFD No. 87-1") approve and adopt the following:

1. Resolution No. 2011-48 to accept and approve the Special Tax Report for fiscal year (FY) 2011/12 regarding CFD No. 87-1; and
2. Resolution No. 2011-49 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1.

BACKGROUND

As part of the formation proceedings, CFD No. 87-1 was authorized to issue bonds. In April 1988, the Series A Bonds were sold in the amount of \$9,000,000 to finance certain public infrastructure improvements. The Series B Bonds were sold in August 1991 in the amount of \$12,000,000 to fund the remaining improvements within CFD No. 87-1.

In May of 1994, the legislative body of CFD No. 87-1 approved the issuance of the Special Tax Refunding Series A (\$14,170,000) and Series B (\$8,530,000) Bonds, which were sold on June 24, 1994. These bonds are collectively known as the "Prior Bonds".

In October of 2007, the legislative body of CFD No. 87-1 adopted Resolution No. 2007-119 to authorize the issuance of 2007 Special Tax Refunding Bonds (“Bonds”) for CFD No. 87-1. On November 29, 2007, \$10,665,000 of CFD No. 87-1 Bonds were sold. The issuance of the Bonds accomplished a net reduction in debt service requirements from the Prior Bonds as a result of receiving a favorable interest rate. Construction and acquisition of public improvements within CFD No. 87-1 have been completed for more than a decade.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 87-1 was established to finance the capital costs for roadway improvements, including grading, paving, sewers, sidewalks, landscaping, etc. Bonds were issued to provide funding for these improvements. Only commercial properties within CFD No. 87-1 are subject to the annual special tax to repay the bonded indebtedness. Subsequent increases in the special tax, not addressed in the original CFD Report, will be subject to a two-thirds voter approval of the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax (“RMA”) required to meet the special tax requirement for CFD No. 87-1, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2011/12 special tax requirement.

The maximum special tax rate for CFD No. 87-1 is \$11,500 per net acre. This amount is uniformly applied to developed property and may only be applied to undeveloped property if the maximum special tax levy on the developed property is insufficient to cover the annual special tax requirement.

The special tax will be levied per parcel and collected on the annual Riverside County property tax bills. Only taxable parcels within the boundaries of CFD No. 87-1 shall be subject to the special tax. The total special tax requirement will be funded through a combination of CFD No. 87-1 special tax, TownGate Specific Plan Area tax increment as provided by the Redevelopment Agency, and excess Reserve Fund interest earnings.

Additionally, City Council is being asked to approve and adopt a resolution to approve the submittal of the CFD 87-1 Annual Accountability Report in compliance with California Government Code Sections 53410 and 53411 (“Code Sections”). Sales of local bonds require the chief fiscal officer of the issuing local agency to file a report with its governing body at least once a year (“Annual Accountability Report”). Beginning with Fiscal Year (FY) 2008/09, and every year thereafter, Special Districts shall include the requirements of this Annual Accountability Report as part of the CFD 87-1 Annual

Special Tax and Bond Accountability Report which is on file in the office of the City Treasurer. The Annual Accountability Report provides the following information, as required by the Code Sections:

- a) The amount of funds collected and expended; and
- b) The status of the project.

ALTERNATIVES

1. By approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1 shall: 1) Approve and adopt the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 and 2) Approve and adopt the submittal of the Annual Accountability Report in compliance with the Code Sections, as submitted in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. *This approval would allow collection of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Special Tax Refunding Bonds and comply with state reporting requirements.*
2. By not approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1 shall: 1) Not approve nor adopt the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 and 2) Not approve nor adopt the Annual Accountability Report, as submitted in the Annual Special Tax and Bond Accountability Report. *If the collection of the special taxes are not approved, there may be a shortage of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Special Tax Refunding Bonds. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting viability of future bond sales. Failure to file the Annual Accountability Report would be a violation of the Code Sections.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the FY 2011/12 tax bill for each of the taxable parcels within the boundary of CFD No. 87-1. **Funds collected through CFD No. 87-1 are restricted funds, which may only be used to pay the debt service for CFD No. 87-1.** The amounts of the individual charges are reported in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. There are no general fund expenditures involved with this special tax obligation. Specific uses of Redevelopment tax increment, as defined in various Owner Participation Agreements, may offset the special taxes. No single family residential property is affected by this special tax levy. There is no fiscal impact associated with filing a report in compliance with the Code Sections.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 87-1 bonded indebtedness shall be collected and accounted for in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 87-1, shall have an opportunity to consider implementing the RMA to provide the payment of annual debt service for the Bonds. Also being considered is the approval of the Annual Accountability Report for CFD No. 87-1. Both the RMA and the Annual Accountability Report for CFD No. 87-1 are described in the Annual Special Tax and Bond Accountability Report, which are on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

- Exhibit A Resolution to accept and approve the Annual Special Tax Report for FY 2010/11 for CFD No. 87-1
- Exhibit B Resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1
- Exhibit C Boundary Map for CFD No. 87-1

Prepared By
Sharon Sharp
Senior 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:

RESOLUTION NO. 2011-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE)

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, formed Community Facilities District No. 87-1 ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 88-13 establishing the terms and conditions pertaining to the issuance of the \$9,000,000 City of Moreno Valley Community Facilities District No. 87-1 (Towngate) Special Tax Bonds, Series "A" ("1988 Bonds"); and, adopted Resolution No. 91-90 establishing the terms and conditions pertaining to the issuance of the \$12,000,000 City of Moreno Valley Towngate Community Facilities District No. 87-1 Special Tax Bonds, Series "B" ("1991 Bonds"); and,

WHEREAS, the District, did previously adopt Resolution No. 94-28, which established the terms and conditions pertaining to the issuance of the City of Moreno Valley Community Facilities District No. 87-1 (Towngate) \$14,170,000 Special Tax Refunding Bonds, Series A ("1994 Series A Bonds") and \$8,330,000 Special Tax Refunding Bonds, Series B ("1994 Series B Bond") (collectively, the "Prior Bonds"); and,

WHEREAS, the legislative body of the District determined that it would be prudent in the management of the fiscal affairs of the District to proceed with issuing bonds for the purpose of refunding the Prior Bonds; and,

WHEREAS, this legislative body, approved Resolution No. 2007-119 to authorize the issuance of 2007 Special Tax Refunding Bonds for CFD No. 87-1, which were sold on November 29, 2007, at \$10,665,000; and,

WHEREAS, this legislative body approved the Bond Indenture to establish the terms and conditions pertaining to the issuance of the 2007 Special Tax Refunding Bonds; and,

WHEREAS, an annual special tax report ("Report") for fiscal year ("FY") 2011/12, which fully sets forth all information concerning the District is on file in the office of the City Treasurer and is incorporated herein by this reference.

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

1. That the above recitals are all true and correct.
2. That the Report for FY 2011/12, on file in the office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 87-1 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the special tax.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

RESOLUTION JURAT

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

I, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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RESOLUTION NO. 2011-49

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF AN ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 87-1

WHEREAS, Government Code §53410 requires that on or after January 1, 2001, any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file a report with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the report in compliance with the above mentioned Government Code Sections, and that a copy of the Annual Accountability Report is on file in the office of the City Treasurer for review by the public upon request.

APPROVED AND ADOPTED this 14th day of June, 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, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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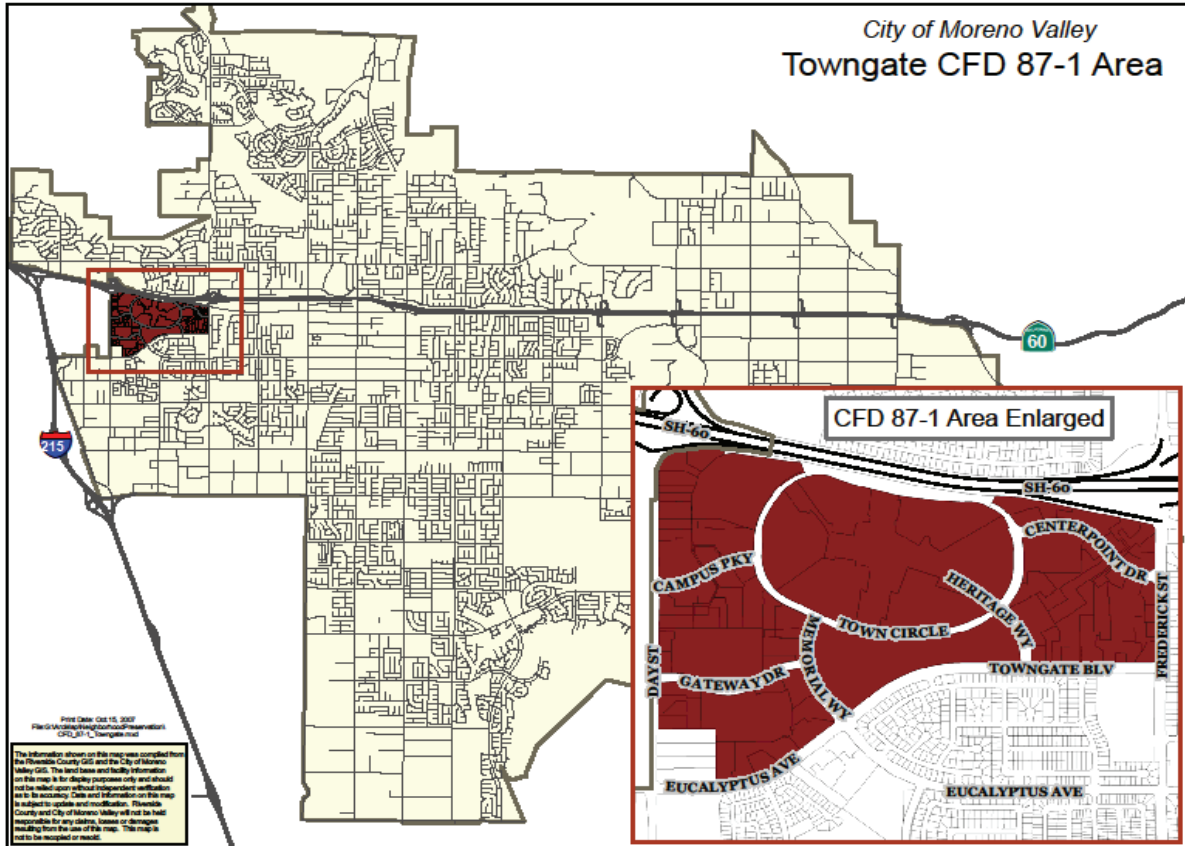
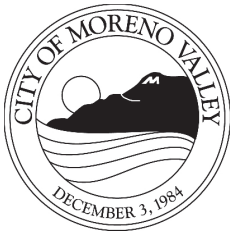


Exhibit C

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1

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

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) Improvement Area No. 1 ("CFD No. 87-1, Improvement Area No. 1") approve and adopt the following:

- 1) Resolution No. 2011-50 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12 for CFD No. 87-1 Improvement Area No. 1; and
- 2) Resolution No. 2011-51 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1.

BACKGROUND

As part of the formation proceedings, CFD No. 87-1, Improvement Area No. 1 was authorized to issue bonds. On March 23, 1993, the Moreno Valley City Council approved Resolution No. 93-16 to authorize the issuance of \$5,000,000 in bonds for CFD No. 87-1 Improvement Area No. 1, which were sold on June 24, 1994. The bonds contained a capitalized interest component, which precluded the necessity to levy a Special Tax for 1993/94; therefore, fiscal year (FY) 1994/95 was the first year for a Special Tax levy.

In October of 2007, the legislative body of CFD No. 87-1 Improvement Area No. 1 adopted Resolution No. 2007-120 to authorize the issuance of 2007 Special Tax Refunding Bonds (“Bonds”) for CFD No. 87-1 Improvement Area No. 1. On November 29, 2007, \$4,075,000 of CFD No. 87-1 Improvement Area No. 1 Bonds were sold. The issuance of the Bonds accomplished a net reduction in the debt service requirement from the refunded bonds as a result of receiving a favorable interest rate. Construction and acquisition of public improvements within CFD No. 87-1 Improvement Area No. 1 have been completed for more than a decade.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 87-1 Improvement Area No. 1 was established to finance the acquisition, construction, and/or installation of public facilities, which include sewer and water improvements, traffic signals, freeway ramps and land for a detention basin. Bonds were issued to provide funding for these improvements. Only commercial properties within the District are subject to an annual special tax to repay the bonded indebtedness. Subsequent increases, not addressed in the original CFD Report, will be subject to a two-thirds voter approval of the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax (“RMA”) required to meet the special tax requirement for CFD No. 87-1 Improvement Area No.1, as submitted in the Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2011/12 special tax requirement. The special taxes for CFD 87-1 Improvement Area No. 1 shall be levied at a uniform rate per taxable acre on all parcels within each of two tax rate areas. Tax Rate Area 1 is responsible for 59% of the special tax levy up to the maximum special tax rate of \$4,450 per taxable acre. Tax Rate Area 2 is responsible for 41% of the special tax levy up to a maximum special tax rate of \$3,850 per taxable acre.

The special tax will be levied per parcel and collected on the annual Riverside County property tax bills. The special tax levy is applied only to those parcels within the boundaries of CFD No. 87-1 Improvement Area No. 1.

Additionally, City Council is being asked to approve and adopt a resolution to approve the submittal of the CFD 87-1 Improvement Area No. 1 Annual Accountability Report in compliance with California Government Code Sections 53410 and 53411 (“Code Sections”). Sales of local bonds require the chief fiscal officer of the issuing local agency to file a report with its governing body at least once a year (“Annual Accountability Report”). Beginning with FY 2008/09, and every year thereafter, Special Districts shall include the requirements of this Annual Accountability Report as part of the CFD 87-1 Improvement Area No. 1 Annual Special Tax and Bond Accountability

Report, which is on file in the office of the City Treasurer. The Annual Accountability Report provides the following information as required by the Code Sections:

- a) The amount of funds collected and expended; and
- b) The status of the project.

ALTERNATIVES

1. By approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1, Improvement Area No. 1 shall: 1) Approve and adopt the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 Improvement Area No. 1 and 2) Approve and adopt the submittal of the Annual Accountability Report in compliance with the Code Sections, as submitted in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. *This approval will allow collection of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Improvement Area No. 1 Special Tax Refunding Bonds and comply with state reporting requirements.*
2. By not approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1, Improvement Area No. 1 shall: 1) Not approve nor adopt the proposed resolutions for the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 Improvement Area No. 1 and 2) Not approve nor adopt the Annual Accountability Report, as submitted in the Annual Special Tax and Bond Accountability Report. *If the collection of the special taxes are not approved, there will be a shortage of funds necessary to pay the annual debt service on CFD No. 87-1 Improvement Area No. 1 Special Tax Refunding Bonds. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting the viability of future bond sales. Filing of the Annual Accountability Report is a legal requirement, which would be a violation of the Code Sections.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the 2011/12 tax bill for each of the taxable parcels within the boundary of CFD No. 87-1 Improvement Area No. 1. **The funds collected through the CFD No. 87-1, Improvement Area No. 1 are restricted funds, which may only be used to pay the debt service for CFD No. 87-1, Improvement Area No. 1.** The amounts of the individual charges are reported in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. There are no general fund expenditures involved with this special tax obligation. The property within the CFD No. 87-1 Improvement Area No. 1 boundary is commercial; therefore, there are no residential properties affected by this special tax levy. There is no fiscal impact associated with filing a report in compliance with the Code Sections.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 87-1 Improvement Area No. 1 bonded indebtedness shall be collected and accounted for in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 87-1 Improvement Area No. 1, shall have an opportunity to consider implementing the RMA to provide the payment of the annual debt service for the Bonds. Also being considered is the approval of the Annual Accountability Report for CFD No. 87-1 Improvement Area No. 1. Both the RMA and the Annual Accountability Report for CFD No. 87-1 are described in the Annual Special Tax and Bond Accountability Report, which are on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

- Exhibit A Resolution to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 Improvement Area No. 1
- Exhibit B Resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1
- Exhibit C Boundary Map CFD No. 87-1 Improvement Area No.1

Prepared By
Sharon Sharp
Senior 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:

RESOLUTION NO. 2011-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE REPORT FOR FISCAL YEAR 2010/11 REGARDING COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, formed Community Facilities District No. 87-1 Improvement Area No. 1 (“District”) pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 93-16 approving the Bond Indenture terms and conditions pertaining to the issuance of the \$5,000,000 City of Moreno Valley Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1 Special Tax Bonds; and,

WHEREAS, on October 27, 2007, the legislative body adopted Resolution No. 2007-120, which authorized the issuance of Special Tax Refunding Bonds for the District to accomplish a net reduction in the debt service requirement, and approved the Bond Indenture terms and conditions pertaining to the issuance of \$4,075,000 for Community Facilities District No. 87-1 Improvement Area No. 1; and,

WHEREAS, an annual special tax report (“Report”) for fiscal year (“FY”) 2011/12, which fully sets forth all information concerning the District is on file in the office of the City Treasurer and is incorporated herein by this reference.

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

1. That the above recitals are all true and correct.
2. That the Report for FY 2011/12, on file in the Office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No 87-1 Improvement Area No. 1 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the tax.

APPROVED AND ADOPTED this 14th day of June, 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, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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RESOLUTION NO. 2011-51

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1 OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF THE ANNUAL ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 87-1 IMPROVEMENT AREA NO. 1

WHEREAS, Government Code §53410 requires that on or after January 1, 2001, any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file an Annual Accountability Report ("Report") with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the Report in compliance with the above mentioned Government Code Sections, and that the Report shall remain on file in the office of the City Treasurer for review by the public upon request.

1

Resolution No. 2011-51
Date Adopted: June 14, 2011

Exhibit B

APPROVED AND ADOPTED this 14th day of June, 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, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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Boundary Map

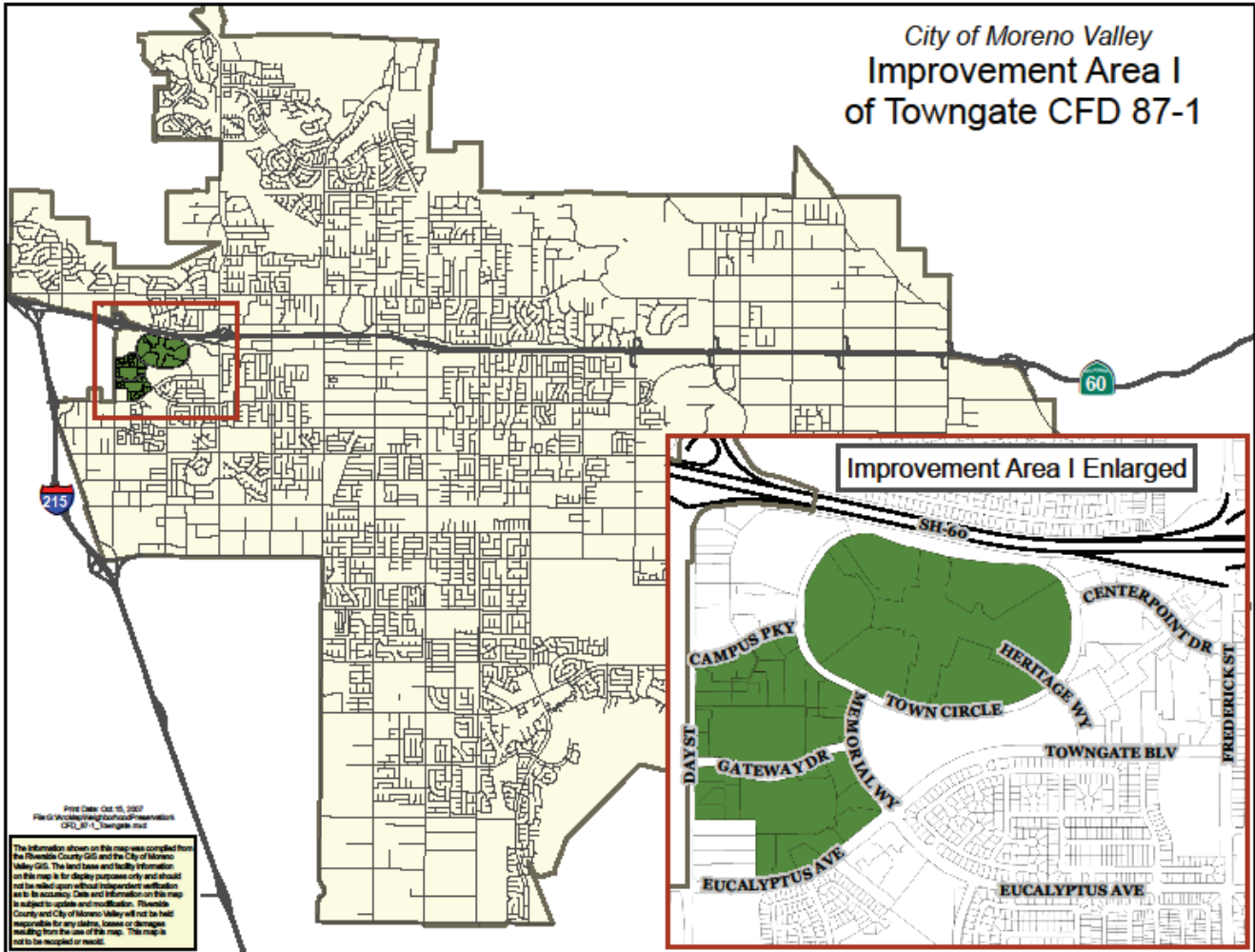
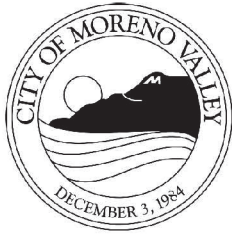


Exhibit C

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

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of the Moreno Valley Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing)

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

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 3 (AUTO MALL REFINANCING)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 3 (Auto Mall Refinancing) ("CFD No. 3"), approve and adopt Resolution No. 2011-52 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12, on file in the office of the City Treasurer.

BACKGROUND

The City of Moreno Valley Community Facilities District No. 2 (Auto Mall) ("CFD No. 2") formation permitted a bonded indebtedness in an amount not to exceed \$14,700,000. The sale of bonds in June 1989 financed the construction and acquisition of infrastructure improvements. Except for funds set aside for traffic signal construction at the eastbound off ramp of State Route 60 and Moreno Beach Dr., the improvements were declared complete in 1993, and the excess improvement funds were used to retire \$2,805,000 in bonds in December 1993. The traffic signal construction was completed June 14, 1996, and the remaining funds were used to call \$95,000 in bonds on June 2, 1997.

There were special tax payment delinquencies on eleven (11) parcels within CFD No. 2. Landmark Land Company of California failed to remit their payments starting with the April 10, 1994 through December 10, 1999 installments on nine parcels. Foreclosure proceedings began in May 1994. The foreclosure was delayed due to bankruptcy proceedings against Oak Tree Federal Savings Bank, Landmark Land Company's

parent corporation. On February 7, 1997, a judicial foreclosure sale was held at the Riverside County Courthouse. No bids were received for the properties. In addition to the nine Landmark Land Company delinquencies, the Federal Deposit Insurance Corporation (FDIC) failed to make the April 10, 1997, through December 10, 1999, payments on two (2) parcels.

The bonds defaulted on December 1999, requiring City staff to work with the current auto dealerships and professional consultants to resolve the delinquencies by refinancing the outstanding debt and providing for the acquisition of the nonperforming parcels by new property owners.

On January 25, 2000, a Settlement Agreement, as developed through a combined effort of City staff, the Auto Mall dealerships, and professional consultants, was approved by the City Council. The City Council adopted the Amended and Restated Agreement on March 7, 2000. These agreements provided for the refinancing of the CFD No. 2 Special Tax Bonds and restructuring of the special taxes, remedied the Event of Default on December 1, 1999, reduced and discharged the delinquent ad valorem taxes and special taxes, provided for the disposition of the nonperforming parcels, facilitated development of the nonperforming parcels, established a defined interpretation of the calculation of special tax, and settled all claims. In March 2000, the City formed Community Facilities District No. 3 ("CFD No. 3") for the purpose of restructuring the special tax and issuing bonds to refinance CFD No. 2. On April 5, 2000, \$8,075,000 of CFD No. 3 bonds were sold to refinance the outstanding CFD No. 2 bonds. At formation of CFD No. 3, the rate and method of apportionment ("RMA") established a maximum special tax rate that could be levied against properties within CFD No. 3.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 2 was established to finance the capital costs for public improvements, including grading, paving, sewers, sidewalks, landscaping, etc. Bonds were sold to provide the funding for acquisition of these improvements. Only properties benefiting from the improvements had annual special tax levies placed on the property tax roll to repay the bonded indebtedness. CFD No. 3 Special Tax Bonds, Series 2000 (the "Bonds"), were issued to refinance the CFD No. 2 bonds. Subsequent increases if required, not addressed in the March 7, 2000, CFD Report, will be subject to a two-thirds voter approval by the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the RMA required to cover the special tax requirement for CFD No. 3, as submitted in the Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2011/12 special tax requirement. The maximum special tax rates are based upon the assigned zone and development status for each parcel within CFD No. 3, as determined by the timing of the building permit. Developed parcels are those parcels that have a building permit issued prior to January of the current year. For each fiscal year following 2000/01, the Maximum Special Tax rates shall increase by an amount equal to 2% of

the Maximum Special Tax in effect for the prior fiscal year. The Maximum Special Tax applicable to each parcel, or portion thereof, shall be obtained by multiplying the taxable acreage for the parcel or portion thereof by the appropriate maximum special tax rate for the parcel's assigned zone as shown within the table below.

<i>Community Facilities District No. 3 (Auto Mall Refinancing)</i> MAXIMUM SPECIAL TAX RATES BY LAND USE CLASSIFICATION FOR FISCAL YEAR 2011/12		
Zone	Developed Property	Undeveloped Property
A	NA*	NA*
B	\$14,921/Taxable Acres	\$8,963/Taxable Acres
C	\$9,946/Taxable Acres	\$3,345/Taxable Acres

* Based upon the application of the RMA, properties located within Zone A of CFD No. 3 are not taxable after FY 2009/10.

The special tax levy is applied only to those taxable parcels within the boundaries of CFD No. 3 and will be collected on the annual tax bills prepared by the County of Riverside. The debt service shall be paid from a combination of CFD special taxes and Redevelopment tax increment and limited project specific sales tax.

ALTERNATIVES

1. By approving and adopting the proposed resolution, the legislative body for CFD No. 3 shall approve and adopt the resolution to implement the rate and method of apportionment of the special tax levy required to cover the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. *This approval would allow collection of funds necessary to pay the annual debt service on CFD No. 3 Bonds.*
2. By not approving and adopting the proposed resolution, the legislative body for CFD No. 3 shall not approve nor adopt the resolution to implement the rate and method of apportionment of the special tax levy required to cover the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. *If the collection of the special taxes are not approved, there will be a shortage of funds necessary to pay the annual debt service on CFD No. 3 Bonds. Bond reserves cover the shortfall and/or the payments to the bondholders to prevent an event of default. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting viability of future bond sales.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the CFD No. 3 property owner's 2011/12 tax bill. The amounts of the individual charges are reported in the Annual

Special Tax Report on file in the office of the City Treasurer. **The funds collected through the CFD No. 3 are restricted funds, which may only be used to pay the debt service for CFD No. 3.** There are no general fund expenditures involved with this special tax obligation. Specific uses of parcel Redevelopment tax increment and sales tax revenues, as defined in various Participation Agreements, may offset the special tax.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 3 bonded indebtedness shall be collected in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 3, shall have an opportunity to consider implementing the RMA to provide the payment of the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Exhibit A Resolution to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 3

Exhibit B Boundary Map of CFD No. 3

Prepared By
Sharon Sharp
Senior 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:

RESOLUTION NO. 2011-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 3 OF THE CITY OF MORENO VALLEY (AUTO MALL REFINANCING)

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing) ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 2000-27 ("Resolution") approving the form of the Bond Indenture ("Indenture") terms and conditions pertaining to the issuance of the Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing) Special Tax Bond, Series 2000 in the amount of \$8,075,000 of the; and,

WHEREAS, the City has prepared and submitted the Annual Special Tax Report ("Report") for fiscal year ("FY") 2011/12, which fully sets forth all information concerning the District, which is on file in the office of the City Treasurer and is incorporated herein by this reference.

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

1. That the above recitals are all true and correct.
2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 3 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the special tax.

Resolution No. 2011-52
Date Adopted: June 14, 2011

APPROVED AND ADOPTED this 14th day of June, 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, _____, 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 ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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Boundary Map

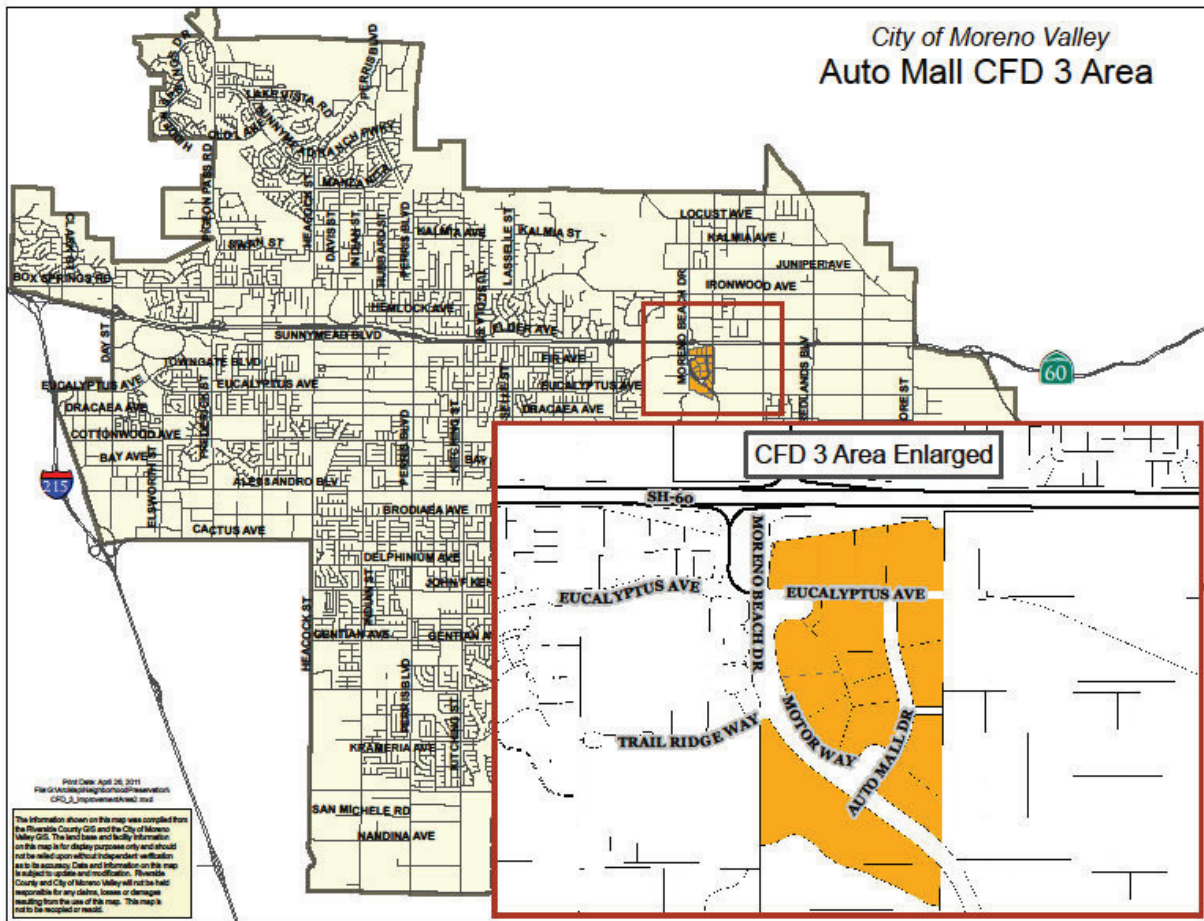
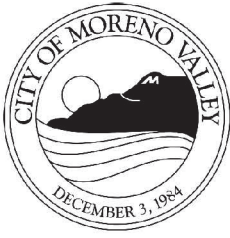


Exhibit B

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

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 4—Maintenance

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

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ACCEPTANCE OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 4—MAINTENANCE FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the City Council acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 4—Maintenance (“CFD No. 4—M”) approve and adopt Resolution No. 2011-53 to accept and approve the Annual Special Tax Report for CFD No. 4—M for fiscal year 2011/12.

BACKGROUND

Centerpointe Business Park is an industrial development area, which is generally located north of Cactus Avenue, south of Alessandro Boulevard, east of Frederick Street, and west of Heacock Street. As a condition of development, stormwater detention basin improvements were constructed to accommodate storm runoff within the Centerpointe Business Park industrial development area and adjoining properties.

On October 25, 2005, City Council adopted Resolution No. 2005-97 to form and establish CFD No. 4—M, to provide stormwater facilities maintenance, and to authorize the submittal of the levy of special taxes on properties within the Centerpointe Business Park industrial development, including adjacent properties that may in the future be annexed into CFD No. 4—M. Maintenance, as defined in the resolution to form CFD No. 4—M includes, but is not limited to, the provisions of all labor, materials, administration, equipment, utilities, and incidental expenses necessary to provide maintenance of the stormwater facilities.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax ("RMA") to cover the special tax requirement for CFD No. 4—M, as submitted in the special tax report on file in the office of the City Treasurer. Detailed within the annual special tax report ("Report") is the calculation of the special tax levy as per the RMA to meet the fiscal year ("FY") 2011/12 special tax requirement.

The maximum annual special tax for each tributary assessor's parcel of developed and undeveloped property, as established by the RMA, shall be increased each fiscal year thereafter, beginning in July 2007, by an amount equal to the Engineering News-Record Building Cost Index ("BCI") for the City of Los Angeles, measured as of the end of the calendar year. For FY 2011/12 the maximum special tax would be increased by 5.26% to \$0.008978 per square foot of land area, based upon the application of the BCI. The special tax levy shall be applied proportionately on each parcel of developed and undeveloped property within the boundaries of CFD No. 4—M up to 100% of the applicable maximum annual special tax. The special tax levy per parcel will be collected on the Riverside County property tax bill. However, the special tax levy for the United States Postal Service, assessor parcel number 297-170-071, shall be direct billed.

ALTERNATIVES

1. **Approve and adopt the proposed resolution** to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 4—M. *This approval will allow collection of the special taxes necessary to fund ongoing maintenance and administrative costs associated with stormwater and detention basin facilities to service the properties within the boundaries of CFD No. 4—M.*
2. **Do not approve or adopt the proposed resolution** to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 4—M. *If the special tax levy was not approved, there may be a shortage of funds necessary to fund ongoing maintenance and administrative costs associated with stormwater and detention basin facilities to service the properties within the boundaries of CFD No. 4—M.*

FISCAL IMPACT

There is no impact on the General Fund regarding the levy of the special tax for CFD No. 4—M. The fiscal impact for CFD No. 4—M will be a levy of a special tax applied to the property owner's FY 2011/12 tax bill or a direct bill for tax-exempt properties. The special tax levied on properties within the boundaries of CFD No. 4—M can only be used to cover the annual special tax requirement for this district. Properties within the boundaries of CFD No. 4—M consists of commercial and industrial developments; residential properties are not affected by this special tax levy.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to fund CFD No. 4—M services shall be collected in accordance with the provisions outlined within the RMA.

SUMMARY

The City Council shall have an opportunity to consider implementing the levy for CFD No. 4—M, per the RMA, to provide ongoing maintenance and administrative services for the stormwater and detention basin improvements.

EXHIBITS

- EXHIBIT A A proposed resolution to accept and approve the Annual Special Tax Report for CFD No. 4—M for fiscal year 2011/12
- EXHIBIT B Boundary Map of CFD No. 4—M
- EXHIBIT C Future Annexation Area Map of CFD No. 4—M

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\Special Dist Administration\Community Facilities Districts CFD\CFD 4-Maintenance\Administration\Annual Report\2011-12\staff report and resolution\Staff_Report for CFD No 4-M annual report.doc

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RESOLUTION NO. 2011-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 4-MAINTENANCE

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 4-Maintenance ("CFD No. 4-M" or "District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Ordinance No. 697 approving the rate and method of apportionment of special taxes ("RMA") to authorize a levy of a special taxes within CFD No. 4-M; and,

WHEREAS, The City has prepared and submitted the Annual Special Tax Report ("Report") for FY 2011/12; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

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

1. That the above recitals are all true and correct.
2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 4-M as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District.

APPROVED AND ADOPTED this 14th day of June, 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, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

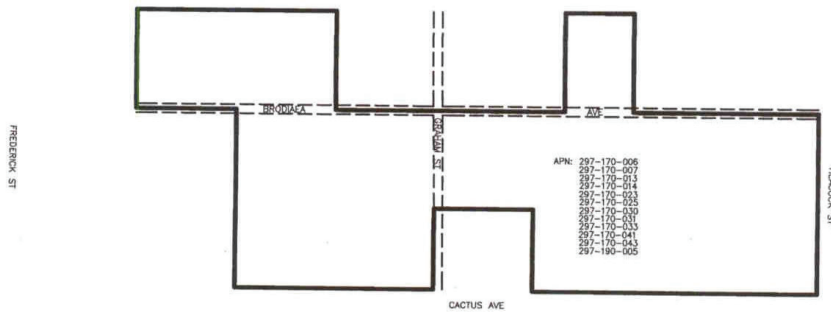
(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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PROPOSED BOUNDARY OF
 COMMUNITY FACILITIES DISTRICT No. 4 – MAINTENANCE
 OF THE CITY OF MORENO VALLEY
 COUNTY OF RIVERSIDE,
 STATE OF CALIFORNIA



VICINITY MAP
 NO SCALE
 LEGEND
 ——— DISTRICT BOUNDARY

REFERENCE THE RIVERSIDE COUNTY ASSESSOR'S MAPS
 FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 20th DAY OF September, 2005.
Maricela Alvarez
 CITY CLERK OF THE CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 4 – MAINTENANCE, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULARLY SCHEDULED MEETING, THEREOF, HELD ON THE 13th DAY OF September, 2005, BY ITS RESOLUTION No. 2005-01452-79.
Maricela Alvarez
 CITY CLERK OF THE CITY OF MORENO VALLEY

FILED THIS 22nd DAY OF Sept, 2005, AT THE HOUR OF 3 O'CLOCK P.M. IN BOOK 67 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGE NOS. 78 THROUGH 81 AS INSTRUMENT NO. 2005-01452-79 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER OF THE COUNTY OF RIVERSIDE

FEE \$ 7.00

PROPOSED BOUNDARY MAP

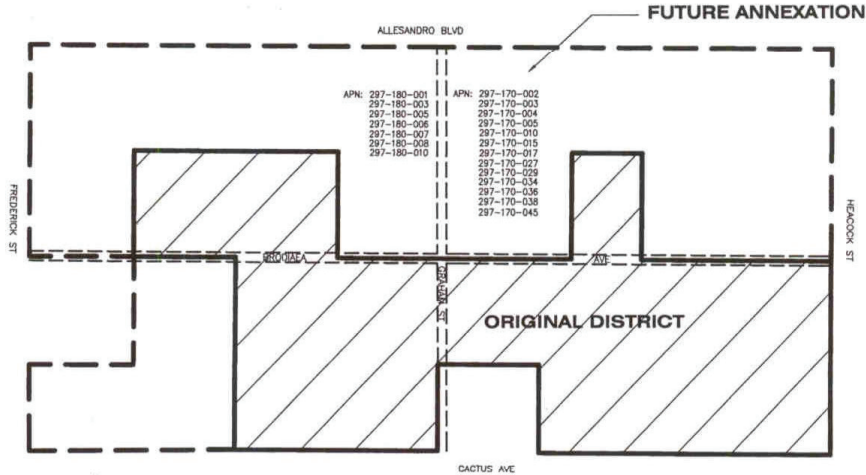
Proposed Boundary of
 Community Facilities District No. 4-Maintenance
 of the City of Moreno Valley
 County of Riverside, California

Sheet 1 OF 1

HARRIS & ASSOCIATES
 34 Executive Park, Suite 150
 Irvine, CA 92614
 (949) 655-3999 • FAX (949) 655-3995

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FUTURE ANNEXATION AREA OF
 COMMUNITY FACILITIES DISTRICT No. 4 – MAINTENANCE
 OF THE CITY OF MORENO VALLEY
 COUNTY OF RIVERSIDE,
 STATE OF CALIFORNIA



SCALE: 1"=400'



VICINITY MAP
 NO SCALE
 LEGEND

————— DISTRICT BOUNDARY
 - - - - - FUTURE ANNEXATION AREA

REFERENCE THE RIVERSIDE COUNTY ASSESSOR'S MAPS
 FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 20th DAY OF September 2005.
Wendy L. Shaw
 CITY CLERK OF THE CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED FUTURE ANNEXATION AREA OF COMMUNITY FACILITIES DISTRICT NO. 4 – MAINTENANCE, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, AT A REGULARLY SCHEDULED MEETING, THEREOF, HELD ON THE 13th DAY OF September, 2005. BY ITS RESOLUTION No. 2005-86.
Wendy L. Shaw
 CITY CLERK OF THE CITY OF MORENO VALLEY

FILED THIS 22nd DAY OF September 2005, AT THE HOUR OF 8 O'CLOCK P.M. IN BOOK 64 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGE NOS. 17 THROUGH 21 AS INSTRUMENT NO. 2005-0785280 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.
Wendy L. Shaw
 COUNTY RECORDER OF THE COUNTY OF RIVERSIDE

FEE \$ 7.00

PROPOSED BOUNDARY MAP

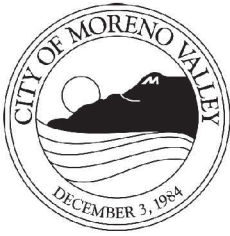
Future Annexation Area of
 Community Facilities District No. 4–Maintenance
 of the City of Moreno Valley
 County of Riverside, California

Sheet 1 of 1

HARRIS & ASSOCIATES
 34 Executive Park, Suite 150
 Irvine, CA 92614
 (949) 655-3900 • FAX (949) 655-3935

EXHIBIT C

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APPROVALS	
BUDGET OFFICER	<i>c.af</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 5

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

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR FISCAL YEAR 2011/12 REGARDING MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 5

RECOMMENDED ACTION

Staff recommends that the City Council acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 5 adopt the following:

1. Resolution No. 2011-54 to accept and approve the Annual Special Tax Report for fiscal year 2011/12 regarding Community Facilities District No. 5; and
2. Resolution No. 2011-55 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5.

BACKGROUND

Community Facilities District No. 5 (“CFD No. 5” or “District”) consists of Stoneridge Towne Centre, which is zoned for commercial/retail use. The site, located at the northeast corner of the Nason Street and Fir Avenue, is approximately 64 gross acres, of which 33 are net taxable acres.

On October 25, 2005, City Council adopted Resolution No. 2005-104 to form CFD No. 5 to finance the capital costs related to the Stoneridge Towne Centre commercial development for street improvements (Nason Street, Dracaea Avenue, Eucalyptus Avenue, and Fir Avenue), traffic signals, water, sewer, drainage, and electrical improvements.

California Government Code Sections 53410 and 53411 (“Code Sections”) state that any local bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures that include, but are not limited to, the chief fiscal officer of the issuing local agency filing an Annual Accountability Report with its governing body at least once a year. The Annual Accountability Report shall contain the specific purpose of the bonds, both the amount of funds collected and expended, and the status of any project required or authorized to be funded as identified in the statement indicating the specific purpose of the bonds.

DISCUSSION

Each year during the term of the debt, an Annual Special Tax Report must be approved by the City Council to provide funds for the annual debt service requirements. Detailed within the Annual Special Tax Report is the total annual debt service, administrative requirements, and the calculation of the special tax levy, as per the rate and method of apportionment (“RMA”), to meet the fiscal year (“FY”) 2011/12 special tax requirement. The FY 2011/12 Annual Special Tax Report is on file with the City Treasurer.

The maximum annual special tax for developed and undeveloped property has been established by the RMA at \$10,652.00 per acre for FY 2006/07. Per the RMA, the maximum annual special tax shall be increased by an amount equal to two percent (2%) each fiscal year in order to meet the annual special tax requirement. The maximum special tax rate for FY 2011/12 is \$11,760.65 per acre. Subsequent increases, not addressed in the RMA, will be subject to a two-thirds voter approval of the property owners.

The special tax is applied only to those taxable parcels within the District boundaries, excluding parcels not subject to the special tax. The special tax obligation for parcels owned by Target Corp and Kohls Dept Stores, Inc has been prepaid. These parcels are no longer subject to the special tax. The special tax levy is levied on taxable parcels on the annual Riverside County property tax bills.

The CFD No. 5 Annual Accountability Report provides the following accountability measure as required by the Code Sections:

- a) The amount of funds collected and expended; and
- b) The status of the project.

The Annual Special Tax Report and the Annual Accountability Report have been consolidated into the Annual Special Tax and Bond Accountability Report, which is on file in the office of the City Treasurer.

ALTERNATIVES

1. **Approve and adopt the proposed resolutions:** 1) to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 5 and 2) to approve the submittal of the Annual Accountability Report for CFD No. 5. *Approval of the*

resolutions will allow for the collection of the special taxes necessary to cover the annual debt service for CFD No. 5 and to ensure compliance with the Code Sections.

2. **Do not approve or adopt the proposed resolutions:** 1) to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 5 and 2) to approve the submittal of the Annual Accountability Report for CFD No. 5. *If the special tax levy was not approved, there may be a shortage of funds necessary to cover the annual debt service for CFD No. 5. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting viability of future bond sales. Failure to file the Annual Accountability Report would be a violation of the Code Sections.*

FISCAL IMPACT

There is no fiscal impact on the General Fund associated with the annual debt service or for the submittal of the Annual Special Tax and Bond Accountability Report for CFD No. 5. The fiscal impact will be a special tax applied to the 2011/12 Riverside County property tax bills for those parcels subject to the CFD No. 5 special tax. The special tax levied on properties within the boundaries of CFD No. 5 can only be used to cover the annual special tax requirement for the District.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to cover the annual debt service for CFD No. 5 shall be collected in accordance with the provisions outlined within the RMA.

SUMMARY

The City Council acting in their capacity as the legislative body of CFD No. 5 shall have an opportunity to consider implementing the special tax levy for CFD No. 5, per the RMA, to cover the special tax requirement for CFD No. 5, as submitted in the Annual Special Tax Report. Also being considered is the approval and submittal of the Annual Accountability Report for CFD No. 5, which has been incorporated into the Annual Special Tax Report. The Annual Special Tax and Bond Accountability Report is on file in the office of the City Treasurer.

EXHIBITS

- EXHIBIT A Resolution to accept and approve the Annual Special Tax Report for fiscal year 2011/12 regarding Community Facilities District No. 5
- EXHIBIT B Resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5
- EXHIBIT C Boundary Map of Community Facilities District No. 5

Prepared by:
Jennifer A. Terry,
Management Analyst

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

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

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

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 5 Stoneridge\Administration\Annual Reports\2011-12\staff report and resolutions\CFD 5 11_12 levy - Staff Report.doc

RESOLUTION NO. 2011-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 5

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 5 ("CFD No. 5" or "District") pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Ordinance No. 701 to authorize a levy of a special tax within CFD No. 5; and,

WHEREAS, The City has prepared and submitted the Special Tax Report ("Report") for FY 2011/12; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

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

1. That the above recitals are all true and correct.
2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 5 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the special tax.

APPROVED AND ADOPTED this 14th day of June, 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, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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RESOLUTION NO. 2011-55

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF THE ANNUAL ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 5

WHEREAS, Government Code §53410 requires that on or after January 1, 2001 any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file an Annual Accountability Report ("Report") with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the Report in compliance with the above mentioned Government Code Sections, and that the Report shall remain on file in the office of the City Treasurer for review by the public upon request.

APPROVED AND ADOPTED this 14th day of June, 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, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

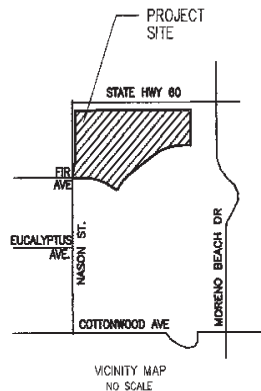
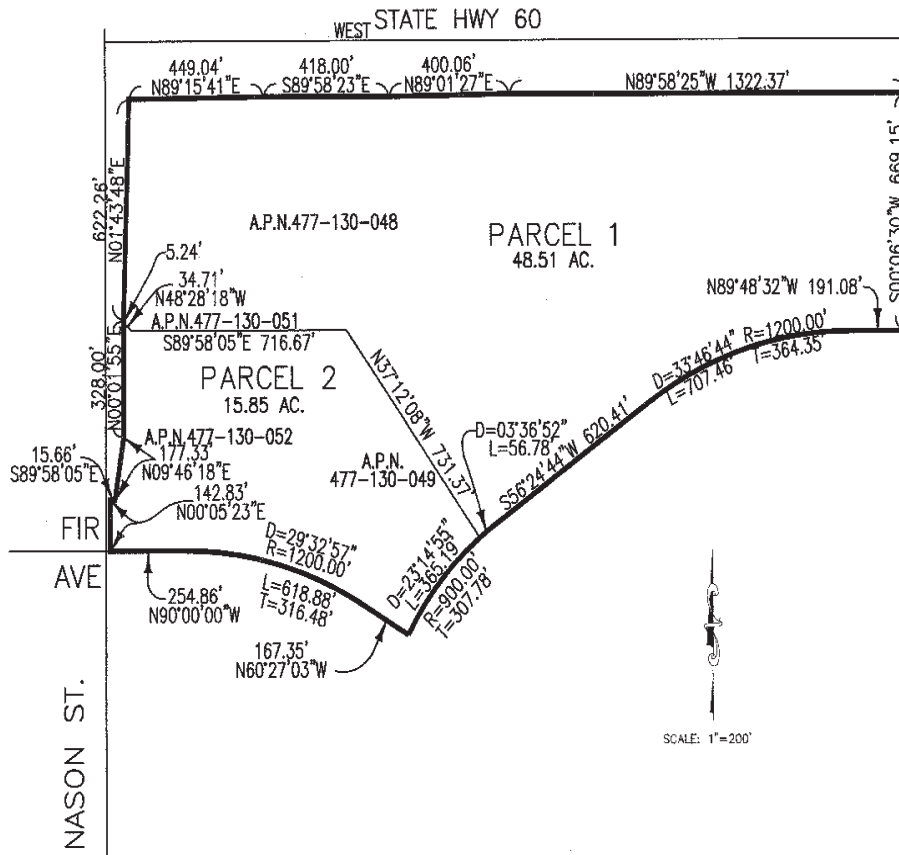
(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

6/20
CITY

PROPOSED BOUNDARY OF
COMMUNITY FACILITIES DISTRICT No. 5
OF THE CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 20th DAY OF July 2005.
Wendy L. Gray
CITY CLERK OF THE CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 5 CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULARLY SCHEDULED MEETING THEREOF, HELD ON THE 13th DAY OF September, 2005, BY ITS RESOLUTION No. 2005-7A.
Wendy L. Gray
CITY CLERK OF THE CITY OF MORENO VALLEY

FILED THIS 20th DAY OF July, 2005, AT THE HOUR OF 3 O'CLOCK PM IN BOOK 64 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGE NOS 22 THROUGH --- AS INSTRUMENT NO. 2005-07052 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.
John S. ...
COUNTY RECORDER OF THE COUNTY OF RIVERSIDE FEE \$ 7

REFERENCE THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

PROPOSED BOUNDARY MAP

Community Facilities District No. 5
of the City of Moreno Valley
County of Riverside, California

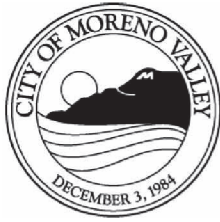
Sheet 1 OF 1

HARRIS & ASSOCIATES
34 Executive Park, Suite 150
Irvine, CA 92614
(949) 655-3900 • FAX (949) 655-3995

04/22/05

© Moreno Valley (0730) Map (C) No. 5 - Shoreline Ranch, Inc.

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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: May 10, 2011

TITLE: PA04-0004 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS

SOUTHWEST CORNER OF BAY AVENUE AND PAN AM BOULEVARD

DEVELOPER – MOVAL BAY APARTMENTS, L.P.
5 PARK PLAZA
SUITE 980
IRVINE, CA 92614

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the acceptance of certain public improvements associated with the project.
2. Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor bond associated with project PA04-0004 for public improvements.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On June 24, 2004, the Planning Commission of the City of Moreno Valley approved PA04-0004. This project is a proposal to develop a 61-unit affordable apartment complex with recreational amenities on 3.6 acres of vacant land.

On July 11, 2006, the City Council of Moreno Valley approved the agreement and bonds for public improvements in the amounts of \$207,000 for Faithful Performance and \$103,500 Material & Labor. The developer was required to construct certain public street improvements that included driveways, asphalt pavement, sidewalk, curb & gutter, street lights, water, and sewer within Adrienne Street, Bay Avenue and Pan Am Boulevard. Those improvements received on-going inspection during the construction process. The improvements are now eligible for acceptance into the City's maintained street system. The City currently maintains the streets surrounding the project.

DISCUSSION

The completed improvements received a final inspection. The improvements were completed in accordance with the approved plans and standards of the City of Moreno Valley. It is therefore appropriate to accept those improvements and release the bonds.

ALTERNATIVES

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

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" – Vicinity Map
Exhibit "B" – Public Improvement Agreement with Bonds

Prepared By
Vince Giron
Associate Engineer

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

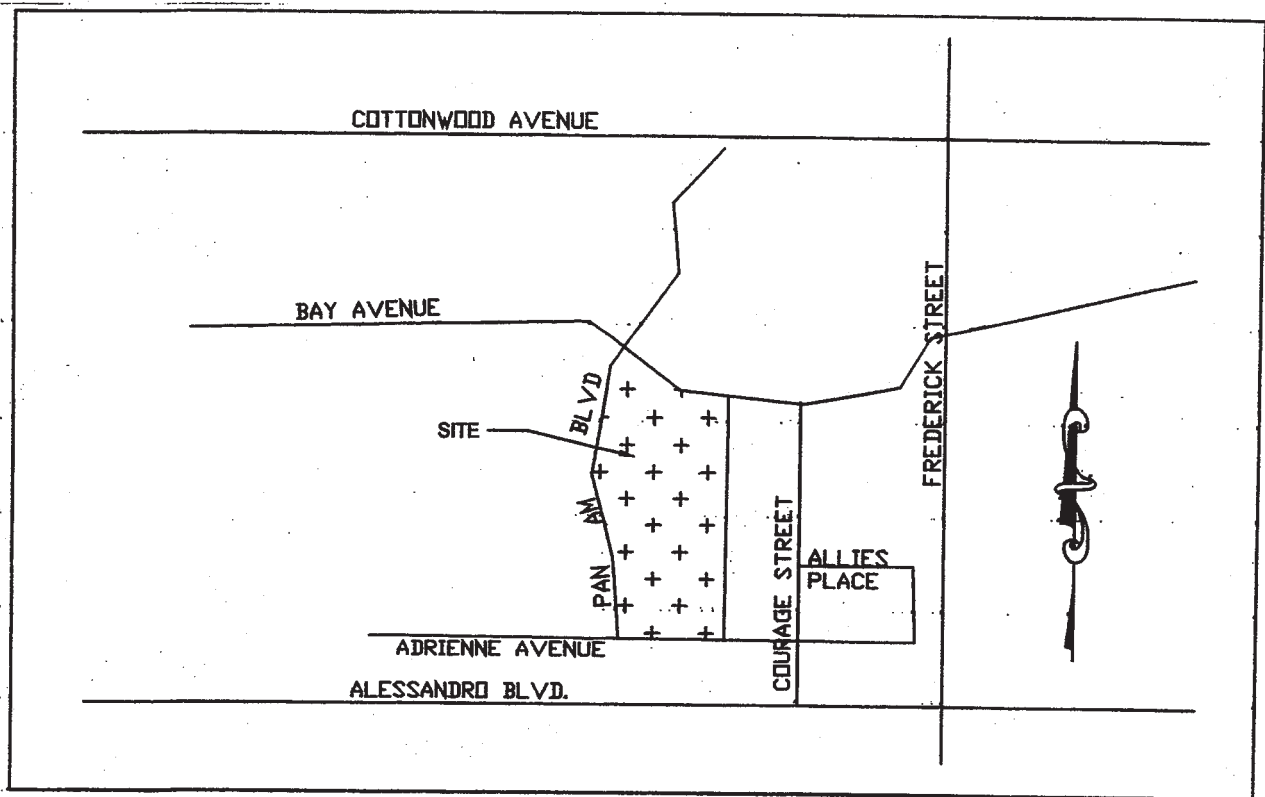
Concurred By
Clement Jimenez
Senior Engineer, P.E.

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\5-10-11 - PA04-0004 - Exoneration of Agreement & Bonds.doc

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VICINITY MAP



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

Bay Family Apartments
PA04-0004

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

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

No recording fee per Government Code, Section 6103

This space for Recorder's use only.

**AGREEMENT FOR PUBLIC IMPROVEMENTS
PROJECT NO. PA04-0004**

APN 291-272-001

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and MOVAL BAY APARTMENTS, L.P., herein after called Contractor, on the date signed by the Mayor of the City.

WITNESSETH:

FIRST: Contractor, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as PA04-0004, agrees, at Contractor's own expense, to furnish all labor, equipment and material necessary, and within TWENTY-FOUR (24) months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Contractor further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Contractor shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Contractor shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Contractor waives the 120 day time limitation set forth in Section 66462.5, Government Code. The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto, is the sum of TWO HUNDRED SEVEN THOUSAND AND NO/100 Dollars (***\$207,000.00***).

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

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

EXHIBIT "B"

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

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

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

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

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

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

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

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

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

Contractor:
MoVal Bay Apartments, L.P.
5 Park Plaza, Suite 980
Irvine, CA 92614

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

Date approved by the City: July 11, 2006

MOVAL BAY APARTMENTS, L.P.:

By: Christina Alley, Chief Executive Officer
Title

By: [Signature]
Title President

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: [Signature]
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: [Signature]
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: 7/11/06

By: [Signature]
City Attorney

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

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
 } ss
County of Merced }

On May 19, 2006, before me, Jennifer Bertuccio, Notary Public, personally appeared Christina Alley, personally known to me [or proved to me on the basis of satisfactory evidence] to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Jennifer Bertuccio
Notary Public

My Commission Expires:
January 3, 2009

EXHIBIT "A"
ENGINEER'S ESTIMATE

DATE: 01/24/06
PREPARED BY: Anitra Holt *AW*

PROJECT: PA04-0004

STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Roadway Excavation	0	C.Y.	20.00	0
A.B. Class II	0	Thickness (ft.)		
	0	S.F.	55.00	0
A.C.	0	Thickness (ft.)		
	0	S.F.	90.00	0
A.B. Class II	0.75	Thickness (ft.)		
	555	S.F.	30 Ton 55.00	1,660
A.C.	0.33	Thickness (ft.)		
	555	S.F.	13 Ton 90.00	1,195
A.C. Cap	0	Ton	90.00	0
A.C. Overlay	0	Ton	90.00	0
Grind & Pave 0.15'	0	S.F.	3.25	0
Curb and Gutter - 6"	70	L.F.	22.00	1,540
Curb and Gutter - 8"	0	L.F.	25.00	0
Curb Only - 6"	0	L.F.	18.00	0
Curb Only - 8"	0	L.F.	20.00	0
Cross Gutter and Spandrel	0	S.F.	15.00	0
Sidewalk	1125	S.F.	7.00	7,875
Driveway Approach - 6"	935	S.F.	14.00	13,090
Driveway Approach - 8"	0	S.F.	16.00	0
Alley Approach - 8"	0	S.F.	16.00	0
P.C.C. Paving - 6"	0	S.F.	14.00	0
P.C.C. Paving - 8"	0	S.F.	16.00	0
A.C. Berm - 6"	0	L.F.	10.00	0
A.C. Berm - 8"	0	L.F.	15.00	0
Slurry Seal (Based on \$150/Ton Type II)	0	S.Y.	2.25	0
Redwood Header	0	L.F.	6.00	0
Sawcut	190	L.F.	1.50	285
Trench Repaving	1920	S.F.	12.00	23,040
Utility Trench	328	L.F.	17.00	5,576
Wheelchair Ramp	0	EA.	1,200.00	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	1	EA.	200.00	200
Barricade	0	L.F.	100.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Signs and Posts	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Bus Bay	0	EA.	20,000.00	0
Traffic Striping/raised pavement markers	1	L.S.	2000	3,500
Traffic Signal (Includes Interconnect, Controller, Software)	0	EA.	272,000.00	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Relocate Trees	0	EA.	2,500.00	0
1/2 Alley Apron	0	S.F.	16.00	0
Street Lights (9500 lumen)	4	EA.	4,000.00	16,000
Street Lights (22000 lumen)	0	EA.	5,000.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	400.00	0
Erosion Control	4	Ac.	10,000.00	35,000
Cluster Mail Boxes	1	EA.	4,500.00	4,500
Electrical Utility Infrastructure	0	EA.		
Electrical Utility Line Extension	1	L.F.	135.00	
			SUBTOTAL:	113,461
Landscaping	0	S.F.	6.00	0
Water Quality Basins	0	S.F.	6.00	0
			SUBTOTAL:	0
Monuments:	0.00	EA.	100.00	\$0

PROJECT: PA04-0004

DATE: 01/24/06

PREPARED BY: Anitra Holt

Hz

STORM DRAIN SYSTEM

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

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

PROJECT: PA04-0004

DATE: 01/24/06
PREPARED BY: Anitra Holt *HW*

IMPROVEMENT TYPE:

ROADWORK	:	\$113,461
STORM DRAIN	:	\$0
WATER SYSTEM	:	\$24,430
SEWER SYSTEM	:	\$34,210
SURVEY MONUMENTS	:	\$0
TOTAL COST OF IMPROVEMENTS:		<u>\$172,101</u>
+20% CONTINGENCY:		\$34,420
<u>GRAND TOTAL:</u>		<u>\$206,521</u>

BOND AMOUNT:

\$207,000

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Final premium
amount is based
upon actual final
contract price

Public Improvements \$207,000.00

Project No. PA04-0004

Bond No. 726125S

Premium \$6,210.00 / 2 Years

Surety Developers Surety and Indemnity Company A-YI(CA)

Principal MoVal Bay Apartments, L.P.

Address 17780 Fitch

Address 5 Park Plaza, Suite 980

City/Zip Irvine, CA 92614

City/Zip Irvine, CA 92614

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and MOVAL BAY APARTMENTS, L.P., as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to PA04-0004, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and Developers Surety and Indemnity Company, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of TWO HUNDRED SEVEN THOUSAND AND NO/100 Dollars (***\$207,000.00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

RISK MANAGEMENT
Approved

[Signature] 6/5/06


FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA04-0004

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on May 26, 2006.

NAME OF PRINCIPAL: MoVal Bay Apartments, L.P.
Company Name

AUTHORIZED SIGNATURE(S): By 
Name Andrew Hanna Title President
Name Christina Alley Title Chief Executive Officer


NAME OF SURETY: Developers Surety and Indemnity Company
Company Name

AUTHORIZED SIGNATURE: 
Steven A. Swartz ITS ATTORNEY-IN-FACT

**ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY**

Approved as to form:

Date: 7/11/06

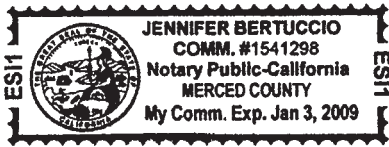

City Attorney
City of Moreno Valley

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
 } ss
County of Merced }

On May 31, 2006, before me, Jennifer Bertuccio, Notary Public, personally appeared Christina Alley, personally known to me [or proved to me on the basis of satisfactory evidence] to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Jennifer Bertuccio
Notary Public

My Commission Expires:
January 3, 2009

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT



State of California


County of Orange

On May 23, 2006, before me, Don S. Park, notary public,

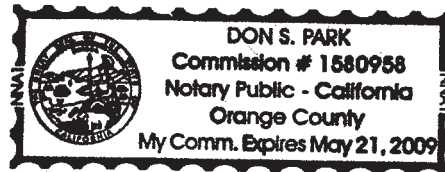
personally appeared ANDREW HANNA

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.

Witness my hand and official seal.



Signature of Notary Public



MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements \$103,500.00

Project No. PA04-0004

Bond No. 726125S

Premium Included in Performance Bond

Surety Developers Surety and Indemnity Company

Principal MoVal Bay Apartments, L.P.

Address 17780 Fitch

Address 5 Park Plaza, Suite 980

City/Zip Irvine, CA 92614

City/Zip Irvine, CA 92614

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and MOVAL BAY APARTMENTS, L.P., (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to PA04-0004, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ONE HUNDRED THREE THOUSAND FIVE HUNDRED AND NO/100 Dollars (***\$103,500.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

RISK MANAGEMENT
Approved

C-164 [Signature] 6/05/06


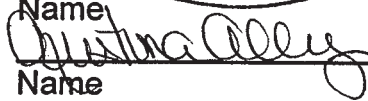
MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA04-0004

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on May 26, 2006.

NAME OF PRINCIPAL: MoVal Bay Apartments, L.P.
Company Name

AUTHORIZED SIGNATURE(S): By: 
Name Andrew Hanna Title President

Name Christina Alley Title Chief Executive Officer

NAME OF SURETY: Developers Surety and Indemnity Company
Company Name

AUTHORIZED SIGNATURE: 
Steven A. Swartz ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY - ATTACH POWER OF ATTORNEY

Approved as to form:

Date: 7/11/06


City Attorney
City of Moreno Valley

STATE OF California

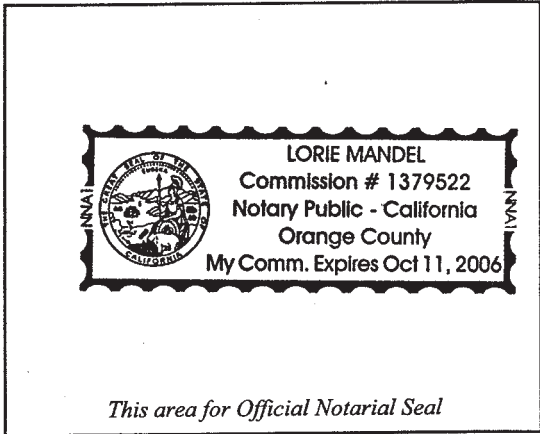
COUNTY OF Orange

On 5/26/2006, before me, Lorie Mandel, Notary Public
(here insert name and title of the officer), personally appeared Steven A. Swartz

personally known to me (or 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.

WITNESS my hand and official seal.

Signature Lorie Mandel (SEAL)



OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER
- _____ TITLE(S)
- PARTNER(S) LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____
- _____
- _____

DESCRIPTION OF ATTACHED DOCUMENT

Performance/Payment Bond #726125S

 TITLE OF TYPE OF DOCUMENT

NUMBER OF PAGES

5/26/2006

 DATE OF DOCUMENT

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)
Developers Surety and Indemnity Company

SIGNER(S) OTHER THAN NAMED ABOVE

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA
PO BOX 19725, IRVINE, CA 92623 (949) 263-3300**

KNOW ALL MEN BY THESE PRESENTS, that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each, hereby make, constitute and appoint:

Steven A. Swartz, Nicki Swartz, Patricia R. Minder, jointly or severally


as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of November 1, 2000:

RESOLVED, that the Chairman of the Board, the President and any Vice President of the corporation be, and that each of them hereby is, authorized to execute Powers of Attorney, qualifying the attorney(s) named in the Powers of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective Executive Vice President and attested by their respective Secretary this 1st day of December, 2005.

By: 
David H. Rhodes, Executive Vice-President

By: 
Walter A. Crowell, Secretary



STATE OF CALIFORNIA]
COUNTY OF ORANGE]

On December 1, 2005 before me, Gina L. Garner, (here insert name and title of the officer), personally appeared David H. Rhodes and Walter A. Crowell, personally known to me (or 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.

WITNESS my hand and official seal.

Signature 

(SEAL)



CERTIFICATE

The undersigned, as Assistant Secretary, of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked, and furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney, are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, the 26th day of May, 2006.

By: 
Albert Hillebrand, Assistant Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
 } ss
County of Merced }

On May 31, 2006, before me, Jennifer Bertuccio, Notary Public, personally appeared Christina Alley, personally known to me [or proved to me on the basis of satisfactory evidence] to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Jennifer Bertuccio
Notary Public

My Commission Expires:
January 3, 2009

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT



State of California


County of Orange

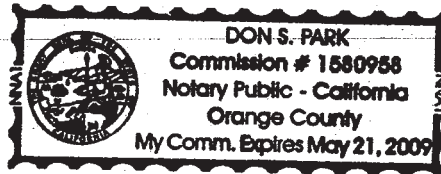
On May 23, 2006, before me, Don S. Park, notary public,

personally appeared ANDREW HANNA

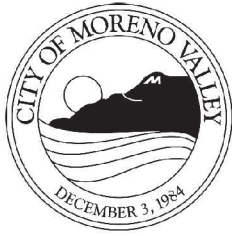
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ / ~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s)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

Witness my hand and official seal.


Signature of Notary Public



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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>SMB</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

AGENDA DATE: June 14, 2011

TITLE: AUTHORIZE THE FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR STATE ROUTE 60/MORENO BEACH DRIVE INTERCHANGE AND NASON STREET OVERCROSSING IMPROVEMENTS -- PROJECT NO. 07-41570024

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014.
2. Authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc. in the form attached hereto.
3. Authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling \$723,267.77 to be funded from Account Nos. 415.70024 (\$323,918.50) and 897.91728 (\$399,349.27) and authorize the issuance of a purchase order for \$461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for \$1,184,976.41 brings the not-to-exceed contract total to \$4,826,047.86.

BACKGROUND

On March 14, 2006, the City Council approved an Agreement to Reimburse TUMF Funds between WRCOG and the City of Moreno Valley for the SR-60/Nason Interchange and an Agreement to Reimburse TUMF Funds between WRCOG and the City of Moreno Valley for the SR-60/Moreno Beach Interchange. The agreements have been amended to add the design and right-of-way phases.

On November 29, 2007, Caltrans approved the Negative Declaration for both interchanges.

On May 13, 2008, the City Council awarded an "Agreement for Professional Consultant Services" to Parsons for design, right-of-way engineering, and construction support services for both the SR-60/Nason Overcrossing and the SR-60/Moreno Beach Interchange. Design has progressed to the 95% plan stage.

On January 13, 2009, the City Council reprioritized capital projects funded by Redevelopment Agency (RDA) bonds. Funds previously allocated for construction of a new library were reallocated to the SR-60/Nason Overcrossing project. In late January 2009, the City requested that Caltrans split the project since the Nason Overcrossing had full funding but funding for the Moreno Beach Interchange was uncertain due to a projected shortfall in TUMF funding over the next few years. The projects were split and Caltrans approved environmental re-validations for both projects in 2010.

On March 8, 2011, the City Council entered into a Cooperative Agreement with the Redevelopment Agency and again reprioritized projects funded by RDA bonds. Funding remaining from the Edgemont Water Phase I project was reallocated to create a new project phase to build the ultimate freeway ramp alignments at the south side of the SR-60/Moreno Beach Drive Interchange and connect Eucalyptus Avenue to Moreno Beach Drive. On May 10, 2011, the City Council authorized negotiations and settlement for the three remaining parcels to be acquired for SR-60/Moreno Beach Phase 1. Negotiations are underway.

DISCUSSION

SR-60/Moreno Beach Phase 1 south side improvements include reconstruction of the two eastbound ramps (on- and off-ramps) to SR-60, connection of the west leg of Eucalyptus Avenue to Moreno Beach Drive, addition of an eastbound auxiliary lane, addition of a traffic signal at the eastbound ramps/Moreno Beach Drive intersection, utility relocations, and related improvements. In April 2011, City staff met with Caltrans to identify ways to expedite improvements to the south side as a separate construction project. Steps were identified and Caltrans assured their cooperation. The scope of work for Amendment 4 addresses those steps. The tasks consist of separating and generating new plans to prepare stand-alone plans and estimate. The scope also includes environmental re-validation as a stand-alone project, environmental permitting and mitigation, Supplemental Project Report, traffic management strategies, completion

of right-of-way and utility negotiations and Caltrans certification, one open house meeting, pavement analyses required by Caltrans, construction-phase support, burrowing owl survey, and related work. The scope provides for a ready-to-bid project.

The SR-60/Moreno Beach project Phase 2 will consist of remaining improvements including replacement of the overcrossing bridge, realignment of the two existing westbound ramps, addition of a new westbound on-ramp, raising the final grade along Moreno Beach Drive at the eastbound ramp intersection, and building the Caltrans-required drainage Line K-1 improvements in Ironwood Avenue. The consultant's services covered by Amendment 4 consist of revising existing and generating new plans to prepare a stand-alone Phase 2 project, updating specifications, preparing various funding applications to address construction fund shortfalls, environmental re-validation and permitting, continued right-of-way negotiations, bridge utility coordination based on new Caltrans requirements, updated landscape plans, and related work.

The SR-60/Nason Overcrossing project replaces the bridge, constructs a new sound wall, and completes the ultimate improvements at this location. The consultant's services covered by the Fourth Amendment consist of updating specifications, updating plans to reflect final design of the prior ramp project (currently under construction), preparation of a funding application, updating structure plans for new utility requirements, extended utility coordination, geotechnical support, open house meetings, updated landscape plans in accordance with the approved master plan, extended construction support, and related work. The scope also includes preparation of Caltrans-required documents to receive federal funds, which will allow the project to receive excess federal funds from the SR-60/Nason Interchange Ramp project and/or other federal funds.

The Fourth Amendment to Agreement provides for, in general, engineering and environmental services to split the SR-60/Moreno Beach Interchange into two stand-alone construction phases as well as update the SR-60/Nason Overcrossing plans to prepare for construction. The previous Amendments 1, 2, and 3 revised the scope of work within the approved contingency to address appraisal/excess land services, storm water grant application services, environmental re-validations and new Supplemental Project Reports to split Nason and Moreno Beach into two projects, new Caltrans pavement analysis requirements, and extended survey services. The Fourth Amendment also extends the contract termination date from June 30, 2013, to December 31, 2014, to match the services being performed as part of the revised scope.

The City's Economic Development Plan identified the SR-60/Moreno Beach Interchange Phase 1 as a priority project, and the scope of work outlined as part of the Fourth Amendment provides for ready-to-bid documents to be submitted to Caltrans by April 2012. Caltrans approval is anticipated within two to three months of submittal, which allows the City to advertise once approval is obtained.

ALTERNATIVES

1. Approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014, and authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc. in the form attached hereto, and authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling \$723,267.77 to be funded from Account Nos. 415.70024 (\$323,918.50) and 897.91728 (\$399,349.27) and authorize the issuance of a purchase order for \$461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for \$1,184,976.41 brings the not-to-exceed contract total to \$4,826,047.86. *This alternative will facilitate the construction of needed improvements.*

2. Do not approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014, and do not authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc. in the form attached hereto, and do not authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling \$723,267.77 to be funded from Account Nos. 415.70024 (\$323,918.50) and 897.91728 (\$399,349.27) and do not authorize the issuance of a purchase order for \$461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for \$1,184,976.41 brings the not-to-exceed contract total to \$4,826,047.86. *This alternative will delay the construction of needed improvements.*

FISCAL IMPACT

The projects are currently funded with 2007 Redevelopment Agency Tax Allocation Bond proceeds (Series A) (Fund 897), Transportation Uniform Mitigation Fees (Fund 415) and Developer In-lieu Street Improvement Funds (Fund 414). These funds have been allocated for SR-60/Moreno Beach Interchange and SR-60/Nason Overcrossing improvements and cannot be utilized for operational activities. There is no impact to the General Fund.

The Fourth Amendment for \$1,184,976.41 brings the not-to-exceed contract total to \$4,826,047.86. Change Orders totaling \$723,267.77 will increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group and will be funded from Account

Nos. 415.70024 (\$323,918.50) and 897.91728 (\$399,349.27). A new purchase order for \$461,708.64 is requested from Account 897.91731.

SR-60/Moreno Beach – Phase 1

AVAILABLE FUNDS

FY 2010/2011 2007 RDA Bond Funds (Account 897.91731)..... \$2,352,000

ESTIMATED DESIGN & RIGHT OF WAY COSTS – FY 2010/2011

Design – Fourth Amendment \$ 461,700
 Right of Way and Utilities \$1,100,000
 Total Design & Right of Way Costs \$1,561,700

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way March 2012
 Caltrans Approval and Authorization to Bid July 2012
 Begin Construction November 2012
 Complete Construction November 2013

SR-60/Moreno Beach – Phase 2

AVAILABLE FUNDS

FY 2010/2011 TUMF Funds (Account 415.70024)..... \$4,538,000

ESTIMATED DESIGN & RIGHT OF WAY COSTS – FY 2010/2011

Design – Fourth Amendment \$ 323,900
 SR-60/Moreno Beach Interchange Improvements (Phase 2)..... \$4,126,100
 Total Design & Right of Way Costs \$4,450,000

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way* July 2012
 Caltrans Approval July 2013
 Advertise Project* September 2013

* *Contingent on funding availability*

SR-60/Nason Overcrossing

AVAILABLE FUNDS

FY 2010/2011 2007 RDA Bond Funds (Account 897.91728)..... \$16,604,000
 FY 2010/2011 Developer In-lieu Street Improvement Funds
 (Account 414.80429) 30,000
 Available Funds \$16,634,000

ESTIMATED DESIGN & RIGHT OF WAY (UTILITY) COSTS – FY 2010/2011

Design – Fourth Amendment \$ 399,300
 SR-60/Nason Overcrossing \$ 250,700
 Total Design & Right of Way Costs \$ 650,000

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way	September 2011
Advertise Project*	January 2012
Begin Construction*	May 2012
Complete Construction*	December 2013

** Contingent upon Caltrans approval and completion of SR-60/Nason Interchange Ramp Project*

CITY COUNCIL GOALS

ADVOCACY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

Additional design, environmental, and right-of-way work is required to split the improvements for the State Route 60/Moreno Beach Drive Street Interchange Improvement project into two separate phases. Additional design, utility coordination, and Caltrans documentation is also needed to complete the SR-60/Nason Overcrossing plans and accept federal funds. The consultant has submitted a proposal for \$1,184,976.41 to perform this additional work for all three projects. Staff recommends approval of the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group as well as an \$723,267.77 increase to Purchase Order Nos. 35510 and 37342 to be funded from Account Nos. 415.70024 (\$323,918.50) and 897.91728 (\$399,349.27) and authorize the issuance of a purchase order for \$461,708.64 from Account 897.91731.

ATTACHMENTS

Attachment "A" – Fourth Amendment to Agreement for Professional Consultant Services

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

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

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

Concurred 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:

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**FOURTH AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 07-41570024**

This Fourth Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and Parsons Transportation Group, Inc., an Illinois corporation, hereinafter referred to as "Consultant." This Fourth Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "Agreement for Professional Consultant Services," hereinafter referred to as "Agreement," dated May 22, 2008.

Whereas, the Consultant is providing consultant design services for State Route 60/Moreno Beach Drive Interchange and Nason Street Overcrossing improvements.

Whereas, the Agreement was amended on May 4, 2009 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on September 10, 2009 to extend the professional consultant services in the Second Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was further amended on June 20, 2010, to extend the professional consultant services in the Third Amendment to Agreement for Professional Consultant Services.

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

Attachment "A"

**FOURTH AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 07-41570024**

Whereas, the Consultant has submitted a Proposal dated May 19, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as "Exhibit A -- Fourth Amendment" and is incorporated herein by reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from June 30, 2013 to December 31, 2014, unless the termination date is further extended by an Amendment to the Agreement

1.2 Exhibit "B" to the Agreement is hereby amended by adding to the scope of work section described in "Exhibit A -- Fourth Amendment," entitled "SR60/Moreno Beach Drive Interchange and SR60/Nason Overcrossing Improvement Projects -- Amendment #4 Scope of Work."

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof described in "Exhibit A -- Fourth Amendment," entitled "SR60/Moreno Beach Drive Interchange and SR60/Nason Overcrossing Improvement Projects -- Amendment #4 Scope of Work."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of \$1,184,976.41 in consideration of the Consultant's performance of the work set forth in "Exhibit A -- Fourth Amendment."

1.5 The total "Not to Exceed" fee for this contract is \$4,826,047.86 (\$3,387,611.00 for the original Agreement plus \$49,667.00 for the First Amendment to Agreement; \$89,771.86 for the Second Amendment to Agreement, \$114,021.59 for the Third Amendment to Agreement, and \$1,184,976.41 for the Fourth Amendment to Agreement).

**FOURTH AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 07-41570024**

SECTION 2

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

SIGNATURE PAGE TO FOLLOW

**FOURTH AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 07-41570024**

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

City of Moreno Valley

Parsons Transportation Group Inc.

BY: _____
City Manager

BY: _____

TITLE: _____
(President or Vice President)

Date

Date

<p><u>INTERNAL USE ONLY</u></p>
<p>APPROVED AS TO LEGAL FORM:</p> <p>_____</p> <p style="text-align: center;">City Attorney</p> <p>_____</p> <p style="text-align: center;">Date</p>
<p>RECOMMENDED FOR APPROVAL:</p> <p>_____</p> <p style="text-align: center;">Department Head <i>(if contract exceeds \$15,000)</i></p> <p>_____</p> <p style="text-align: center;">Date</p>

BY: _____

TITLE: _____
(Corporate Secretary)

Date

Attachment: "Exhibit A – Fourth Amendment"

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SR 60/ MORENO BEACH DRIVE INTERCHANGE AND
SR60/NASON OVERCROSSING IMPROVEMENT PROJECT(S)
AMENDMENT #4 – SCOPE OF WORK

DATE: 5-19-2011

REPACKAGE SR-60/MORENO AND SR-60/NASON UPDATES

Pursuant to City Council Action on 3-8-2011, The City plans to proceed with a “partial project at Moreno Beach Drive”. The “Eastbound-freeway-ramps at SR60/Moreno Beach Drive” will be advanced as stand-alone project referred to as “Phase 1” of the overall Interchange project. “Phase 2” will consist of all remaining improvements to reconstruction the Westbound freeway ramps, replace the 2-lane bridge over SR-60 with a new 6-lane bridge, and completion of the Line K-1 Master Plan Drainage improvements in Ironwood. This approach will allow the City to implement Phase 1 sooner – since there are sufficient construction funds to complete this portion of the project. In order to achieve this goal of “splitting “the and Re-packaging the SR-60/Moreno Beach Drive interchange into (2) separate “Design packages”, it will be necessary to complete an “Environmental Re-validation” documenting this change. The following scope of work and assumptions will be subject to review and concurrence by City and Caltrans.

Due to lack of full project funding, the SR-60/Moreno Beach Drive Interchange project was partially suspended after the submittal of the 95%PS&E in July 2009. Pursuant to this amendment, Parsons will begin work to separate the PS&E into (2) packages.

Due to project delays to the “SR-60/Nason Ramp Project” the “SR-60/Nason Bridge” project schedule has been extended by over 21 months, while waiting for the ramp job to begin construction. Part 2 of this amendment addresses changes to the SR-60/Nason Bridge PS&E that have occurred during this schedule extension and updates that are required to reflect changes in the Ramps Project and the affected utility relocations.

Exhibit "A" – Fourth Amendment

PART 1 – REPACKAGE SR-60/MORENO INTO (2) Phases

1. Project Management for Extended PS&E Phase
2. Funding Applications
3. Phase 1 – Repackage PS&E for EB-Ramps
4. Phase 2 – Repackage PS&E for WB-Ramps and Bridge PS&E
5. Environmental Re-validation (Split Moreno 2-Phases)
6. Environmental Permitting and Mitigation Support
7. Right of way Certification for Phase 1 (EB Ramps)
8. Additional Right of Way Parcels & Complex Negotiations
9. Utility Coordination
10. Air Quality Conformity Analysis Report
11. Open House Meeting (1)
12. Life Cycle Cost Analysis Support
13. Line K-1 Drainage Design Changes
- 14a. Construction Phase Design Support for Phase 1 – EB Ramps
- 14b. Construction Phase Design Support for Phase 2 – WB Ramps and Bridge at Moreno
15. Burrowing Owls Surveys- (step 1)
16. Materials Report Updates
17. Additional Services to Address Changes in Caltrans or City Standards or Requirements

Task 1 Management for extended Project Schedule – PS&E Split

Based upon the city's request to "split the PS&E" at Moreno Beach Drive into (2) separate packages, there will be an additional 12-months of schedule extension to complete the Revalidation and "split" for Phase 1. It is assumed that the Phase 2 package will be developed at the same time but will require a total of 18 months due to the Caltrans District and Headquarters Office Engineer tasks for Phase 2. Hence this task includes management, meetings, and coordination for a total of 18-months beginning at the notice to proceed for Amendment #4.

In addition, the original contract schedule included submittal of 95% PS&E in July 2009. Due to funding issues for this project, the 95% PS&E has been partially suspended since that time. (21-months have elapsed since that submittal). Hence, this task also includes hours and budget for Parsons Participation in the additional PDT meetings and related management activities.

Task 2 Funding Applications

This task included preparing various Funding Applications including submittals to RCTC pursuant to Measure A Funds, and other potential funding applications. Assume a maximum effort of 74 hours.

Task 3 Phase 1 – Repackage 95% PS&E for Eastbound Ramps

The task includes preparation of a separate stand-alone PS&E package for the eastbound ramps at SR60/Moreno Beach Drive. Included with this task is the additional effort to update the Storm Water Data Report, create stand-alone Drainage report, and reformat all required plan sheets and CAD files to address the revised limits. The Construction phasing plans will be revised to reflect the changed project limits. The traffic signal plan at the EB off ramp/Moreno Beach Drive intersection will be redesigned for the “new” interim condition with the EB ramps in place – with the existing 2-lane bridge still in place. EB off and on ramp profiles and Moreno Beach Drive profile and Construction details will be revised to reflect the revised “interim” condition which must join the existing 2-lane bridge. All CAD files and reference file names and sheet numbering will be updated to match the new Caltrans EA number, and the revised limits of work. Parsons will coordinate with RCTC to update the RTIP descriptions pursuant to the new project definition. The utility sheets will be updated to reflect the limits of utility relocations that will take place prior to or during the phase 1 project. Drainage plans, profiles and details will be updated and re-numbered as needed to reflect the limits of phase 1 project. In addition, there may be some interim condition drainage features that will need to be revised and replaced as part of the phase 2 project. Contour grading plans and earthwork quantities will be updated to reflect the interim profiles at EB on- and off-ramps and Moreno Beach Drive. Signing plans, details and quantity summaries will be revised to segregate the limits of the phase 1 project. Layout sheets will be revised to reflect the City’s new sidewalk standard of 6.5’ wide.

Cost estimates and quantity back-up files will be segregated and updated to reflect current bid prices and the new project limits for the phase 2 project.

Project special provisions will be updated to match the phase 1 project limits and they will be revised to reflect Caltrans new “plain language SSP’s”. It is noted that the City’s Boiler Plate SSP will be updated to have consistency/compatibility with Caltrans new “plain language SSP’s” as part of the Nason Bridge Project (by Parsons), and hence it is anticipated that the effort to modify the City’s Boilerplate will be streamlined since it will already be updated as part of the recent Nason Bridge project. It is noted however, that there will be approximately 150 Caltrans Technical Specs for the Moreno Phase 1 project that will have to be updated as part of this task since the last update was prior to the July 2009 – 95% submittal.

It is assumed that there are no new design exceptions or updated Fact Sheets required for the Phase 1 project.

Task 4 Phase 2 – Repackage 95% PS&E for Westbound Ramps & Bridge

The task includes preparation of a separate stand-alone PS&E package for the westbound ramps at SR60/Moreno Beach Drive and the replacement of the bridge over SR-60. Included with this task is the additional effort to update the Storm Water Data Report, create stand-alone Drainage report, and reformat all required plan sheets and CAD files to address the revised limits. The Construction phasing plans will be revised to reflect the changed project limits. The traffic signal plan at the EB off ramp/Moreno Beach Drive intersection will be updated to reflect the changes to the “new” interim condition at this location (installed with Phase 1). The EB off and on ramp profiles and Moreno Beach Drive profile and Construction details will be revised to reflect the raised “ultimate” profile that will replace the “interim” condition from phase 1. All CAD files and reference file names and sheet numbering will be updated to match the new Caltrans EA number, and the revised limits of work. Parsons will coordinate with RCTC to update the RTIP descriptions pursuant to the new project definition. Contour grading plans and earthwork quantities will be updated to reflect the limits of the construction from phase 1, and the additional grading required raising the EB on- and off-ramps to meet ultimate Moreno Beach Drive finished grade. Signing plans, details and quantity summaries will be revised to segregate the limits of the phase 1 project. Layout sheets will be revised to reflect the City’s new sidewalk standard of 6.5’ wide.

Cost estimates and quantity back-up files will be segregated to reflect the new project limits for the phase 2 project.

Project Special provisions will be prepared for the phase 2 project limits, pay items and Caltrans new “plain language SSP’s”.

Task 5 Environmental Revalidation to “Split” PS&E into (2) Phases

This task will include a scoping meeting with Caltrans to confirm the technical studies to be updated, format of the updates (addendum letters), Air Quality and RTIP update process and schedules. It is anticipated that the following tasks will be required:

- Updated CEQA and NEPA Revalidation forms (one for each phase)
- Update the APE maps (one map for each phase)
- Updated Cover memos for each Environmental Technical Studies (no new analysis)
- Air Quality (Cover memo addressing updates to the revised AQ report that was approved by Caltrans in July 2010. No new analysis).
- Air Quality Conformity Determination

- Supplemental Project Reports (produce 2 SPR's, one for each phase)
- RTIP Updates (phase 1 and phase 2 at Moreno will now be "separate projects" with separate RTIP entries) (Parsons)
- Coordination with CDFG and USFWS to obtain MSHCP Consistency Determination for new project phases
- (2) Revised Environmental Commitment Record Documents (one for each Phase).

The scope and budget for this task cannot be finalized until we have confirmation from Caltrans regarding the anticipated scope and schedule. We anticipate completing the draft cover memoranda within 2 months of NTP. We anticipate completing Caltrans reviews and getting their concurrence on the updated memos within the following 2 months. We expect the AQ conformity, Permit Coordination, and MSHCP consistency determination to require 2 months, followed by 2 months to finalize the SPRs and obtain Caltrans signatures. Hence, the re-validation and related tasks should be completed within 8 months of NTP. The budget for this task will be split 50/50 between Phases 1 and 2.

Task 6 Environmental Permitting and Mitigation Support

Since the project will be split into (2) phases, we anticipate that there will be extended duration of coordination with the permitting agencies as well as the extra effort and possibly a field meeting to explain to the agencies the changes in scope and phasing for the (2) projects. It is assumed that only (1) set of permit applications will be prepared and submitted and these applications will address the impacts for both Phases 1 and 2.

Task 7 Right of Way Certification for Phase 1

The right of way certification form and process for Phase 2 is included in the original scope of work. This task is to cover the effort to complete the R/W certification for Phase 1.

Task 8 Additional Right of Way Parcels and Negotiations

The right of way scope of work for this project was based upon the right of way datasheet from the PA/ED phase-completed in 2007. Since that time there have been changes to the R/W scope of work including the following items:

- Additional parcels including (3) potential "quit-claim deeds" at Ironwood
- (4) additional "denial of access rights" at Automall area
- Revisions to update the Prologis Appraisal.
- New acquisitions from: David May Trust and Lila Jones Trust (not covered in the R/W datasheet)
- Weekly R/W conference calls (33-weekly calls July 2010 – March 2011)
- Additional weekly R/W conference calls are anticipated

- Additional coordination and research regarding Utility easements and prior rights.

These items were not addressed in the original project scope. This task includes work by OCP (R/W acquisition services) – and by Associated Engineers/PB (R/W Engineering, and Research) and by Parsons (coordination and meetings). The budget for this task is split between Phase 1 and Phase 2 as follows: OPC:

Task 9 Additional Utility Coordination

Caltrans has new requirements for PS&E phase designer support of the Encroachment permit process for the installation of new utilities to be installed in new bridges. There have also been extensive staffing changes at five affected utilities (Time Warner Cable, Gas Company, Southern California Edison, Eastern Municipal Water District, and Verizon). The changes in staffing since the start of the PS&E phase in August-2008 have resulted in additional utility coordination meetings and multiple re-submittals of Utility correspondence for this project.

The Utility coordination activities during the 32-months since the start of the PS&E phase for the Moreno Beach Drive project has included five (5) meetings with SCE and five (5) with EMWD. We anticipate additional meetings in order to resolve all of the pending design coordination issues. In addition, there will be additional meetings needed for coordination with other affected utilities within Ironwood Avenue including Verizon and Time Warner Cable and The Gas Company.

Task 10 Air Quality Conformity Analysis Report (Moreno)

Amendment #3 task #9 included scope to provide updated "Air Quality Report(s)" for Nason and Moreno Revalidations, but that task did not include the separate "Air Quality Conformity Determination Reports" that Caltrans required and then submitted to FHWA for their concurrence. The AQ Conformity Determination Report is an FHWA requirement and it involves preparing a separate stand-alone report formatted according to the latest FHWA template. The efforts to prepare this AQ Conformity report were not included in the AQ task from Amendment #3.

Task 11 Open House Meeting

The City anticipates that there will be one open house meeting held during the Construction phase for the SR60/Moreno Beach Drive Project. This task includes hours for (2) Parsons staff to attend this meeting along with the efforts to print and mount several display boards for these meetings.

Task 12 Life Cycle Cost Analysis (LCCA) – Additional Pavement Alternatives

It is assumed that a singled LCCA report will be prepared to cover both the Moreno Interchange (both phases) and the Nason Bridge projects. The total

hours required to prepare the report will be split 50/50 between the Nason Bridge project and Phase 1 of the Moreno Beach Interchange Project. Parsons has prepared multiple design memoranda and held three conference calls in our attempts to obtain clear direction from Caltrans Materials group regarding the completion of a LCCA for this project. Work to date has included four iterations of a memorandum from Parsons' Geotechnical sub consultant – Earth Mechanics Inc, (Feb 4, 17, 22, 25, - 2011) in an effort to obtain District approval of proposed 20-year and 40-year pavement sections to be studied in the LCCA. (Approval of the pavement sections is still pending). The latest version of the memorandum dated 2-25-2011, includes (2)-rigid pavement and (3)-flexible pavement structural sections for 20- and 40-year pavements for: Ramps, Ramp Shoulders, Ramp termini, Auxiliary Lanes, Freeway Shoulders. It is understood that before completing the LCCA calculations Parsons and City will meet with District Materials to select no more than (2) rigid and (2) flexible pavement structural sections to be analyzed for the 20- and 40- year designs for Ramp, Ramp-shoulder, Ramp termini, Auxiliary Lane, and Mainline shoulder pavements. Note that Amendment #3 scope of work for the LCCA included comparing (1) HMA and (1) RHMA section for the Auxiliary Lanes and the Ramps. The budget requested for this task is to cover the additional alternatives being requested by Caltrans and the additional coordination required to obtain Caltrans approval of the approach and scope of the LCCA.

Task 13 Line K-1 Drainage Design Revisions

The budget for this task will be included in Phase 2 of the Moreno Beach Drive project.

Parsons submitted an original concept design for Line K-1 in February 2009 that was based upon available Line K design data from RCFCD at that time.

Since that original submittal, the RCFCD has completed their conceptual study for Line K and they have elected to obtain right-of-way for an inundation easement but they do not have sufficient funds to construct the Line K improvements. Based upon this decision, the limits of grading at the downstream end of Line K-1 (where it connects to the future Line K) will require additional grading due to downstream sedimentation – which would have been addressed by RCFCD if they had proceeded with construction of Line K.

Pursuant to utility potholing along Ironwood Avenue for Line K-1, design changes including alignment revisions were made to avoid SCE poles, and utility vaults. East of Moreno Beach Drive the alignment was shifted approximately 10' northerly in order to minimize the cost of utility relocations. The revised alignment for the pipe minimized or eliminated the utility impacts as follows:

- Protect in place (2) SCE poles
- Avoids U/G telephone line and telephone vault and line near north edge of pavement on Ironwood

- Revised design eliminated the planned replacement of the (2) 48" CMP pipes which cross Ironwood at the upstream end of Line K-1
- Revised design eliminates a complicated inlet structure and replaces it with a less expensive and easy to maintain grated drop inlet structure. This revised design also eliminates the need for an extensive maintenance turn-around and access easement at upstream end of Line K-1.
- Revised design minimized the impacts to jurisdictional waters and thereby reduces permitting fees and mitigation costs

A second benefit of the revised Line K-1 alignment is that it provides additional separation between the existing pavement on Ironwood Avenue and the proposed storm drain, such that the 90-inch pipe can be constructed without requiring temporary widening of the pavement along Ironwood Avenue.

The City has requested traffic control plans be provided (for construction of the crossing of Line K-1 at Moreno Beach Drive, and for the crossing of Line K-1 at the downstream end/Ironwood be prepared and including in the plan set). *(Per page 9 of 51, contract scope, task 22270: "It is anticipated that the storm drain will be constructed within the existing northerly shoulder of Ironwood Avenue and it is assumed that traffic control plans will not be required")*. This task will include temporary traffic control plans for the Line K-1 construction at intersection of Ironwood/Moreno Beach Drive.

Task 14a Construction Phase Design Support – Phase 1

Phase 1 will be a separate project advertised, awarded and administered by the City. Parsons will provide Construction phase design support services for Phase 1 as part of this task.

Task 14b Construction Phase Design Support – Phase 2

Phase 2 will be a separate project advertised, awarded and administered by Caltrans. Parsons will provide Construction phase design support services for Phase 2 as part of this task.

Task 15 Burrowing Owls Survey – Step 1 - Habitat Assessment

Pursuant to obtaining "Multiple Species Habitat Conservation Plan" (MSHCP) consistency determination from the California Department of Fish and Game – CDFG required that we perform "step #1-Habitat Assessment for Burrowing Owls" within the project limits. This assessment must be completed during prior to the start of construction for the Moreno Beach Drive interchange project. Parsons staff will conduct the "Step #1" Habitat Assessment for Burrowing Owls' as described in the Environmental Commitment Record (ECR). We anticipate that there will be no evidence of burrowing owls and hence no further steps in the process would be required. The scope and budget for this task will include

the field work for "Step 1", documentation of the assessment, a brief 1-2 page memorandum documenting the Assessment, and submittal of the assessment to Caltrans District 8 for their records. City authorized the owl surveys via email dated 9-2-2010; however this work has not yet been completed. If the "step 1" assessment identifies evidence of burrowing owls on the project site, then subsequent steps pursuant to burrowing owls survey protocol would be required—these subsequent steps have not been included in the scope and budget for this amendment.

Task 16 Materials Report Updates

The City of Moreno Valley intends to divide the Moreno Beach Drive project into two phases; the first phase consisting of the improvements for the EB ramps and widening of Moreno Beach Drive south of SR-60, and the second phase consisting of the replacement of the bridge at SR60/Moreno Beach Drive and construction of (3) WB ramps and related auxiliary lanes. It is noted that the Geotechnical Report for the original project (Nason/SR60 and Moreno/SR60 as a combined project) has already been approved by Caltrans. However, the Materials Report has not yet been approved by Caltrans and will need to be updated to reflect an updated range of pavement structural sections pursuant to Caltrans LCCA requirements and to address the changes in project phasing and the fact that there will be (3) separate PS&E packages. It is noted that the Bridge Foundation Reports for SR60/Nason Street and SR60/Moreno Beach Drive, the Geotechnical Design Report and the Foundation Reports for Sound wall 60-954L and Retaining Wall 3805R all have been approved and hence it is assumed that these approved geotechnical reports will not need to be revised or resubmitted. The cost for updates to the Materials Report will be split 50/50 between the Phase 1 and Phase 2 Moreno Beach Drive projects.

Task 17 Additional Services to Address Changes in Caltrans or City Requirements (to be authorized separately by City)

This task is subject to specific authorization by the City, and is intended to provide hours and budget to cover specific unanticipated tasks that may arise due to changes in Caltrans standards or policies that could result in extra work to change or update the plans, specifications, or other project documents. Authorization to utilize any of this task budget is subject to approval by the City.

PART 2 -- NASON BRIDGE PROJECT

1. **Project Management for extended Schedule**
2. **Funding Applications– (Measure A - RCTC)**
3. **Update Specifications - Caltrans “Plain Language SSP”**
4. **Updated 95% PS&E (Roadway)**
5. **Updated 95% PS&E (Structures)**
6. **Utility Coordination for new Utilities in Bridge**
7. **Geotechnical Support regarding City Stockpile**
8. **Air Quality Conformity Analysis Report**
9. **Open House Meetings (2)**
10. **Life Cycle Cost Analysis Support**
11. **Construction Phase Design Support**

Task 1 Project Management for extended Project Schedule

Due to the schedule extension of PS&E phase from July 2009 to April 2011 and the anticipated completion of the 100% PS&E by July 2011, the net schedule extension is a total of 21 months. This task is to cover meetings, schedule updates, and project management activities for the extended project schedule.

Task 2 Funding Applications Support

This task included preparing Funding Application and submittal to RCTC pursuant to Measure A Funds. Assume a maximum effort of 30 hours.

Task 3 Update Specifications – Caltrans Plain Language SSPs

Caltrans is currently implementing changes to all Caltrans standard special provisions with full implementation of the new “plain Language Specifications” required for any project that will be “Ready To List” after July 1, 2011. In addition, since the city will Advertise-Award-Administer (AAA) the construction phase for this project, we will need to integrate the City’s “Contract Administration” boiler-plate specification with Caltrans updated plain language specifications. This task includes these updates to the SSP’s and related updates to pay items and payment clauses in the contract bid package. It is noted that the “City Boiler Plate” SSP was updated to provide consistency and integration with the Caltrans SSP’s for the Nason-Ramp-Project (by others). The efforts of updating all Caltrans technical SSP’s for the Nason Bridge Project (over 150 SSP’s) since the last 95% submittal (July 2009) and the effort to edit the City Boiler Plate SSP for consistency with the new Caltrans SSP is included in this task.

Task 4 Updated 95% PS&E Submittal (Roadway)

Due to the extended project schedule, it has been over 21 months since the submittal of the first 95% PS&E (Roadway) for this project. Due to this elapsed time, there have been changes in design oversight and functional unit personnel at Caltrans. In addition, there have been ongoing changes to the "Nason Ramps Project Plans" during this 21-month period. As a result of these changes, there is a need to review and update the 95% PS&E, verify that changes by the Ramps project are fully reflected in the Nason Bridge PS&E, and that any new comments from new Caltrans reviewers. There have also been changes to the Utility undergrounding design by SCE – which require revisions to the contour grading, typical cross sections, and construction details along Nason Street. In addition, the City has updated their standard plans to require 6.5' wide sidewalks which must be updated in the plans, specifications and estimates. Caltrans will not accept a 100% submittal or consider the PS&E to be 100% until all of the 95% comments have been fully resolved and all the Caltrans functional units have approved the updates.

Task 5 Updated 95% PS&E Submittal (Structures)

This task is to cover the additional design effort that is required to update the 95% Bridge PS&E submittal and the 95% Precast Wall submittal, including updates to Specifications, finalizing bridge plans and combining the "Bridge PS&E" with the "Precast wall PS&E", including the SSP's into a single structures SSP package.

Task 6 Utility Coordination for new Utilities in Bridge

Caltrans has new requirements for PS&E phase designer support during the Encroachment permit process for the installation of new utilities to be installed in new bridges. There have also been extensive staffing changes at five affected utilities (Time Warner Cable, Gas Company, Southern California Edison, Eastern Municipal Water District, and Verizon). These changes in staffing since the start of the PS&E phase in August-2008 have resulted in additional utility coordination by Parsons and multiple re-submittals of Utility correspondence for this project.

This task includes the additional review time and coordination with EMWD and the designers from the Nason-Ramps project related to the EMWD 24" jack-and-bore design and the valve relocations design pursuant to the Nason Ramps project.

Task 7 Geotechnical Support – City Stockpile

The city has a stockpile of excess earthen fill material located several miles south of the Nason/SR60 project site and would like it to be incorporated into the Nason-Bridge-PS&E package as an available Materials Site. This task will include performing the following tasks:

Part A - Assist City in completing and assembling the following documentation: Documentation demonstrating that the site is exempt or in compliance with Surface Mining and Reclamation Act (SMARA), (that is listed on the AB 3098 (SMARA) eligible list); and

1. Provide a site plan, including site limits and access roads
2. Obtain property owner agreements, (see Caltrans Construction Manual, Chapter 3, Section 6, "Local Materials")
3. Provide release of liability (Parsons to prepare letter, City to sign letter)
4. Provide final property owner agreement(s) – (Assumption: Since the City owns site, the agreement will be letter of permission from City. Parsons to draft a letter for City review and signature on City letterhead)
5. Provide environmental compliance documentation prepared by qualified environmental specialists (Assumption: Parsons/EMI will utilize a qualified Laboratory/soils testing firm to test soils samples for contaminants per Caltrans requirements. Work product is limited to test results and brief memo to summarize the results).
6. Obtain or update the necessary permits, licenses, and agreements (include supporting environmental documents from appropriate regulatory and governmental agencies)- Assumption: This task is limited to the memorandum per item #5 above. It is assumed that during the construction phase, if a Contractor elects to utilize this borrow site, he will need to obtain a permit from City for proposed grading and proposed haul route to the project site).
7. Provide final grading plan (This task will consist of preparing a simple grading plan based upon existing topographic base from the 1997 Group Delta Report regarding the subject site. It is assumed that City can provide a microstation CAD file the topographic base from the related Nason Street widening project)
8. Prepare Draft Stormwater Pollution Prevention Plan (for the Borrow site).

Addendum #3 of the Nason Ramp Project in order to obtain Caltrans approval and the geotechnical "clearance process" required to list the City's stockpile as an available "borrow site" for the Nason Bridge Project. If the stockpile is not used by the Contractor for that project, City may then decide to make use of the stockpile a "mandatory requirement" as part of the bid-package for the Phase 1 – Moreno Beach Drive project.

Part B – This task includes the soils boring and testing program proposed by EMI that we anticipate would fulfill Caltrans requirements to "clear" this fill material such that its use within Caltrans embankments would be "pre-approved" and the Contractors bidding on the project would know that they have a pre-approved local borrow site.

Task 8 Air Quality Conformity Analysis Report (Nason)

Amendment #3 task #9 included scope to provide an updated "Air Quality Report" for the SR-60/Nason Bridge project Revalidations. However, that task did not include a separate stand-alone "Air Quality Conformity Determination Report" that Caltrans required for submittal to FHWA. The AQ Conformity Determination Report is an FHWA requirement and it involves preparing stand-alone report formatted according to the latest FHWA template. The efforts to prepare this AQ Conformity report are included under this task.

Task 9 Open House Meetings (2)

The City anticipates that there will be (2) open house meetings held during the Construction phase for the SR60/Nason Bridge Project. This task includes hours for (2) Parsons Staff to attend these meetings along with the efforts to print and mount several display boards for these meetings.

Task 10 Life Cycle Cost Analysis (LCCA) – Additional Pavement Alternatives

Parsons has prepared multiple design memoranda and held three conference calls and implemented several strategies with input from City and Caltrans Design oversight staff in the effort to obtain direction from Caltrans Materials group and concurrence for the scope and approach for the completion of a LCCA for this project. Work to date on this task has included four iterations of a memorandum from Parsons' Geotechnical sub consultant – Earth Mechanics Inc, (Feb 4, 17, 22, 25, - 2011) in an effort to get approval from District Materials group regarding the 20-year and 40-year pavement sections to be studied in the LCCA. (Approval of the pavement sections is still pending District Approval). The latest version of the memorandum dated 2-25-2011, includes (2)-rigid pavement and (3)-flexible pavement structural sections for 20- and 40-year pavements for: Ramps, Ramp Shoulders, Ramp termini, Auxiliary Lanes, Freeway Shoulders. It is understood that before completing the LCCA calculations Parsons and City will meet with District Materials to select no more than (2) rigid and (2) flexible pavement structural sections to be analyzed for the 20- and 40- year designs for Ramp, Ramp-shoulder, Ramp termini, Auxiliary Lane, and Mainline shoulder pavements. Note that Amendment #3 scope of work for the LCCA included comparing (1) HMA and (1) RHMA section for the Auxiliary Lanes and the Ramps. The budget requested for this task is to cover the additional alternatives being requested by Caltrans and the additional coordination required to obtain Caltrans approval of the approach and scope of the LCCA.

Task 11 Construction Phase Design Support

The original contract budget for "construction phase design support" was eliminated and this task was de-scoped as part of Amendment #2. The original Hours and budget for this task will be restored herein as part of Amendment #4.

Task 12 Local Assistance Forms (For Federal Funding)

This task includes completion of (1) set of Local Assistance Forms pursuant to Caltrans Local Assistance requirements and procedures in order to request obligation of the Federal Funding that has been identified for this project.

Task 13 Additional Services to Address Changes in Caltrans or City Requirements (to be authorized separately by City)

This task is subject to specific authorization by the City, and is intended to provide hours and budget to cover specific unanticipated tasks that may arise due to changes in Caltrans standards or policies that could result in extra work to change or update the plans, specifications, or other project documents. Authorization to utilize any of this task budget is subject to approval by the City.

ASSUMPTIONS/EXCLUSIONS:

1. Additional Management and Engineering Services due to any additional schedule extensions beyond the 18-month PS&E schedule described herein are not included in this amendment.
2. Timely cooperation by Caltrans in order to complete the environmental revalidation within 8 months of NTP is assumed.
3. Any additional utility coordination to address new utilities or additional changes by Utility companies beyond the items addressed herein is not included in this amendment.
4. Renewal of any expired permits (e.g. biological, environmental) caused by delayed advertisement or construction of project beyond the 12-month (phase 1) and 18-month (phase 2) schedule assumed herein.
5. Before Re-validation begins, there will be a scoping meeting with Caltrans Environmental staff to confirm Schedule, Scope and Deliverables for the Environmental Re-validation phase.
6. Phase 1 and Phase 1 PS&E work will run concurrent with the Environmental Revalidations
7. PS&E for EB Ramps will begin as soon as City provides NTP
8. City Will AAA (Advertise, Award, Administer) the Construction of the EB-Ramps at Moreno.
9. Caltrans will AAA – the construction phase for WB ramps and Bridge and Moreno.
10. Line K-1 will remain a “stand alone” construction package, and will need to be constructed concurrent with or before completion of the Phase 2 – WB ramps project.
11. City and Caltrans will update the Co-op for Moreno Design and Construction Phase

12. City and Parsons will proceed to finalize the R/W for South side first so that R/W cert can be achieved for Phase 1 project.
13. Schedule delays due to R/W condemnation that extend Phase 1 beyond 12-months or Phase 2 beyond 18 months are not included in this amendment.
14. City/Parsons will submit the Environmental Permit Applications for the "entire Moreno Project" (including Phase 1 and 2).
15. Separate R/W requirements maps and R/W appraisal maps for Moreno Beach (Phase 1 and Phase 2) will not be required.
16. The R/W acquisitions for the SR60/Moreno Beach Drive Project are based upon the original # of property impacts. As of May 2, 2011, there are 6 Owners that are in escrow or have closed escrow. As of May 2, 2011, there are 10 Owners remaining for which negotiations are still pending or ongoing. It is assumed the all 10 Owners will reach agreement with City by December 2011, and that none of the 10 will require eminent domain proceedings. It is assumed that all of the required parcels on the south side of SR60/Moreno required for Phase 1, will be obtained and escrow closed such that the project team can achieve a Right of Way Certification target date of February 15, 2012.

AMENDMENT #4

MORENO/SR60

DATE: 05-23-2011

PS&E UPDATES, SCHEDULE EXTENSION, AND NEW TASKS

PARSONS STAFF - LABOR HOURS AND COSTS												
STAFF & PROJECT TITLE	SPEIRS	GOZAKI Boltcher	SADHARI	Meritt	LEES	SANDRA UTHAYA	MILLANGI	PEARMAN	Tokoro	STRASSNER	TOTAL	DIRECT
TASK NO. - Description	Project Manager	Roadway Design Lead	senior Engineer	Roadway Associate	SR Utility Engineer	Structures Lead	Structural Engineer	CADD Sr.	Environmental Planner	ADMIN	LABOR	LABOR
NASON STREET/SR60 PS&E												
	\$89,66	\$70,12	\$62,00	\$42,00	\$53,22	\$59,88	\$41,73	\$43,28	\$41,70	\$11,49		
1 Project Management for extended PS&E phase	50	50								20	120	\$8,569
2 Funding Application (RCTC)	4	24						2			30	\$2,108
3 Update Specifications - Caltrans Plain Language SSP	4	8	120								132	\$8,340
4 Updated 95% PS&E Submittal (Roadway)	32	82	240	240	40			197			831	\$44,074
5 Updated 95% PS&E submittal (Structures)	4	4				40	80	80			208	\$9,815
6 Utility Coordination - New Utilities in Bridge	24				80			8			112	\$6,636
7 Geotechnical Support - City Stockpile	12	36	30					6			84	\$5,660
8 A.Q. Conformity Analysis Report for Re-Validation	6								24		30	\$1,509
9 Open House Meetings (2)	8	8							8		24	\$1,572
10 Life Cycle Cost Analysis Support	4	4	60								68	\$4,339
11 Construction Phase Design Support (restore Orig Budget)	17	129	26			36	56	52	36	38	390	\$21,918
12 Local Assistance Forms (FOR FEDERAL FUNDING)	20	40									60	\$4,498
13 Additional Services to address Changes in Caltrans or City requirements (to be authorized by City)	20	20	60	60	20			20			200	\$11,266
Totals	205	405	536	300	140	76	136	365	68	58	2289	\$130,302
PARSONS TOTAL FOR DESIGN PHASE												
	205	405	536	300	140	76	136	365	68	58	2289	\$130,302
TOTAL DIRECT LABOR COSTS												
	\$17,365	\$28,399	\$33,232	\$12,600	\$7,451	\$4,551	\$5,675	\$15,797	\$2,836	\$2,406	\$199,863	\$130,302
										Overhead 153.40%		\$199,863
										Profit 10%		\$33,019
										Escalation 0%		\$0
										TOTAL LABOR COSTS		\$363,204

3.6 hrs/month X 33 months
 1 application
 (175) pay items, over 150 SSPs to update
 (176) plans, and 3 reports to update
 (52) plans, specs, estimates
 additional coord, interim poles etc
 see scope for details
 from 1st Env Revalidation
 new
 assumes max (2) rigid and (2) flexible pvtm. sections
 same hrs as original contract (restored)

NASON TASK	SUBCONSULTANTS AND DIRECT COSTS
Task 5	ACT-TRAFFIC ELECTRICAL DESIGN (NASON)
Task 5	TATSUMI-LANDSCAPE PLANS (NASON)
Task 7	EARTH MECHANICS & PARSONS (STOCK PILE Clearance)
	Subs + ODC
	NASON TOTAL
	\$6,062
	\$3,498
	\$15,845
	\$10,740
	\$36,145.25
	\$399,349.27

SR-60/MORENO SUMMARY OF SHEETS FOR "PS&E-SPLIT" --- DATE 5-02-2011

SHEET / DISCIPLINE	MORENO BEACH (ORIGINAL SHEET COUNT)	PHASE 1	PHASE 2
Title Sheet	1	1	1
Typical Cross-Sections	8	4	4
Key Map and Line Index	1	1	1
Layout Plans	5	4	5
Profile Plans and Superlevation Diagrams	13	6	9
Construction Details*	19	15	15
Water Pollution Control Plans & SWDR	7	4	5
Contour Grading Plans	5	4	5
Drainage Plans	5	4	5
Drainage Profiles	10	5	6
Drainage Details & Quantities	28	14	14
Utility Plans	6	4	5
Stage Construction Index sheets	3	3	3
Traffic Handling Plans	16	8	16
Traffic Handling Quantities	5	3	3
Detour Plans**	3	3	3
Detour Quantities			
Construction Area Signs and Key map Sheets	4	4	4
Construction Area Sign Details	1	1	1
Pavement Delineation Plans	6	4	5
Pavement Delineation Quantities & Details	3	3	3
Sign Plans	5	5	5
Sign Plans - Overhead & Roadside Sign Details***	17	9	9
Bridge Mounted Sign Details (included with Sign Details)			
Summary of Quantities Sheets	4	2	2
Plant List	1	0	1
Planting plans	5	0	5
Irrigation Plans	5	0	5
Sprinkler Schedule	1	0	1
Electrical - Lighting	11	5	6
Electrical - Traffic Signals (Ultimate and Temp) & interconnect	15	10	10
Electrical - Ramp Meter Plans (3 locations)	3	2	3
Electrical - Bridge	1	0	1
Electrical - Details (included above)			
retaining wall plans	3	3	0
Bridge Plans	39	0	39
TOTAL # PLAN SHEETS	259	131	200
Plan Sheet by Subs (separate budget item)		17	32
Plan Sheets by Parsons	242	114	168

ACT	17	ACT	20
128	Road Plans (phase 1)	161	Road Plans (phase 2)
3	Structure Plans (phase 1)	39	Structure Plans (phase 2)
131	total	200	total

161	Road Plans (phase 2)
39	Structure Plans (phase 2)
200	total

PH 1 + 2 (HRS)	
1418	5-2-2011 update
1441	3-25-2011 totals

hrs/sheet	TASK	hours totals	phase 1 MORENO	phase 2 MORENO
3.50	REPACKAGE 95% PS&E and separate PS&E into phase 1 and phase 2	399	520	898
1.25	Hours for Parsons to check & update Sheets by Subs	21		
	District and HQ Office Engineer Review	40		
	QA/QA plans, Specs and Estimates	60		
	hours totals			
			520	898
			phase 1 MORENO	phase 2 MORENO

only (5) layouts in original plan set

revised based upon footprint for P1 and P2

102

includes (1) detail sheet and (2) quant sheets P1 and P2

phase 1	phase 2
tatsumi	tatsumi
0	12

updated sheet count P1 and P2, sheets E-20,21,28,30 common to P1 and P2, sheets E-15,19 and 28 are P1-only, sheets E22,27 P2-only

ACT	17	ACT	20
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AMENDMENT #4

MORENO/SR60

DATE: 05-23-2011

PS&E UPDATES, SCHEDULE EXTENSION, AND NEW TASKS

PARSONS STAFF - LABOR HOURS AND COSTS

STAFF & PROJECT TITLE	SP/ERS	CONZANK Bentcher	SARVAE	Meritt	LEES	SANDORA - UTUYAYA	MILLANGI	PEARMAN	Totals	STUMASSNER	TOTAL	DIRECT	notes
TASK NO. - Description	Project Manager	Roadway Design Lead	senior Engineer	Roadway Associate	SR Utility Engineer	Structures Lead	Structural Engineer	CADD Sr.	Env/Planning Planner	ADMIN	LABOR	LABOR	
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2 Funding Application (RCTC)	4	24						2			30	\$2,108	1 application
3 Update Specifications - Caltrans Plain Language SSP	4	8	120								132	\$8,340	(175) pay items, over 150 SSPs to update
4 Updated 95% PS&E Submittal (Roadway)	32	82	240	240	40			187			831	\$44,074	(176) plans, and 3 reports to update
5 Updated 95% PS&E submittal (Structures)	4	4				40	80	80			208	\$9,815	(52) plans, specs, estimates additional coord, interim poles etc
6 Utility Coordination - New Utilities in Bridge	24				80			8			112	\$6,636	see scope for details
7 Geotechnical Support - City Stockpile	12	36	30					6			84	\$5,660	from 1st Env Revalidation
8 AQ Conformity Analysis Report for Re-Validation	6								24		30	\$1,509	new
9 Open House Meetings (2)	8	8							8		24	\$1,572	assumes max (2) rigid and (2) flexible pvtmt sections
10 Life Cycle Cost Analysis Support	4	4	60								68	\$4,339	same hrs as original contract (restored)
11 Construction Phase Design Support (restores Orig Budget)	17	128	26			36	56	52	36	38	390	\$21,918	
12 Local Assistance Forms (FOR FEDERAL FUNDING)	20	40									60	\$4,498	
13 Additional Services to address Changes in Caltrans or City requirements (to be authorized by City)	20	20	60	60	20			20			200	\$11,266	
Totals	205	405	536	300	140	76	136	365	68	58	2289	\$130,302	
PARSONS TOTAL FOR DESIGN PHASE	205	405	536	300	140	76	136	365	68	58	2289		
TOTAL DIRECT LABOR COSTS	\$17,355	\$28,399	\$33,232	\$12,600	\$7,451	\$4,551	\$5,675	\$15,797	\$2,836	\$2,406		\$130,302	
											Overhead	\$199,883	
											Profit	\$33,019	
											Escalation	\$0	
											TOTAL LABOR COSTS	\$363,204	

NASON TASK	SUBCONSULTANTS AND DIRECT COSTS	NASON
	PARSONS DIRECT COSTS	\$6,062
Task 5	ACT-TRAFFIC ELECTRICAL DESIGN (NASON)	\$3,498
Task 5	TATSUMI-LANDSCAPE PLANS (NASON)	\$15,845
Task 7	EARTH MECHANICS & PARSONS (STOCK PILE Clearance Subs + ODC	\$10,740
		\$36,145.25
	NASON TOTAL	\$399,349.27

SR-60/MORENO SUMMARY OF SHEETS FOR "PS&E-SPLIT" --- DATE 5-02-2011

SHEET / DISCIPLINE	MORENO BEACH (ORIGINAL SHEET COUNT)	PHASE 1	PHASE 2
Title Sheet	1	1	1
Typical Cross-Sections	8	4	4
Key Map and Line Index	1	1	1
Layout Plans	5	4	5
Profile Plans and Superlevation Diagrams	13	6	9
Construction Details*	19	15	15
Water Pollution Control Plans & SWDR	7	4	5
Contour Grading Plans	5	4	5
Drainage Plans	5	4	5
Drainage Profiles	10	5	6
Drainage Details & Quantities	28	14	14
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Detour Plans**	3	3	3
Detour Quantities			
Construction Area Signs and Key map Sheets	4	4	4
Construction Area Sign Details	1	1	1
Pavement Delineation Plans	6	4	5
Pavement Delineation Quantities & Details	3	3	3
Sign Plans	5	5	5
Sign Plans - Overhead & Roadside Sign Details***	17	9	9
Bridge Mounted Sign Details (included with Sign Details)			
Summary of Quantities Sheets	4	2	2
Plant List	1	0	1
Planting plans	5	0	5
Irrigation Plans	5	0	5
Sprinkler Schedule	1	0	1
Electrical - Lighting	11	5	6
Electrical - Traffic Signals (Ultimate and Temp) & interconnect	15	10	10
Electrical - Ramp Meter Plans (3 locations)	3	2	3
Electrical - Bridge	1	0	1
Electrical - Details (included above)			
retaining wall plans	3	3	0
Bridge Plans	39	0	39
TOTAL # PLAN SHEETS	259	131	200
Plan Sheet by Subs (separate budget item)		17	32
Plan Sheets by Parsons	242	114	168
hrs/sheet TASK			
3.50 REPACKAGE 95% PS&E and separate PS&E into phase 1 and phase 2		399	588
1.25 Hours for Parsons to check & update Sheets by Subs		21	40
District and HQ Office Engineer Review		40	200
QA/QA plans, Specs and Estimates		60	70
hours totals		520	898
		phase 1 MORENO	phase 2 MORENO

only (5) layouts in original plan set

revised based upon footprint for P1 and P2

102

includes (1) detail sheet and (2) quant sheets P1 and P2

phase 1	phase 2
tatsumi 0	tatsumi 12
ACT 17	ACT 20

updated sheet count P1 and P2, sheets E-20,21,28,30 common to P1 and P2, sheets E-15,-19 and 29 are P1-only, sheets E22-27 P2-only

128	Road Plans (phase 1)
3	Structure Plans (phase 1)
131	total

161	Road Plans (phase 2)
39	Structure Plans (phase 2)
200	total

Ph 1 + 2 (HRS)	
1418	5-2-2011 update
1441	3-25-2011 totals

Associated Engineers, Inc.

**City of Moreno Valley
State Route 60 / Moreno Beach – PHASE II
02-18-2011**

SCOPE OF WORK – ADDITIONAL EFFORT

1.00 Control Survey and Base Data Review

No additional effort.

2.00 Aerial Topographic Mapping

No additional effort.

3.00 Design Data Surveys

No additional effort.

4.00 Utility Surveys and Mapping

No additional effort.

5.00 Right-of-Way Engineering

Additional effort is summarized as follows:

- **Weekly R/W Acquisition Status Meetings** – participation in weekly status meetings was not anticipated in our original scope of work: thirty seven (37) meetings attended through March 7, 2011.
- **Land Title Gap in parcel ownerships at Ironwood** – three affected parcels on the north side of Ironwood have clouded title within the strip of land between the north line of Ironwood, and the south line of Section 34. This strip of land is approximately 55' wide and is caused by inconsistencies in the historic mapping of said section line, and the resulting grant deeds. Effort is required for additional title and survey research, field surveys, boundary analysis and preparation of additional acquisition documents, which was not anticipated in our original scope of work.

SR 60 / Moreno Beach Drive Interchange and Nason Street Overcrossing Improvements, City of Moreno Valley
Additional Effort - Surveying & Mapping Services - Moreno Beach

TASKS	Survey Task Leader	Chief of Surveys	Land Surveyor	Survey Technician	CADD Technician	3-Man Field Crew*	2-Man Field Crew*	Clerical	Proj Admin	TOTAL HOURS	TOTAL COST
3.0 Design Data Surveys	Rates:										
3.1										0	\$0.00
3.2										0	\$0.00
3.3										0	\$0.00
3.4										0	\$0.00
4.0 Utility Surveys & Mapping											
4.1										0	\$0.00
5.0 Right of Way Engineering											
5.1 participate in weekly status calls (37 ea)	37								2	39	\$7,243.60
5.2 Land title gap, 3 parcels at Ironwood	6	2	12	16	2		5	4	2	49	\$6,718.83
5.3										0	\$0.00
5.4										0	\$0.00
5.5										0	\$0.00
5.6										0	\$0.00
5.7										0	\$0.00
5.8										0	\$0.00
5.9										0	\$0.00
Total Hours	43	2	12	16	2	0	5	4	4	88	
Total Costs	\$8,209.56	\$265.14	\$1,667.40	\$1,767.20	\$207.04	\$0.00	\$1,226.65	\$250.32	\$359.12		\$13,962.43

Rates shown are based on Overhead rate of 127.48% plus fee of 10%
* Prevailing Wage rates for field personnel

ODC Sidebar:

Messenger & delivery costs	est.	\$75.00
Repro and photocopy	est.	\$50.00
Pothole Digging (KanTex)		\$0.00

Total Other Direct Costs: \$125.00 ODC Total: \$125.00

Total Cost: \$14,087.43



Associated Engineers
A subsidiary of PB Americas



3311 E. Shelby Street
Ontario, CA 91764-4872
909-980-1982
Fax: 909-941-0891

**City of Moreno Valley
State Route 60 / Moreno Beach – PHASE II
05-17-2011**

SCOPE OF WORK – ADDITIONAL EFFORT

1.00 Control Survey and Base Data Review

No additional effort.

2.00 Aerial Topographic Mapping

No additional effort.

3.00 Design Data Surveys

No additional effort.

4.00 Utility Surveys and Mapping

No additional effort.

5.00 Right-of-Way Engineering

Additional effort is summarized as follows:

- **Prepare Exhibits for Quitclaim Deeds for EMWD Easements** – two existing Eastern Municipal Water District easements (approximately 3000 LF) will be quitclaimed following relocation of their facilities for; exhibits (legal description and plats) will be prepared in accordance with EMWD standards for easements recorded 12/17/1962 as Instrument No. 113386, Official Records, and easement recorded in Book 3276, Page 419.

SR 60 / Moreno Beach Drive Interchange and Nason Street Overcrossing Improvements, City of Moreno Valley
Additional Effort - Surveying & Mapping Services - Moreno Beach

TASKS	Survey Task Leader	Chief of Surveys	Land Surveyor	Survey Technician	CADD Technician	3-Man Field Crew*	2-Man Field Crew*	Clerical	Proj Admin	TOTAL HOURS	TOTAL COST
3.0 Design Data Surveys	Rates: \$190.92	\$132.57	\$138.95	\$110.45	\$103.52		\$245.33	\$65.08	\$69.78		
3.1										0	\$0.00
3.2										0	\$0.00
3.3										0	\$0.00
3.4										0	\$0.00
4.0 Utility Surveys & Mapping											
4.1										0	\$0.00
5.0 Right of Way Engineering											
5.1 Prepare EMWD easmt quitclaim deeds	4		10	20	16			4		54	\$6,278.82
5.2										0	\$0.00
5.3										0	\$0.00
5.4										0	\$0.00
5.5										0	\$0.00
5.6										0	\$0.00
5.7										0	\$0.00
5.8										0	\$0.00
5.9										0	\$0.00
Total Hours	4	0	10	20	16	0	0	4	0	54	
Total Costs	\$763.68	\$0.00	\$1,389.50	\$2,209.00	\$1,656.32	\$0.00	\$0.00	\$250.32	\$0.00		\$6,278.82

Rates shown are based on Overhead rate of 127.48% plus fee of 10%

* Prevailing Wage rates for field personnel

ODC Sidebar:

Messenger & delivery costs est. \$75.00
 Repro and photocopy est. \$50.00
 Pothole Digging (KanTex) \$0.00

Total Other Direct Costs: \$125.00

ODC Total: \$125.00

Total Cost: \$6,403.82



Earth Mechanics, Inc.

Geotechnical & Earthquake Engineering

MEMORANDUM

EMI Project No. 05-140

Date: May 18, 2011

To: David Speirs / Parsons

From: Eric Brown, Earth Mechanics, Inc.

Subject: *Additional Scope and Cost for Materials Report
Moreno Beach Drive, City of Moreno Valley, California*

It is our understanding that the City of Moreno Valley intends to divide the Moreno Beach Drive project into two phases; the first phase consisting of the improvements for the EB ramps and widening of Moreno Beach Drive south of SR-60, and the second phase consisting of the replacement of the bridge at SR60/Moreno Beach Drive and construction of (3) WB ramps and related auxiliary lanes. It is noted that the Geotechnical Design Report for the original project (Nason/SR60 and Moreno/SR60 as a combined project) has already been approved by Caltrans. However, the Materials Report has not yet been approved and will need to be updated to reflect an updated range of pavement structural sections pursuant to Caltrans LCCA requirements. The Bridge Foundation Reports for SR60/Nason Street and SR60/Moreno Beach Drive, and the Foundation Reports for Soundwall 60-954L and Retaining Wall 3805R have also been approved. Based upon our conversations, we are assuming that these approved geotechnical reports will not need to be revised or resubmitted.

The cost estimate below summarizes the cost for the additional geotechnical services required to revise the Materials Report to address the (2) phases at Moreno Beach Drive, the fact that SR60/Nason is a separate PS&E but still covered by the Material Report, and to address the additional geotechnical support already provided for the Pavement Life Cycle Cost Analysis.

TABLE 1. MANHOURS AND COST ESTIMATES

TASK	Project Manager	Senior Engineer	Staff Engineer	Senior Technician	Clerical	Total Hours	Total Cost
LCCA Support	0	6	0	0	0	6	\$ 840.00
Report Preparation	0	24	0	0	0	24	\$3,360.00
Response to Caltrans Review	0	5	0	0	0	5	\$ 700.00
Total Hours	0	35	0	0	0	35	\$4,900.00
Hourly Rate	\$155	\$140	\$95	\$110	\$60		
Subtotal	\$ 0.00	\$4,900.00	\$ 0.00	\$ 0.00	\$ 0.00		
OTHER COSTS							
Reproduction						\$40	
TOTAL							\$4,940.00

17800 Newhope Street, Suite B, Fountain Valley, California 92708

Tel: (714) 751-3826 Fax: (714) 751-3928



Earth Mechanics, Inc.

Geotechnical & Earthquake Engineering

MEMORANDUM

EMI Project No. 05-140

Date: May 3, 2011

To: David Speirs / Parsons

From: Eric Brown, Earth Mechanics, Inc.

Subject: *Additional Scope and Cost for Stockpile Investigation
Nason Street –Moreno Beach Drive, City of Moreno Valley, California*

Earth Mechanics, Inc. (EMI) is pleased to assist Parsons and the City of Moreno Valley by providing geotechnical engineering services to investigate the stockpile of borrow material located at the intersection of Nason Street and Alessandro Boulevard. Our scope of work and the associated cost estimate for geotechnical services is presented below.

EMI will perform a geotechnical field investigation by excavating five (5) geotechnical borings through the stockpiled material at the location described above. The borings will be performed with a limited access track mounted drill rig equipped with 8-inch diameter hollow-stem augers. The borings will be conducted for the purpose of characterizing the material and collecting samples for laboratory testing. The spoils from the boring excavations will be temporarily stockpiled adjacent to each boring; immediately after each excavation is completed, the spoils will be mixed with water and used to backfill the boreholes.

Samples recovered during the investigation will be preserved and returned to the lab for testing. The anticipated laboratory tests proposed to be performed on selected samples is provided below. Five of each test listed below will be conducted.

Environmental Tests	Geotechnical Tests
EPA Test 8015B – Nonhalogenated Organics	Compaction (CT 216)
EPA Test 8260B – Volatile Organics	R-Value (CT-301)
Title 22 Metals	Sieve Analysis (CT 202)

After completion of the investigation, EMI will present the results of the field and laboratory testing program in a data memorandum to Parsons.

Services by EMI will be performed only after Parsons has provided authorization to proceed with the services. The cost for the geotechnical services is \$10,740 based on the scope of work described above and our 2011 fee and laboratory testing schedule.

TABLE 1. MANHOURS AND COST ESTIMATES

<i>TASK</i>	<i>Project Manager</i>	<i>Senior Engineer</i>	<i>Staff Engineer</i>	<i>Senior Technician</i>	<i>Clerical</i>	<i>Total Hours</i>	<i>Total Cost</i>
Field Investigation	0	0	6	12	0	18	\$1,890.00
Report Preparation	0	2	16	0	0	18	\$1,800.00
Total Hours	0	2	22	12	0	36	\$3,690.00
Hourly Rate	\$155	\$140	\$95	\$110	\$60		
Subtotal	\$ 0.00	\$ 280.00	\$2,090.00	\$1,320.00	\$ 0.00		
OTHER COSTS							
Drill Rig Rental						\$3,400	
Laboratory Test						\$3,650	
TOTAL							\$10,740.00

**Moreno Beach Drive/SR-60 Interchange and Nason Street/SR-60 Overcrossing Improvements
Plan, Specifications and Estimate (PS&E)
Caltrans EA #323011
Amendment No. 1**

Lighting, Sign Illumination, Signals, and Ramp Metering System Plans

Additional coordination efforts are required for additional work in electrical design because of splitting the SR-60/Moreno Beach Drive Interchange Improvements Project into two phases. ACT shall re-package and update electrical plans, specifications, and estimates for the Phase 1 project which would include all electrical improvements along the eastbound ramps and Moreno Beach Drive; and Phase 2 project which would include all electrical improvements along the westbound ramps and Moreno Beach Drive. ACT shall also update electrical plans, specifications and estimates for the SR-60/Nason Street Interchange Improvements Project. This scope of work assumes that there is only one submittal to Caltrans for review.

The fee estimates for re-packaging and updating electrical plans are as follow:

SR-60/Moreno Beach Drive Interchange Improvements, Phase 1 - \$4,200

SR-60/Moreno Beach Drive Interchange Improvements, Phase 2 - \$3,300

SR-60/Nason Street Interchange Improvements - \$3,500



2280 Market Street, Suite 340
Riverside, CA 92501
951.683.2353 ph | 951.683.3901 fax

March 1, 2011

David Speirs
Engineering Manager
PARSONS
2201 Dupont Drive, Ste. 200
Irvine, CA 92612

RE: Contract Amendment #4 to Subconsultant Agreement Number 647148-04
Amended Scope and Fee Schedule for Right of Way Services
City of Moreno Valley – Moreno Beach Drive Interchange Project
Project No. 0027(012)

Dear Mr. Speirs:

Pursuant to your request, we respectfully submit this Amendment to our contract for additional acquisition, project management, title research and coordination services added to OPC's scope of work for the above-referenced project.

The request for Amendment primarily stems from additional work tasks not anticipated in the original proposal. The additional work tasks include negotiations with owners beyond the proposed four week period, weekly right of way focus conference calls, extensive title research on the Lila Jones and David May Trust parcels, extensive research on ownership contact information, extensive title research on utility easements, analysis of Ironwood Avenue ownership and responding to Public Records Act requests.

OPC has conducted exhaustive title searches to resolve several project issues, including the ownership interests of the David May Trust and Lila Jones parcels, the location of the centerline of Pettit Street, prior rights searches for the SCE poles and other utility easements, ownership of Ironwood Avenue. The title searches were extensive and required significant staff time to conduct and coordinate with the title company and the project team none of which was anticipated in OPC's original proposal.

OPC has conducted extensive research to locate contact information for parcel owners. In some cases, multiple attempts have been made to owners' residences, prior residences

Mr. David Speirs
March 1, 2011
Page 2

and prior business locations in attempts to locate the owners. In addition, OPC has contracted with on-line locator services to obtain additional owner contact information.

OPC's original proposal provided for owner negotiations for a 4 week period prior to the commencement of eminent domain proceeding or further instructions from the City. OPC has extended negotiations for an additional 10 to 15 weeks beyond the offer presentations and 4 week negotiation period. The City is not in a position to institute eminent domain proceedings for a minimum of at least 4 to 6 months and intends to continue negotiations during this period.

Two owners, Chen and Chado, have obtained legal counsel which has served the City with a Public Records Act request. In order to assist the City with this request, OPC will have to review the request, have discussions with the City as to document criteria and review and copy all project files/documents pertaining to the request. This may require significant staff time to complete.

OPC participates on weekly right of way focus conference calls which extend from 1 hour to 2 ½ hours depending on the weekly issues. The weekly conference calls incur additional staff time in both preparation for and attendance on the conference call.

At the time of the original project proposal, the City had an in-house right of way agent to coordinate and manage the right of way services. In the absence of this City position, OPC has been requested to provide right of way services formerly provided in-house, such as drafting staff reports, closed session items and various project management function, all of which were not anticipated in OPC's original proposal.

The additional work tasks described above were not anticipated in OPC's original proposal and are out of scope items.

OPC's current contract scope of work includes obtaining 20 appraisal reports and reviews. To date, OPC has obtained 13 appraisal reports with 7 additional reports remaining. At this time, it is foreseeable that 3 appraisal reports will be required along the North side of Ironwood Drive and a potential for 3 appraisal reports on the 2 City owned parcels (Fire Station and land north of Auto Mall) and 1 for the future excess land parcel at SR 60 westbound Moreno Beach Off Ramp. In addition, the ProLogis appraisal report will require revisions once the EMWD and SCE easements are resolved. Based upon this summary it appears that the current contract the scope is sufficient to cover remaining appraisals.

The costs associated with the additional services described above are as follows, and are predicated on the assumption that acquisition services will conclude within 120 days (June 30, 2011):

Mr. David Speirs
March 1, 2011
Page 3

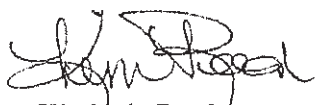
Proposed Fees:

Project Management	\$30,000
Acquisition/Complex Negotiations	\$85,000
Title Searches	
Lila Jones and David May Trust Ownerships	\$15,000
Prior Rights/Utility Easement Research	\$5,000
Analysis of Ironwood Avenue Ownership	\$5,000
Pettit Street Research	\$4,000
Ownership Locator Searches	\$10,000
Public Records Act Request	\$3,000
Authorized Contract Budget	\$257,150
Amount of Amendment #4	\$157,000
Total Project Budget	\$414,150

If you have any questions or concerns regarding the above, please do not hesitate to contact me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.



Kimberly Reed
Senior Project Manager



2280 Market Street, Suite 340
Riverside, CA 92501
951.683.2353 ph | 951.683.3901 fax

March 21, 2011

David Speirs
Engineering Manager
PARSONS
2201 Dupont Drive, Ste. 200
Irvine, CA 92612

RE: Contract Amendment to Subconsultant Agreement Number 647148-04
Amended Scope and Fee Schedule for Right of Way Services
City of Moreno Valley – Moreno Beach Drive Interchange Project
Project No. 0027(012)

Dear Mr. Speirs:

Pursuant to your request, we respectfully submit this Amendment to our contract for right of way certification services to separate out the eastbound freeway ramps for the above-referenced project.

Right of Way Certification Services

1. Attend certification planning meeting with client's Right of Way Local Assistance Coordinator and project team.
2. Prepare real estate components of right of way data sheet and provide current and escalated costs for acquisition and relocation; incorporate engineers' construction and utility information as provided to OPC.
3. Ensure appraisal maps/right of way maps and legal descriptions are all properly identified and prepared in conformance with approved right of way numbering system.
4. Oversee utility relocation activities as required for completion of certification form including compiling utility notices and submittal of hi-low risk utility sheet prepared by engineers for Right of Way Local Assistance Coordinator review.
5. Ensure that all interests necessary for the project have been secured and all relocation activities have been performed in compliance with applicable law and regulations.
6. Prepare certification forms in coordination with engineer and client to include the compilation of all necessary back-up documents required including; deed, final order of condemnation, access easements, cooperative agreements, permits, right of entries, etc.
7. Attend and coordinate pre and post-audit submittal meetings.

Mr. David Speirs
March 21, 2011
Page 2

The costs associated with the additional services described above are as follows, and are predicated on the assumption that acquisition services will conclude within 120 days (June 30, 2011):


Proposed Fees:

Right of Way Certification – Eastbound Freeway Ramps	\$5,000
Authorized Contract Budget	\$257,150
Amendment #4 (Pending)	\$157,000
Amount of Amendment EB Freeway Ramps	\$5,000
Total Project Budget	\$419,150

If you have any questions or concerns regarding the above, please do not hesitate to contact me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.


for Kimberly Reed
Senior Project Manager

KR:klp



TATSUMI May 23, 2011

-
AND

-
PARTNERS, INC.

Mr. David Speirs
PARSONS
2201 Dupont Drive, Suite 200
Irvine, California 90012

LANDSCAPE ARCHITECTURE

-
PLANNING

-
URBAN DESIGN

Project Name: SR-60/Moreno Beach Drive Overcrossing – Additional Services for completing the PS&E
TAP Project No.: 2004381.00.02 (r5)

Dear Mr. Speirs:

Per your request, I have prepared the following proposal for the extra services to pick up where the project was left off and move it forward for final submittal.

5 Corporate Park, Suite 200

SCOPE OF WORK

Irvine

California 92606-5166

Telephone:
(949) 250-9890

Facsimile:
(949) 250-9891

email@tatsumiandpartners.com

www@tatsumiandpartners.com

David H. Tatsumi, ASLA
Calif. No. 2033

1. Task I: Re-start the project (after a 2 year hold).
 - a. Meet with the Engineer and review status of the engineering design.
 - b. Update CADD files as needed and as appropriate.
 - c. Provide PS&E redline and QAQC review.
 - d. Review standards used at the time of the plans preparation, research and determine what, if any, changes to standards have occurred. If changes are needed, implement changes to bring project up to current standards.
2. Task II: Prepare 2nd 95% PS&E Submittal.
 - a. Update planting plans, legends, notes, and SSP's.
 - b. Update irrigation plans, legends, notes, and SSP's.
 - c. Update Quantities and Estimate of Probable Construction Costs.
 - d. One (1) coordination meeting is assumed for reviewing comments received.
 - e. Provide PS&E redline and QAQC review.

- f. Submittal deliverables:
 - i. One (1) set of full size drawings in PDF format.
 - ii. One (1) set of 11x17 drawings in PDF format.
3. Task III: Prepare Final Submittal (incorporating any comments received from the 2nd 95% PS&E submittal).
- a. Update planting plans, legends, notes, and SSP's.
 - b. Update irrigation plans, legends, notes, and SSP's.
 - c. Update Quantities and Estimate of Probable Construction Costs.
 - d. Provide PS&E redline and QAQC review.
 - e. Submittal deliverables:
 - i. One (1) set of full size drawings in PDF format.
 - ii. One (1) set of 11x17 drawings in PDF format.
4. Task IV: Revise existing irrigation for Phase I east bound ramp construction.
5. Assumptions.
- a. CAD files will be named per Caltrans standard naming convention using EA32300 for Moreno Beach Drive.
 - b. It is assumed that there will be additional meetings/site visits and coordination meetings required during the construction phase support for Phase 2. These meetings will be approved by Parsons beforehand and will be billed at Tatsumi's regular hourly rates.


Mr. David Speirs, PARSONS
SR-60 Moreno Beach Drive – Additional Services #2004381.00.02
May 23, 2011

FEES

The fee for the above-listed Scope of Work is Seventeen Thousand Three Hundred and Forty Five Dollars and No Cents (\$17,345.00).

A flat fee of One Thousand Dollars (\$1,000.00) in addition to the amount above is included for reproduction, mileage, and or delivery and any other costs incurred for the project.

Respectfully,
Tatsumi and Partners, Inc.
A California Corporation


Michael Aceves
Project Manager



TATSUMI
-
AND
-
PARTNERS, INC.

May 2, 2011

Mr. David Speirs
PARSONS
2201 Dupont Drive, Suite 200
Irvine, California 90012

LANDSCAPE ARCHITECTURE
-
PLANNING
-
URBAN DESIGN

Project Name: SR-60/Nason Street Overcrossings -- Additional Services for completing the PS&E
TAP Project No.: 2004381.01.02 (r3)

Dear Mr. Speirs:

Per your request, I have prepared the following proposal for the extra services to pick up where the project was left off and move it forward for the final submittal.

SCOPE OF WORK

5 Corporate Park, Suite 200

Irvine, California

92606-5166

Telephone:
(949) 250-9890

Facsimile:
(949) 250-9891

email@tatsumiandpartners.com

www@tatsumiandpartners.com

1. Task I: Re-start the project (after a 2 year hold).
 - a. Meet with the Engineer and review status of the engineering design.
 - b. Update CADD files as needed and as appropriate.
 - c. Provide PS&E redline and QAQC review.
 - d. Review standards used at the time of the plans preparation, research and determine what, if any, changes to standards have occurred. If changes are needed, implement changes to bring project up to current standards.
2. Task II: Prepare 2nd 95% PS&E Submittal.
 - a. Update planting plans, legends, notes, and SSP's.
 - b. Update irrigation plans, legends, notes, and SSP's.
 - c. Update Quantities and Estimate of Probable Construction Costs.
 - d. One (1) coordination meeting is assumed for reviewing comments received.

David H. Tatsumi, ASLA
Calif. No. 2033

Mr. David Speirs, PARSONS
SR-60:Nason Street – Additional Services #2004381.01.02
May 2, 2011

- e. Provide PS&E redline and QAQC review.
 - f. Submittal deliverables:
 - i. One (1) set of full size drawings in PDF format.
 - ii. One (1) set of 11x17 drawings in PDF format.
3. Task III: Prepare Final Submittal (incorporating any comments received from the 2nd 95% PS&E submittal).
- a. Update planting plans, legends, notes, and SSP's.
 - b. Update irrigation plans, legends, notes, and SSP's.
 - c. Update Quantities and Estimate of Probable Construction Costs.
 - d. Provide PS&E redline and QAQC review.
 - e. Submittal deliverables:
 - i. One (1) set of full size drawings in PDF format.
 - ii. One (1) set of 11x17 drawings in PDF format.
4. Assumptions.
- a. CAD files will be named per Caltrans standard naming convention using EA 32301 for Nason Street.
 - b. Although separated, both interchange packages will continue to progress reasonably concurrent to each other.
 - c. It is assumed that there will be additional meetings/site visits and coordination meetings required during the construction phase support for two (2) separate contracts. These meetings will be approved by Parsons beforehand and will be billed at Tatsumi's regular hourly rates.
 - d. Bidding and Construction Administration services are not included, but may be provided for an additional fee.

Mr. David Speirs, PARSONS
SR-60 Nason Street – Additional Services #2004381.01.02
May 2, 2011

FEES

The fee for the above-listed Scope of Work is Fourteen Thousand Eight Hundred Forty Five Dollars and No Cents (\$14,845.00).

A flat fee of One Thousand Dollars (\$1,000.00) in addition to the amount above is included for reproduction, mileage, and or delivery and any other costs incurred for the project.

Respectfully,
Tatsumi and Partners, Inc.
A California Corporation

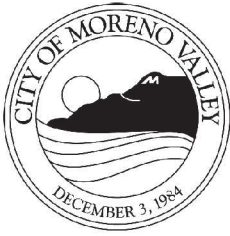


Michael Aceves
Project Manager

John

FEE PROPOSAL FOR
Nason (2004381.01.02)
5/2/2011

TASK	STAFF / RATE / HOURS										REIMBURSABLES TOTAL	HOURS TOTAL	FEE TOTAL	
	Sr. Principal Hrs	Associate Hrs	Senior Staff Hrs	Tech. Staff Hrs	Tech. Staff II Hrs	Tech. Staff I Hrs	Staff Hrs	\$275.00	\$126.00	\$111.00				\$101.00
Task I: Re-start Project														
Meeting (1 Assumed)		\$0.00	2	\$222.00						\$0.00				\$222.00
Update Cadd Files		\$0.00	8	\$908.00						\$0.00				\$908.00
Redline & QA/QC Review		\$0.00	4	\$444.00						\$0.00				\$444.00
Review Standards & Update Per current standards	1	\$275.00	3	\$333.00	6	\$606.00	3	\$264.00		\$0.00				\$1,478.00
		\$0.00		\$0.00						\$0.00				\$0.00
		\$0.00		\$0.00						\$0.00				\$0.00
Subtotal:	1	\$275.00	0	\$0.00	14	\$1,414.00	3	\$264.00	0	\$0.00			27	\$2,952.00
Task II: Prepare 2nd 95% PS&E Submittal														
Update Planting Plans, Legends, Notes, and SSP's		\$0.00	3	\$333.00	24	\$2,424.00	2	\$176.00		\$0.00				\$2,933.00
Update Irrigation Plans, Legends, Notes, and SSP's		\$0.00	3	\$333.00	32	\$3,232.00	2	\$176.00		\$0.00				\$3,741.00
Update QI's & Estimate of Probable Costs		\$0.00		\$0.00	8	\$808.00	2	\$176.00	2	\$140.00			12	\$1,124.00
Meeting (1 Assumed)		\$0.00	4	\$444.00						\$0.00				\$444.00
Redline & QA/QC Review	1	\$275.00	6	\$666.00						\$0.00			7	\$941.00
		\$0.00		\$0.00						\$0.00			0	\$0.00
		\$0.00		\$0.00						\$0.00			0	\$0.00
Subtotal:	1	\$275.00	0	\$0.00	64	\$6,464.00	6	\$528.00	2	\$140.00			89	\$9,183.00
Task III: Prepare Final Submittal														
Update Planting Plans, Legends, Notes, and SSP's		\$0.00	1	\$111.00	4	\$404.00	2	\$176.00		\$0.00			7	\$691.00
Update Irrigation Plans, Legends, Notes, and SSP's		\$0.00	1	\$111.00	4	\$404.00	2	\$176.00		\$0.00			7	\$691.00
Update QI's & Estimate of Probable Costs		\$0.00		\$0.00	4	\$404.00	2	\$176.00	2	\$140.00			8	\$720.00
Redline & QA/QC Review	1	\$275.00	3	\$333.00						\$0.00			4	\$608.00
		\$0.00		\$0.00						\$0.00			0	\$0.00
		\$0.00		\$0.00						\$0.00			0	\$0.00
Subtotal:	1	\$275.00	0	\$0.00	12	\$1,212.00	6	\$528.00	2	\$140.00			26	\$2,710.00
		\$0.00		\$0.00						\$0.00			0	\$0.00
		\$0.00		\$0.00						\$0.00			0	\$0.00
		\$0.00		\$0.00						\$0.00			0	\$0.00
		\$0.00		\$0.00						\$0.00			0	\$0.00
Subtotal:	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00			0	\$0.00
Misc. ODC's														\$1,000.00
HOURS SUBTOTAL	3	\$825.00	0	\$0.00	90	\$9,090.00	15	\$1,320.00	4	\$280.00			142	\$15,845.00
PROPOSAL TOTALS														



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, Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE PROJECT NO. 08-41678827

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder.
2. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, on behalf of the City.
3. Authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of \$363,398.74 (\$315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of \$47,399.84, subject to the approval of the City Attorney.
5. Authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011.

BACKGROUND

An agreement with Associate Engineers, Inc. was signed by the City Manager on January 24, 2008 to provide Phase 1, preliminary design (35%) services for the roadway improvements to the west side of Heacock Street between Hemlock Avenue and Ironwood Avenue. On February 11, 2009, the City Manager approved the First Amendment to Agreement to allow the parent company, PB America, Inc. to assume all the liabilities, obligations, and commitments of its subsidiary company, Associated Engineers, Inc. On August 25, 2009, the City Council approved the Second Amendment Agreement to PB America, Inc. to provide Phase II and Phase III services, which include completing the final design Plans, Specifications, and Estimate (PS&E) for street improvements, right of way acquisition, coordination with utility companies, and design support during construction.

On September 22, 2009, the City Council adopted the Mitigated Negative Declaration (MND) prepared by the Planning Division. The mitigation measures, as described in the Initial Study and ultimately incorporated into the project specifications, will reduce all potential environmental impacts to an acceptable level in compliance with CEQA and the City's rules to implement CEQA.

DISCUSSION

This project will improve approximately 500 feet of the west side of Heacock Street from 390 feet north of Hemlock Avenue to 530 feet south of Ironwood Avenue. The project will expand the roadway and add new sidewalk, curb, and gutter on the west side of Heacock Street. The project will improve sight distance for public safety and improve pedestrian safety by providing a continuous sidewalk by joining the existing sidewalk at the north and south ends of the project limits.

The project will also construct street improvements on the north side of the intersection of Ironwood Avenue and Davis Street and two access ramps on the northeast and southwest corners of Heacock Street and Ironwood Avenue. These proposed improvements were intended to be added to the Indian Basin Appurtenant Storm Drain and Miscellaneous Street Improvements project; however, the proposed change order price proposed by the Contractor significantly exceeded the engineer's estimate. As a result, staff elected to add the proposed work as a bid addendum to this project. Funds from Account No. 897.91726 (Indian Basin Appurtenant Storm Drain and Miscellaneous Street Improvements) will be used to fund this additional work.

Formal bidding procedures have been followed in conformance with the Public Contact Code (PCC) and the City Clerk opened bids at 2:00 p.m., May 2, 2011, for the subject project. Four (4) bids were received as follows:

1. Hillcrest Contracting, Inc.	\$315,998.90
2. Cooley Construction, Inc.	\$349,918.65
3. EBS General Engineering, Inc.	\$369,259.00

4. Leland Hoffman, Inc.	\$448,470.95
Engineer's Estimate	\$243,618.50

The Engineer's Estimate was significantly lower than the lowest bid received primarily due to the increased unit prices of road-related items such as base material and excavation work. Staff has reviewed the lowest bid received by Hillcrest Contracting, Inc. and finds it to be the lowest responsible bidder. Hillcrest Contracting, Inc. possesses a valid California Contractor License in good standing and has provided a bid bond as its required bid security. No outstanding problems were identified through review of the references submitted by Hillcrest Contracting, Inc.

The Contractor will notify, and provide safe ingress and egress to, all potentially affected property owners about the road closure, as well as law enforcement, the Fire Department, Waste Management of the Inland Empire, the postal service, the school district, etc. The Contractor is required to provide driveway access to residents at all times. In order to construct cross gutter and adjacent pavement improvements, a full road closure of Davis Street north of Ironwood Avenue may be authorized for up to a period of ten working days, as necessary, between July 2011 and September 2011.

ALTERNATIVES

1. Award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder, authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, on behalf of the City, authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of \$363,398.74 (\$315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties, authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of \$47,399.84, subject to the approval of the City Attorney, and authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011. *This alternative will allow for much needed improvements.*

2. Do not award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder, do not authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, on behalf of the City, do not authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of \$363,398.74 (\$315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties, do not authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but

not exceeding, the total contingency amount of \$47,399.84, subject to the approval of the City Attorney, and do not authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011. *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Construction phase of this project is included in the Fiscal Year 2010/2011 Capital Improvements Project Budget and will be funded by Development Impact Fee (DIF) Arterial Street Capital Projects (Fund 416) and 2007 Redevelopment Agency Tax Allocation Bonds (Fund 897) monies. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010-2011 Budget (Account No. 416.78827)	\$470,000
Fiscal Year 2010-2011 Expenditures to Date (Account No. 416.78827)	(\$130,000)
Indian Basin Appurtenant Storm Drain and Miscellaneous Street Improvements (Account No. 897.91726)	<u>\$90,000</u>
Fiscal Year 2010-2011 Available Budgeted Funds	\$430,000

ESTIMATED CONSTRUCTION RELATED COSTS:

Construction (includes 15% contingency)	\$363,400
Construction Surveying Costs	\$22,000
Construction Geotechnical Costs	\$5,500
Project Administration and Inspection Services*	<u>\$25,000</u>
Total Estimated Construction Related Costs	\$415,900

*City staff will provide Project Administration and Inspection Services

ANTICIPATED PROJECT SCHEDULE:

Start Construction.....	July 2011
Complete Construction.....	September 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

This project will expand the roadway and add new sidewalk, curb, and gutter on the west side of Heacock Street from north of Hemlock Avenue to south of Ironwood Avenue. Improvements will also be constructed at the intersections of Heacock Street at Ironwood Avenue and Ironwood Avenue at Davis Street. The construction funding is from DIF Arterial Street Capital Projects and 2007 Redevelopment Agency Tax Allocation Bonds.

NOTIFICATION

Local residents, law enforcement, the Fire Department, and the school district will be notified of the proposed construction. Construction notification signs will also be installed to notify commuters, businesses, and residents of the construction work.

ATTACHMENTS

Attachment "A" – Location Map

Attachment "B" – Agreement with Hillcrest Contracting, Inc.

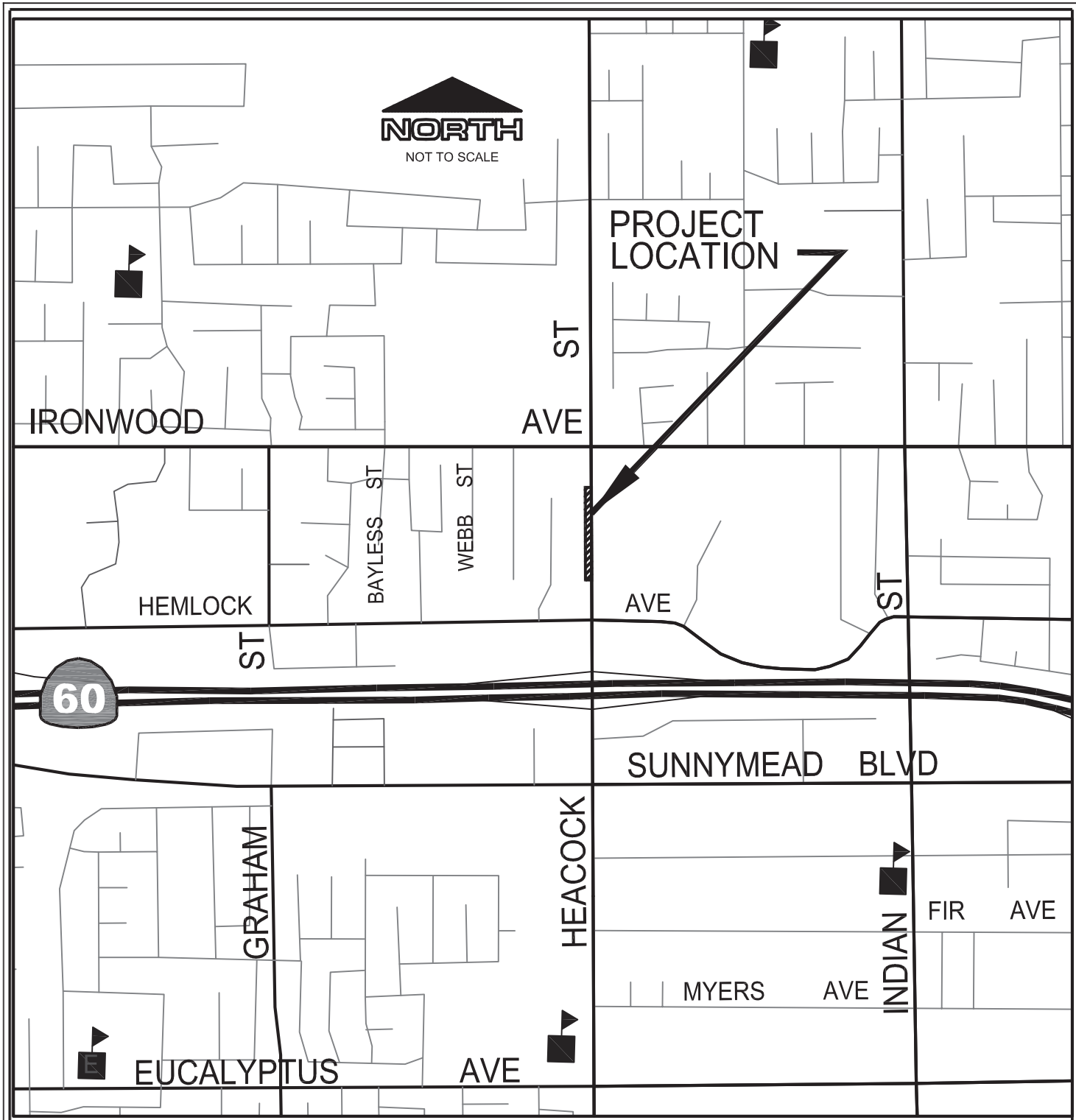
Prepared By:
 Larry Gonzales
 Senior Engineer, P.E.

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

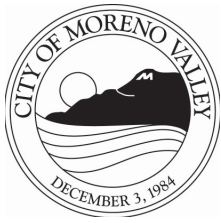
Concurred By:
 Prem Kumar, P.E.
 Deputy Public Works Director/Assistant City Engineer

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

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LOCATION MAP



Public Works Department
Capital Projects Division

ATTACHMENT "A"

HEACOCK STREET STREET IMPROVEMENTS
Hemlock Ave. to Ironwood Ave.
Project No. 08-41678827

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AGREEMENT

PROJECT NO. 08-41678827

**STREET IMPROVEMENTS FOR HEACOCK STREET
from Hemlock Avenue to Ironwood Avenue**

THIS Agreement, made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and Hillcrest Contracting, Inc. hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. The written Agreement includes all of the following:
 - a. Any and all Contract Change Orders issued after execution of this Agreement
 - b. Addenda Nos. _____ inclusive, issued prior to the opening of the Bids
 - c. The bound Bid Documents
 - d. The Special Provisions which include the General Provisions and Technical Provisions, all of which are parts of this Agreement
 - e. The project Plans
 - f. The Standard Plans
 - g. The Standard Specifications
 - h. Reference Specifications, all of which are essential parts of this Agreement
 - i. The Bidder's Proposal which includes the Bidder's Bond and Noncollusion Affidavit

In the event of any conflict in the provisions thereof, the terms of said Bid Documents as set forth above shall control, each over the other, in the order provided. The above items are incorporated in this Agreement as though set forth in full.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Bid Documents for this project, the Bid Documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Base Bid Item(s) in the sum total amount of **\$315,998.90**, subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Bid Documents therefore and the requirements of the Engineer under them.

4. The Contractor hereby agrees to commence work pursuant to this Agreement within fifteen (15) calendar days after the date of authorization specified in the Notice to Proceed. The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to

AGREEMENT
PROJECT NO. 08-41678827

completion, within **sixty (60) working days** after said date in the "Notice to Proceed with Construction," except as adjusted by subsequent Contract Change Order(s).

5. The City and Contractor hereby agree that in case all construction called for under the Contract is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of **\$350.00** per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement, any extension thereof, and for a one (1) year warranty period, General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described in this Agreement.

The Contractor shall name as additional insured, the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, employees and agents, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, California, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents; under any third party liability policy.

It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is

AGREEMENT
PROJECT NO. 08-41678827

canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	\$500,000.00	\$1,000,000.00	\$2,000,000.00
Property Damage	---	\$1,000,000.00	\$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of \$2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than \$1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Contract pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Agreement fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at

AGREEMENT
PROJECT NO. 08-41678827

his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Agreement in a form which is substantially similar to the Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, agents, and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers, agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, its officers, agents, or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

AGREEMENT
PROJECT NO. 08-41678827

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Agreement.

16. The effective date of this Agreement shall be the date of the Award of Contract by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

AGREEMENT
PROJECT NO. 08-41678827

CITY OF MORENO VALLEY,
Municipal Corporation

Hillcrest Contracting, Inc.

BY: _____
City Manager

License No./
Classification: _____

DATE: _____

Expiration Date: _____

Federal I.D. No.: _____

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

<u>INTERNAL USE ONLY</u>
APPROVED AS TO LEGAL FORM:

City Attorney

Date
RECOMMENDED FOR APPROVAL:

Public Works Director/City Engineer

Date

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Agreement on behalf of the Contractor must be acknowledged before a notary public. Attach Notary Certificates following this page.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

W:\CapProj\CapProj\PROJECTS\Larry - 08-41678827 - Heacock from Hemlock to Ironwood\CC Reports\NOA Staff Report (CC 062811)\Atachment B - Agreement with Hillcrest Contracting, Inc..DOC

CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____
(Here insert name and title of the officer)

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement 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

(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

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 property completed and attached to that document. The only exception is if a document is 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).

DESCRIPTION OF THE ATTACHED DOCUMENT

AGREEMENT SIGNATURE PAGE
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____

Document Date _____

Additional Information

CAPACITY CLAIMED BY THE SIGNER

Individual(s)
 Corporate Officer

(Title)

Partner (s)
 Attorney-in-Fact
 Other _____

BOND NO. _____

PREMIUM \$ _____

**FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)**

PROJECT NO. 08-41678827

**STREET IMPROVEMENTS FOR HEACOCK STREET
from Hemlock Avenue to Ironwood Avenue**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, hereinafter known as "City," has awarded to **Hillcrest Contracting, Inc.** as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the **City Manager**, and identified as **Project No. 08-41678827**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and _____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, (\$ _____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

**FAITHFUL PERFORMANCE BOND
PROJECT NO. 08-41678827**

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day
of _____ 20____.

CONTRACTOR (Principal)

SURETY

Contractor Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

Print Name: _____

Print Name: _____
Attorney-in-Fact

Signature: _____

Signature: _____

Approved as to Form this

_____ day of _____ 20____

City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement 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

(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

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 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.
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 - ❖ 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.

DESCRIPTION OF THE ATTACHED DOCUMENT

FAITHFUL PERFORMANCE BOND SIGNATURE PAGE
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____

Document Date _____

Additional Information

CAPACITY CLAIMED BY THE SIGNER

- Individual(s)
- Corporate Officer

(Title)

- Partner (s)
- Attorney-in-Fact
- Other _____

BOND NO. _____

PREMIUM \$ _____

**LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)**

PROJECT NO. 08-41678827

**STREET IMPROVEMENTS FOR HEACOCK STREET
from Hemlock Avenue to Ironwood Avenue**

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, California, hereinafter known as "City", has awarded to **Hillcrest Contracting, Inc.**, as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the **City Manager**, and identified as **Project No. 08-41678827**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____ dollars, (\$ _____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

**LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 08-41678827**

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day
of _____ 20____.

CONTRACTOR (Principal)

SURETY

Contractor Name: _____

Name: _____

Address: _____

Address: _____

Telephone No.: _____

Telephone No.: _____

Print Name: _____

Print Name: _____
Attorney-in-Fact

Signature: _____

Signature: _____

Approved as to Form this

_____ day of _____ 20____

City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal may be affixed hereto

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT**

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement 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

(Notary Seal)

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INSTRUCTIONS FOR COMPLETING THIS FORM**

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 - ❖ 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.

DESCRIPTION OF THE ATTACHED DOCUMENT

LABOR AND MATERIALS PAYMENT BOND
SIGNATURE PAGE

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____

Document Date _____

Additional Information

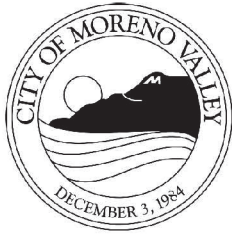
CAPACITY CLAIMED BY THE SIGNER

- Individual(s)
- Corporate Officer

(Title)

- Partner (s)
- Attorney-in-Fact
- Other _____

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

Report to City Council

TO: Mayor and City Council

FROM: Henry Garcia, City Manager

AGENDA DATE: June 14, 2011

TITLE: Adoption of the Prioritized Goals and Action Plan Developed in the City Council Goal Setting Workshop

RECOMMENDED ACTION

Staff recommends that the City Council adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop.

BACKGROUND

On May 18, 2011, the Mayor and City Council participated in a Goal Setting Workshop facilitated by City Manager Henry Garcia. Participants included the City Council, the Executive Team, and members of the public. The purpose of the exercise was to conduct a workshop to include decision making and planning as well as provide staff with clear direction. The Council accomplished the following:

1. Established expectations for the Workshop
2. Identified the organization's Strengths, Weaknesses, Opportunities and Threats (SWOT)
3. Established Prioritized Goals
4. Developed Actions to Achieve the Goals
5. Referred development of the detailed action plans/tasks and schedule to the City Manager and Executive Team

DISCUSSION

The attached Executive Summary includes all of outcomes from discussion of the above. The Prioritized Goals developed by and agreed upon the Council are as follows:

Prioritized Goals:

1. Job Development
 - 1a. Maximizing Vacant Land Opportunities
2. Focus on Medical Corridor and Health Services/ Educational Opportunities
3. Maximize Transportation and Infrastructure Opportunities
4. Economic and Tax Base Development
5. Enhance City Image

The Council developed expected actions to direct staff's efforts on accomplishing the prioritized goals and referred development of detailed actions and tasks to the City Manager and Executive Team. Each action and task has been assigned to the appropriate department(s) along with the anticipated schedule for completing the tasks. All of this information is included in the Executive Summary from the workshop.

ALTERNATIVES

- 1) Adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop. *Staff recommends this alternative as the prioritized goals and actions/tasks provide direction and focus to ensure that the efforts of the Council and staff are working as one to accomplish the same goals.*
- 2) Not adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop. *Staff does not recommend this alternative as the prioritized goals were established by the Mayor and Council Members during the Goal Setting Workshop.*

FISCAL IMPACT

This action will have no fiscal impact to the City.

SUMMARY

On May 18, 2011 the City Council conducted a Goal Setting Workshop and established the following prioritized goals:

1. Job Development
 - 1a. Maximizing Vacant Land Opportunities
2. Focus on Medical Corridor and Health Services/ Educational Opportunities
3. Maximize Transportation and Infrastructure Opportunities
4. Economic and Tax Base Development
5. Enhance City Image and provided staff with expected actions to fulfill these goals.

The attached Executive Summary includes the expected actions, fully defined tasks assigned to the appropriate department(s), and scheduled time frames for each task to be completed. Council adoption of the goals and action plan will indicate consensus of the City's prioritized goals and provide clear direction to staff.

COUNCIL GOALS

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

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

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.

ATTACHMENTS/EXHIBITS

Attachment 1: Goal Setting Workshop Executive Summary

Prepared By:
Michelle Dawson
Acting Assistant City Manager

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

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City of Moreno Valley

Goal Setting Workshop Executive Summary



May 18, 2011

*Henry T. Garcia, Facilitator
City Manager*

Attachment 1

Executive Summary

Goal Setting Workshop May 18, 2011

Attendance:

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

Henry Garcia City Manager
Michelle Dawson Acting Assistant City Manager
Bob Hansen..... City Attorney
Barry Foster..... Community and Economic Development Director
Jane Halstead City Clerk
Richard Teichert Financial and Administrative Services Director
Steve Curley..... Fire Chief
Chris Vogt..... Public Works Director/City Engineer
Chad Bianco..... Lieutenant
Mike McCarty Parks and Community Services Director
Sonny Morkus Human Resources Director
Paula Smus Acting Library Services Division Manager

Facilitated by:

Henry T. Garcia, City Manager

Executive Summary

The purpose of the exercise was to hold a Goal Setting Workshop with the Mayor and City Council to include decision making and planning, in order to provide staff with clear direction. To be more specific, the Mayor and City Council engaged in an interactive process in which they accomplished the following:

1. Established expectations for the Workshop
2. Identified the organization's Strengths, Weaknesses, Opportunities and Threats (SWOT)
3. Established Prioritized Goals
4. Developed Actions to Achieve the Goals
5. Referred development of the detailed action plans/tasks and schedule to the City Manager and Executive Team

At the conclusion of the workshop, the Mayor and City Council established a clear direction and focus for the Executive Team to successfully accomplish the goals and schedule set forth during this process. A summary of the prioritized goals and expected actions are included in this report. The City Manager and staff have developed more fully defined tasks and assigned each action/task to the responsible department(s) with an expected schedule for completion. These are also included in this report.

It should be noted that the Council's priorities include short, mid-range, and long-term goals. It is recommended that regular formal review of the newly established work plan occur within six months, or annually, (whichever the Mayor and City Council deems appropriate), in which progress may be determined, and new or shifting priorities addressed.

I would like to thank the Mayor and City Council for their focus and leadership in this important endeavor and for the outstanding team work that provided for a positive and productive Workshop.

Respectfully,

Henry T. Garcia

Expectations

The Mayor and City Council expressed the following expectations related to the goal setting workshop:

- | |
|---|
| ▪ To cut through the rhetoric |
| ▪ To establish specific goals |
| ▪ To set goals, milestones, and time lines |
| ▪ To discuss future expectations |
| ▪ To revisit where we have been |
| ▪ To send a clear message regarding change and transparency |
| ▪ To demonstrate partnerships and a relationship with the community |

Strengths, Weaknesses, Opportunities, Threats (SWOT Analysis)

Strengths
▪ Affordable Housing
▪ Vacant Land Opportunity
▪ Good Work Force
▪ Good Geographic Location
▪ Diversity
▪ Transportation Corridors
▪ Developing City
▪ March Air Reserve Base
▪ Higher Education
▪ Access to Medical Services
▪ Recreation and Parks

Weaknesses
▪ Perception / Image
▪ Low Property Values
▪ High School Drop Out Rate
▪ Slow Economic Development Process
▪ Bedroom Community
▪ Low Employment Opportunities = No Jobs
▪ Low Tax Base
▪ Jobs to Housing Imbalance
▪ Geography Requires More Infrastructure
▪ Lack of Adequate Infrastructure/ Lack of Planning
▪ Lack of Cultural Activities

Strengths, Weaknesses, Opportunities, Threats (SWOT Analysis)

Opportunities
▪ Job Development
▪ Good Bidding Environment
▪ Open Land
▪ Flexibility For Change
▪ Regional Presence
▪ MARB Reuse / March LifeCare
▪ General Aviation
▪ Maximizing Medical Corridor Opportunities
▪ College Expansion
▪ UCR Medical School Training at RCRMC
▪ Transportation Corridors
▪ BiCorridors
▪ MVU as Economic Opportunity

Threats
▪ Outside Organizations are a Threat
▪ Lack of Organizational Flexibility
▪ Federal and State Budgets
▪ Revenues Still Flat
▪ Resistance to Change
▪ Lack of Communication and Coordination

Prioritized Goals

Priority	Goals
#1	Job Development
#1a	Maximizing Vacant Land Opportunities
#2	Focus on Medical Corridor and Health Services/ Educational Opportunities
#3	Maximize Transportation and Infrastructure Opportunities
#4	Economic and Tax Base Development
#5	Enhance City Image

Prioritized Goals/Actions/Schedule

Prioritized Goal #1: Job Development
#1a: Maximizing Vacant Land Opportunities
Actions
1. Identify specific land use types to produce new jobs
2. Identify specific locations in the City to produce new jobs
3. Identify needed infrastructure to support new development
4. Identify and attract related support business services

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Prepare 2-year Economic Development Action Plan for Council adoption	CEDD	Adopted 4/26/11
Adopt the City's Capital Improvement Plan	PW/CEDD	June, 2011
Work with Highland Fairview on new Master plan to replace Moreno Highlands Specific Plan	CMgr/CEDD	2011/12
Work with Highland Fairview and two hospitals to advance medical and health related development projects	CMgr/CEDD	2011/12
Facilitate construction of new industrial buildings for logistics/distribution uses in the Centerpointe, South Moreno Valley, and Rancho Belago areas	CEDD	2011/12

**Prioritized Goal #2:
Focus on Medical Corridor and Health
Services/Educational Opportunities**

Actions

1. Coordinate planning and development activities with the expansions of Moreno Valley College, Kaiser Permanente Community Hospital, and Riverside County Regional Medical Center
2. Pursue medical office development
3. Coordinate economic development activities with March LifeCare
4. Retool Aquabella (needs discussion)

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Work with Moreno Valley College on expansion plans including growth of the Allied Health Services Program	CEDD	2011-2013
Facilitate development of Kaiser's 75,000 s.f. expansion of the Community Hospital	CEDD	2011/12
Cooperate with RCRMC on its master plan expansion	CEDD	2011-2013
Facilitate medical office development for Medical overlay zone and other areas	CEDD	2011-2013
Work with March LifeCare on planning and entitlement issues	CEDD/PW	2011-2013
Work with Highland Fairview on plans to reposition approximately 200 acres of Aquabella site for use as medical and Health related campus	CEDD	2011-2013

**Prioritized Goal #3:
Maximize Transportation and Infrastructure
Opportunities**

Actions

1. Improve arterials to ultimate
2. Increase regional presence

Further defined tasks, responsible department, and schedule:

<u>TASK</u>	<u>DEPARTMENT</u>	<u>SCHEDULE</u>
Prioritize the improvement of arterials to their ultimate configuration, identify funding	PW	Annual within CIP process, amend with resequencing as needed
Increase staff assistance to the Council and participation with regional agencies by assigning staff liaisons to each committee, discuss and formalize this with the Council	CMgr/CEDD/PW	July 2011

**Prioritized Goal #4:
Economic and Tax Base Development**

Actions

1. Review development application process
2. Review state vs. self imposed regulations and requirements
3. MVU as economic development tool
4. Evaluate use of incentives

Further defined tasks, responsible department, and schedule:

<u>TASK</u>	<u>DEPARTMENT</u>	<u>SCHEDULE</u>
Conduct developer workshops to identify ways to improve the planning and entitlement process	CMgr/CEDD/PW	April – Oct 2011
Evaluate building code and development standards to understand State requirements and City imposed development requirements	CEDD/PW/Fire	February 2012
Formulate ideas and a strategy for using MVU as an economic development tool to attract specific new business development opportunities	CMgr/CEDD/PW/	2011-2012
Identify a wide variety of cost-effective ways to provide target incentives for new development	CMgr/CEDD	2011-2012

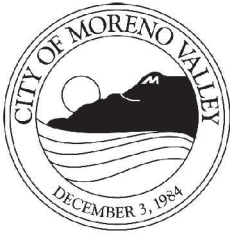
Prioritized Goal #5: Enhance City Image

Actions

1. Develop Media & Communications Strategy:
 - a. Increase use of Social Networks
 - b. E-mail Blasts
 - c. Expand Communication Outreach/ Networking
 - d. District Town Hall Meetings
2. Corridor Beautification Program

Further defined tasks, responsible department, and schedule:

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



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

Report to City Council

TO: Mayor and City Council and Mayor and City Council Acting in their capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District and Acting in the Capacity as Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 FUND BALANCE CLASSIFICATIONS

RECOMMENDED ACTION

1. Staff recommends that the City Council adopt Resolution No. 2011-62, classifying the various components of fund balance as defined in GASB Statement No. 54; and
2. Acting in its capacity as the Board of Directors of the Moreno Valley Community Services District (CSD), adopt Resolution No. 2011-22, classifying the various components of fund balance as defined in GASB Statement No. 54; and
3. Acting in its capacity as the Board of Directors of the Community Redevelopment Agency of the City Moreno Valley, adopt Resolution No. 2011-09, classifying the various components of fund balance as defined in GASB Statement No. 54; and
4. Designate the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance for inclusion in the annual financial reports.

BACKGROUND

In February 2009, the Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Government Fund Type Definitions*. The requirements of this statement are intended to improve financial reporting by providing fund balance categories and classifications that will be more easily understood. The categories are more clearly defined to make the nature and extent of the constraints placed on the City's fund balance more transparent.

DISCUSSION

The term *Fund Balance* is used to describe the difference between assets (what is owned) and liabilities (what is owed) reported within a fund. In the past, fund balance has been classified into basically three separate components:

1. Reserved;
2. Unreserved-Designated, and
3. Unreserved-Undesignated.

There are often limitations on the purpose for which all or a portion of the resources of a fund can be used. The force of these limitations can vary significantly, depending on their source. The various components of the "new" fund balance is designed to indicate the extent to which the City is bound by these limitations placed upon the resources.

GASB Statement No. 54 defines five new components of fund balance that will replace the current existing three components. The five new components are:

1. *Nonspendable Fund Balance*. That portion of fund balance that includes amounts that cannot be spent because they are either (a) not in a spendable form, such as prepaid items, inventories of supplies, or loans receivable; or (b) legally or contractually required to be maintained intact, such as the principal portion of an endowment.
2. *Restricted Fund Balance*. That portion of fund balance that reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.
3. *Committed Fund Balance*. That portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the City Council, and remain binding unless removed in the same manner.

4. **Assigned Fund Balance.** That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director of the City, the official designated by the City Council for that purpose.
5. **Unassigned Fund Balance.** That portion of fund balance that includes amounts that do not fall into one of the above four categories. The General Fund is the only fund that should report this category of fund balance.

The table below shows the City's fund balance reporting prior to GASB 54 and the new component/category that will replace the existing category (also shown as Attachment A to Resolution):

<u>PRE-GASB 54</u>	<u>Account No.</u>	<u>Definition</u>	<u>GASB 54 Category</u>
<u>FUND BALANCE, RESERVED</u>			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for <u>current</u> debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for <u>future</u> debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned

Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of \$2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. \$69 per year shall be levied on all residential properties within tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	Committed
<u>FUND BALANCE - UNRESERVED, DESIGNATED</u>			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed

Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed
Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

This new standard has left unchanged the total amount of reported fund balance, but has substantially altered the categories and terminology used to describe its components. The new categories and terminology reflect an approach that will focus, not on financial resources available for appropriation within a fund, but on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in the fund can be spent.

The classification and reporting of fund balance components as required by GASB Statement No. 54 will become effective starting with the 2010/11 fiscal year. The reporting fund balance will be as follows (also shown as Attachment B to Resolution):

<u>POST GASB 54</u>	<u>Account No.</u>
<u>FUND BALANCE, NON-SPENDABLE</u>	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
<u>FUND BALANCE, RESTRICTED</u>	
Fund Balance - Restricted	XXXX
<u>FUND BALANCE, COMMITTED</u>	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance - Committed	XXXX
<u>FUND BALANCE, ASSIGNED</u>	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance - Assigned	XXXX
<u>FUND BALANCE, UNASSIGNED</u>	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

The next two tables will show the effect of the reclassification on the General Fund's fund balance. The first table shows the General Fund's fund balance as reported in the City's Comprehensive Annual Financial Report (CAFR) as of June 30, 2010:

City of Moreno Valley	
General Fund	
Fund Balance, June 30, 2010	
Fund Balances:	
Reserved:	
Reserved for encumbrances	23,256
Reserved for prepaid and other assets	13,456
Reserved for debt service	1,000,000
Reserved for advances to other funds	28,152,248
Reserved for revolving line of credit	4,600,000
Unreserved:	
Designated:	
Designated for continuing appropriations	93,810
Designated for net unrealized investment gain	712,267
Undesignated	16,694,502
Total Fund Balances	51,289,539

The second table shows General Fund's fund balance as of June 30, 2010 as reported using GASB Statement No. 54.

City of Moreno Valley	
General Fund (Post-GASB 54) after reclassification	
Fund Balance, June 30, 2010	
Fund Balances:	
Nonspendable:	
Reserved for prepaid and other assets	13,456
Reserved for advances to other funds	28,152,248
Restricted:	
	0
Committed:	
Reserved for revolving line of credit	4,600,000
Assigned:	
Reserved for encumbrances	23,256
Reserved for debt service	1,000,000

Designated for continuing appropriations	93,810
Designated for net unrealized investment gain	712,267
Unassigned:	
Undesignated	16,694,502
Total Fund Balances	51,289,539

ALTERNATIVES

1. Approve the reclassification of the City's fund balance components.
2. Not approve the reclassification of the City's fund balance components and provide further direction to staff.

Staff recommends Alternative 1.

FISCAL IMPACT

There is no direct fiscal impact of implementing GASB Statement No. 54. The amounts reported as total fund balance in any given fund are not altered. Only the reporting of the individual components that make up total fund balance is changed. The intent is to make fund balance more easily understood.

ATTACHMENTS/EXHIBITS

Exhibit A - Resolution No. 2011-62, A Resolution of the City Council of the City of Moreno Valley, California, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

Attachment A – Proposed Reclassification of Fund Balance Components
Attachment B – Reclassification of Fund Balance Components

Exhibit B - Resolution No. CSD 2011-22, A Resolution of the Moreno Valley Community Services District, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

Attachment A – Proposed Reclassification of Fund Balance Components
Attachment B – Reclassification of Fund Balance Components

Exhibit C - Resolution No. RDA 2011-09, A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

Attachment A – Proposed Reclassification of Fund Balance Components
 Attachment B – Reclassification of Fund Balance Components

Prepared By:
 Cynthia A. Fortune
 Financial Operations Division Manager

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. 2011-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54

WHEREAS, the Governmental Accounting Standards Board has issued Statement No. 54 entitled "Fund Balance Reporting and Governmental Fund Type Definitions"; and

WHEREAS, the City Council desires to classify the various components of fund balance reported by the City as defined in Governmental Accounting Standards Board Statement No. 54 as shown in Exhibit A; and

WHEREAS, the City Council designates the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance; and

WHEREAS, the reclassification of fund balance, as shown in Exhibit B, as herein approved, will enable the City Council to meet the requirements set forth in Governmental Accounting Standards Board Statement No. 54.

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

1. The City Council approves and defines the various components of fund balance as reported by the City as presented in Exhibits A & B to this resolution.
2. The classification and reporting of fund balance components as required by Governmental Accounting Standards Board Statement No. 54 will become effective starting with the 2010/11 fiscal year.
3. The City Council designates the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

1
Exhibit A

Resolution No. 2011-62
Date adopted: June 14, 2011

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2
Exhibit A

Resolution No. 2011-62
Date adopted: June 14, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, 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 ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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ATTACHMENT A
Proposed Reclassification of Fund Balance components

<u>PRE-GASB 54</u>	<u>Account No.</u>	<u>Definition</u>	<u>GASB 54 Category</u>
<u>FUND BALANCE, RESERVED</u>			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for <u>current</u> debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for <u>future</u> debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned
Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of \$2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. \$69 per year shall be levied on all residential properties within	Committed

		tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	
FUND BALANCE - UNRESERVED, DESIGNATED			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed
Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed

Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

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ATTACHMENT B
Reclassification of Fund Balance components

<u>POST GASB 54</u>	<u>Account No.</u>
<u>FUND BALANCE, NON-SPENDABLE</u>	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
<u>FUND BALANCE, RESTRICTED</u>	
Fund Balance – Restricted	XXXX
<u>FUND BALANCE, COMMITTED</u>	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance – Committed	XXXX
<u>FUND BALANCE, ASSIGNED</u>	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance – Assigned	XXXX
<u>FUND BALANCE, UNASSIGNED</u>	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

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RESOLUTION NO. CSD 2011-22

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54

WHEREAS, the Governmental Accounting Standards Board has issued Statement No. 54 entitled "Fund Balance Reporting and Governmental Fund Type Definitions"; and

WHEREAS, the President and Board of Directors desires to classify the various components of fund balance reported by the City as defined in Governmental Accounting Standards Board Statement No. 54 as shown in Exhibit A; and

WHEREAS, the President and Board of Directors designates the Financial & Administrative Services Director of the City of Moreno Valley as the District official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance; and

WHEREAS, the reclassification of fund balance, as shown in Exhibit B, as herein approved, will enable the Moreno Valley Community Services District to meet the requirements set forth in Governmental Accounting Standards Board Statement No. 54.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. The President and Board of Directors approves and defines the various components of fund balance as reported by the City as presented in Exhibits A & B to this resolution.
2. The classification and reporting of fund balance components as required by Governmental Accounting Standards Board Statement No. 54 will become effective starting with the 2010/11 fiscal year.
3. The President and Board of Directors designates the Financial & Administrative Services Director of the City of Moreno Valley as the District official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

1
Exhibit B

Resolution No. CSD 2011-22
Date adopted: June 14, 2011

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor of the City of Moreno Valley
Acting in the capacity of President
of the Moreno Valley
Community Services District

ATTEST:

City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

City Attorney, acting in the capacity
of General Counsel of the Moreno Valley
Community Services District

2
Exhibit B

Resolution No. CSD 2011-22
Date adopted: June 14, 2011

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that CSD Resolution No. _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

3
Exhibit B

Resolution No. CSD 2011-22
Date adopted: June 14, 2011

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ATTACHMENT A
Proposed Reclassification of Fund Balance components

<u>PRE-GASB 54</u>	<u>Account No.</u>	<u>Definition</u>	<u>GASB 54 Category</u>
<u>FUND BALANCE, RESERVED</u>			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for <u>current</u> debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for <u>future</u> debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned
Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of \$2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. \$69 per year shall be levied on all residential properties within	Committed

		tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	
FUND BALANCE - UNRESERVED, DESIGNATED			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed
Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed

Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

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ATTACHMENT B
Reclassification of Fund Balance components

<u>POST GASB 54</u>	<u>Account No.</u>
<u>FUND BALANCE, NON-SPENDABLE</u>	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
<u>FUND BALANCE, RESTRICTED</u>	
Fund Balance – Restricted	XXXX
<u>FUND BALANCE, COMMITTED</u>	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance – Committed	XXXX
<u>FUND BALANCE, ASSIGNED</u>	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance – Assigned	XXXX
<u>FUND BALANCE, UNASSIGNED</u>	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

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RESOLUTION NO. RDA 2011-09

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54

WHEREAS, the Governmental Accounting Standards Board has issued Statement No. 54 entitled "Fund Balance Reporting and Governmental Fund Type Definitions"; and

WHEREAS, the Chairperson and Agency Members desires to classify the various components of fund balance reported by the City as defined in Governmental Accounting Standards Board Statement No. 54 as shown in Exhibit A; and

WHEREAS, the Chairperson and Agency Members designates the Financial & Administrative Services Director of the City of Moreno Valley as the Agency official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance; and

WHEREAS, the reclassification of fund balance, as shown in Exhibit B, as herein approved, will enable the Community Redevelopment Agency of the City of Moreno Valley to meet the requirements set forth in Governmental Accounting Standards Board Statement No. 54.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Chairperson and Agency Members approves and defines the various components of fund balance as reported by the City as presented in Exhibits A & B to this resolution.
2. The classification and reporting of fund balance components as required by Governmental Accounting Standards Board Statement No. 54 will become effective starting with the 2010/11 fiscal year.
3. The Chairperson and Agency Members designates the Financial & Administrative Services Director of the City of Moreno Valley as the Agency official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance.

1
Exhbiti C

Resolution No. RDA 2011-09
Date adopted: June14, 2011

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor of the City of Moreno Valley
Acting in the capacity of Chairperson
of the Community Redevelopment
Agency of the City of Moreno Valley

ATTEST:

City Clerk, acting in the capacity
of Secretary of the Community
Redevelopment Agency of the City of
Moreno Valley

APPROVED AS TO FORM:

City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the City of
Moreno Valley

2
Exhibiti C

Resolution No. RDA 2011-09
Date adopted: June14, 2011

RESOLUTION JURAT

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

I, _____, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that RDA Resolution No. _____ was duly and regularly adopted by the Agency Members of the Community Redevelopment Agency of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Agency Members, Vice Chairman and Chairman)

SECRETARY

(SEAL)

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ATTACHMENT A
Proposed Reclassification of Fund Balance components

<u>PRE-GASB 54</u>	<u>Account No.</u>	<u>Definition</u>	<u>GASB 54 Category</u>
<u>FUND BALANCE, RESERVED</u>			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for <u>current</u> debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for <u>future</u> debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned
Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of \$2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. \$69 per year shall be levied on all residential properties within	Committed

		tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	
FUND BALANCE - UNRESERVED, DESIGNATED			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed
Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed

Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

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ATTACHMENT B
Reclassification of Fund Balance components

<u>POST GASB 54</u>	<u>Account No.</u>
<u>FUND BALANCE, NON-SPENDABLE</u>	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
<u>FUND BALANCE, RESTRICTED</u>	
Fund Balance – Restricted	XXXX
<u>FUND BALANCE, COMMITTED</u>	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance – Committed	XXXX
<u>FUND BALANCE, ASSIGNED</u>	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance – Assigned	XXXX
<u>FUND BALANCE, UNASSIGNED</u>	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

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**MINUTES - REGULAR MEETING OF MAY 24, 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>SMB</i>
CITY MANAGER	<i>MS</i>

Report to City Council

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

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

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ACCEPTANCE OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”) and as the legislative body of Community Facilities District No. 1 (“CFD No. 1” or “District”) approve and adopt Resolution No. CSD 2011-08 to accept and approve the CFD No. 1 Annual Special Tax Report for fiscal year 2011/12, which is on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 1.

BACKGROUND

In 1986, CSD Zone A was established to fund park and community services. The cost to provide park maintenance services steadily increased over the years, while the CSD Zone A annual charge of \$87.50 per parcel or per dwelling unit “DU” for multifamily parcels has remained fixed since fiscal year (“FY”) 1992/93. Rising program costs along with an increase of new residential developments created a need for additional funding to support the new neighborhood park areas. CSD Zone A funds could not adequately accommodate the maintenance costs of both existing and newly constructed neighborhood park facilities. The CSD formed CFD No. 1 in an effort to provide for the ongoing maintenance and safety of new neighborhood parks, without jeopardizing CSD Zone A funding for the existing park facilities and community services.

On July 8, 2003, the CSD Board conducted a Public Hearing for the formation of CFD No. 1, approved a resolution to provide for future territory annexation into CFD No. 1,

and authorized a special tax levy. The special tax funds public services such as ongoing maintenance and/or repair of park facilities, park improvements, and all efforts by Park Rangers that are devoted to the maintenance and safety of the newly constructed neighborhood parks accepted by the City of Moreno Valley Parks and Community Services Department for maintenance after District formation in July 2003. FY 2003/04 was the first year for the special tax levy. Residential developments that create the need for new neighborhood parks or are in a proximity to a District facility are conditioned to participate in CFD No. 1.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. Proposition 218 requires that any new or proposed increase in property-related assessments, fees, charges, or taxes be submitted to property owners for approval. Subsequently, increases not addressed in the rate and method of apportionment of special tax ("RMA") will be subject to a two-thirds approval by the property owners within CFD No. 1.

DISCUSSION

The City Council shall consider implementing the RMA to cover the FY 2011/12 special tax requirement for CFD No. 1, as submitted in the special tax report on file in the office of the City Treasurer. Detailed within the annual special tax report ("Report") is the description of the CFD proceedings, identification of participating developments, park facilities maintained within the District, description of services, and the amount of the special tax to be levied for FY 2011/12.

The CFD No. 1 maximum special tax rate for FY 2011/12 is \$146.12 per parcel/DU; however, a lower amount may be levied for FY 2011/12 depending on projected District expenses. The special tax is applied only to those parcels annexed into the District and will be collected on the Riverside County property tax bill. The FY 2011/12 CSD Zone A levy of \$87.50 per dwelling unit will continue to be collected to support maintenance of existing park facilities and community programs.

ALTERNATIVES

1. **Approve and adopt the proposed resolution** to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the RMA to cover the annual special tax requirement for CFD No. 1. *This approval will allow collection of monies necessary to fund ongoing maintenance and administrative services in CFD No. 1.*
2. **Do not approve or adopt the proposed resolution** to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the RMA to cover the annual special tax requirement for CFD No. 1. *If the CFD No. 1 special tax is not authorized to be levied, there will be a shortage of funds to pay for ongoing maintenance and administrative services in CFD No. 1.*

FISCAL IMPACT

The special tax shall be levied on all properties within CFD No. 1 on the 2011/12 Riverside County property tax bills. **The special tax collected can only be used to cover costs associated with administration and maintenance of park facilities within the District. Collection of the CFD No. 1 special tax reduces the level of CSD Zone A support necessary to maintain neighborhood parks.** Commercial and industrial properties are not affected by the levy of this special tax.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

A special tax for CFD No. 1 is collected in accordance with the provisions outlined in the Mello-Roos Community Facilities Act of 1982.

SUMMARY

The CSD Board shall consider implementing the special tax levy for CFD No. 1, per the RMA, as identified within the Report on file in the office of the City Treasurer.

EXHIBITS

- Exhibit A Resolution to Accept and Approve the CFD No. 1 Annual Special Tax Report for Fiscal Year 2011/12
- Exhibit B Boundary Map CFD No. 1

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:
Mike McCarty,
Parks & Community Services Director

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

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 1 Neighborhood Parks\Annual Report\2011-12\staff report and resolution\staff report and resolution\Staff Report 06.14.11.doc

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RESOLUTION NO. CSD 2011-08

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12

WHEREAS, the CITY COUNCIL for the CITY OF MORENO VALLEY, CALIFORNIA, acting in their capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District (“CSD Board”), did form Community Facilities District No. 1 (“CFD No. 1” or “District”) pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the CSD Board, acting as the legislative body, did introduce and adopt Ordinance Nos. CSD-40 (Urgency Ordinance) and CSD-41 (an Ordinance to authorize the levy of a special tax within CFD No. 1); and,

WHEREAS, the CSD Board adopted Resolution No. CSD 2003-26 authorizing annexation of Territory in the future to CFD No. 1; and,

WHEREAS, annexations to CFD No. 1 have been conducted by the Community Services District following formation of the District; and,

WHEREAS, The City has prepared and submitted the Annual Special Tax Report (“Report”) for FY 2011/12; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.
2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.
3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover

the annual special tax requirement for CFD No. 1 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor of the City of Moreno Valley,
Acting in the Capacity of President
of the Moreno Valley Community
Services District

ATTEST:

City Clerk, Acting in the Capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

City Attorney, Acting in the Capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that CSD Resolution No. _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

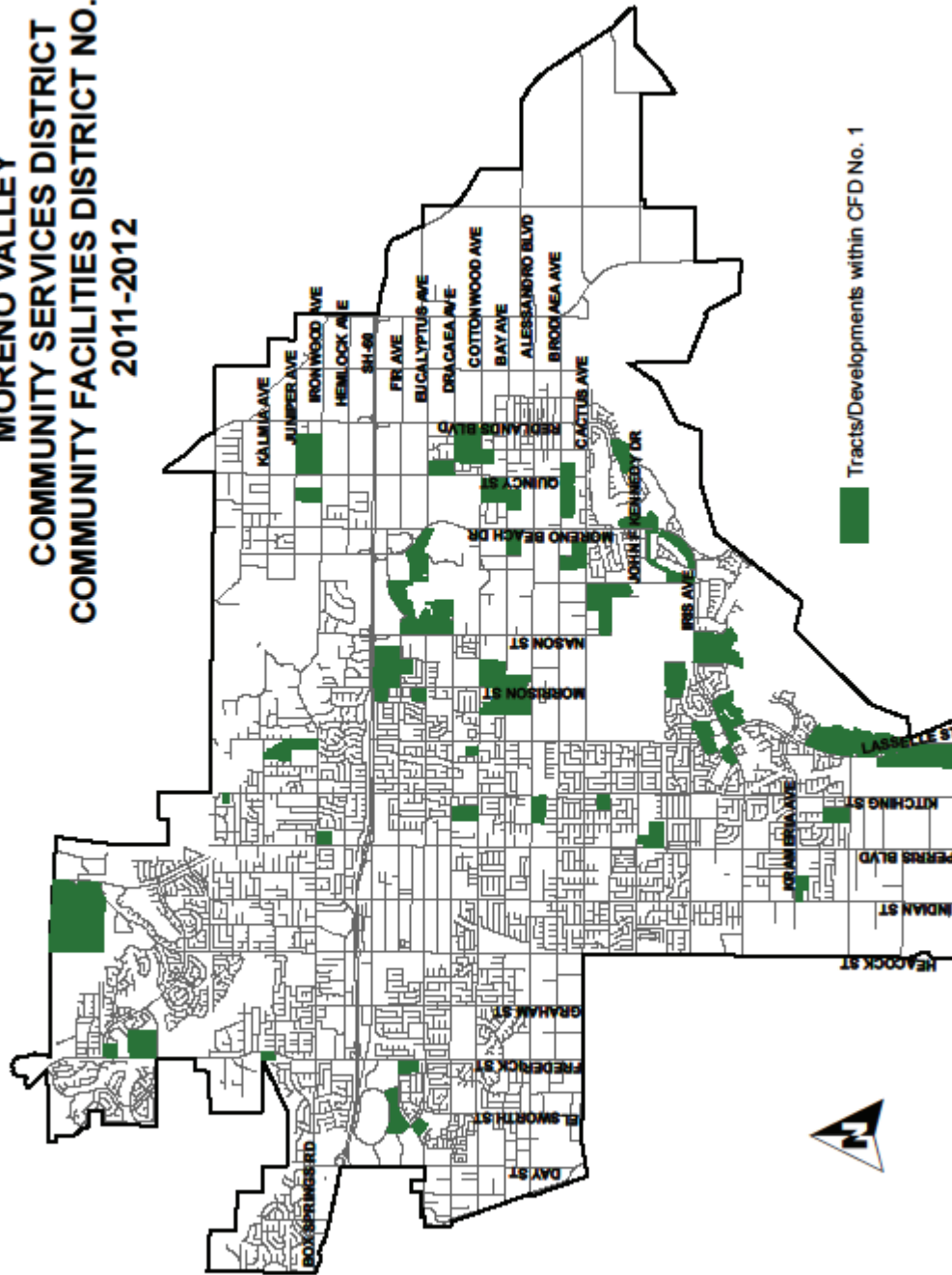
(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

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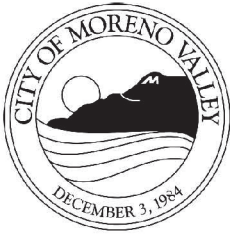
**MORENO VALLEY
COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 1
2011-2012**



Map Not To Scale

EXHIBIT B

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

Report to City Council

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

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

AGENDA DATE: June 14, 2011

TITLE: **AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-1/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-1 (TOWNGATE) AND E-1A (RENAISSANCE PARK)**

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD):

1. Approve the attached Agreement for CSD Project E-1/11 (the “Agreement”) with Marina Landscape Inc., and;
2. Authorize the President of the CSD Board to execute said Agreement with Marina Landscape Inc., and;
3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to Marina Landscape Inc., in the amounts of:
 - a. NINETY-SEVEN THOUSAND NINE HUNDRED AND SIX AND 80/100 DOLLARS (\$97,906.80) for twelve (12) months of base maintenance services and;
 - b. NINE THOUSAND SEVEN HUNDRED NINETY AND 68/100 DOLLARS (\$9,790.68) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable

BACKGROUND

Advertisements requesting proposals for extensive maintenance of the public parkways and medians within the CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park) service areas, which are located within the Towngate Specific Plan development (Project E-1/11), were placed in The Press-Enterprise on January 19, 2011 and January 26, 2011. Copies of the complete RFP document were also sent to F.W. Dodge-McGraw-Hill and Bid America for publishing both in print and on-line. In addition, the RFP document was also posted on the City's website.

Representatives from eighteen (18) landscape maintenance firms attended the mandatory pre-submittal meeting on January 27, 2011. At this meeting staff explained in detail the information requested in the RFP, and the proposal submittal and selection process.

Proposals were submitted to the office of the City Clerk on February 2, 2011, by seven (7) firms. Staff from the Special Districts Division of the Public Works Department reviewed the proposals that were received by the submission deadline. Marina Landscape Inc., met the contracting requirements and was the lowest responsive and responsible proposer (See Attachment 2).

DISCUSSION

R.F.P. No. E-1/11 provides for extensive maintenance of the public parkways and medians within the CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park) service areas, which are located within the Towngate Specific Plan development. The proposal submitted by Marina Landscape Inc., demonstrates that this company should be able to perform the required services as requested at a cost that is approximately 66% less than the current contract for this service area, which will terminate on June 30, 2011. The key provisions of the Agreement include:

1. The furnishing of contract labor, specified materials, and equipment necessary to maintain over 11 acres of extensive parkway and median landscaping and irrigation located in the E-1 and E-1A Service Areas.
2. The CSD will furnish the necessary utilities (water, electricity, and irrigation system control communication service), certain ancillary materials, and staff field inspection services to manage the irrigation systems and coordinate contractor operations.
3. The Agreement has an initial term of twelve months, commencing on July 1, 2011, and terminating on June 30, 2012. The CSD, at its option, may enter into negotiations with the contractor to extend the Agreement for additional one-year

periods, not to exceed a total of four such extensions (Exhibit D, Section 1., paragraph B. of the Agreement).

ALTERNATIVES

1. By approving the Agreement with Marina Landscape Inc., and authorizing the issuance of a purchase order at the start of the 2011/12 Fiscal Year, contingent upon execution of the Agreement, submittal of satisfactory proofs of insurance, and payment and submittal of performance bonds, the CSD Board shall provide for base maintenance services for the landscaped parkways and medians associated with CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park). Marina Landscape Inc.'s proposal was complete and comprehensive. The firm's municipal references and the level of care it provides on agency contracts of comparable types indicate its ability to perform satisfactorily under the scope of this Agreement. *By accepting this proposal, the CSD will ensure continuity of service to the E-1 Parkways & Medians and Day St. Medians, and E-1A Parkway & Median landscaped areas.*
2. By not accepting the proposal from Marina Landscape Inc., and directing staff to publish a second solicitation of proposals, landscape maintenance for CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park) the landscaping may incur a lapse in maintenance services. *This alternative would consume additional staff time and resources, with no assurance of receiving a more favorable result for the CSD. (Marina's proposal, selected to commence in FY 2011/12, represents approximately a 66% reduction in the current year's contract rate.)*

FISCAL IMPACT

The necessary annual purchase orders for the initial term of this contract are set forth below.

<u>Purchase Order Type/Fund/Business Unit</u>	<u>2011/2012 Fiscal Year P.O. Amount</u>
<u>Base Contract</u>	
00182.78220.6261	\$88,429.68
00182.78281.6261	\$ 9,477.12
<u>Additional Work</u>	
00182.78220.6261	\$ 8,000.00
00182.78281.6261	\$ 1,790.68
Total P.O. Amounts	\$107,697.48

The above amounts have been budgeted for Zone E-1 and Zone E-1A for the coming fiscal year, with costs to be recovered through annual CSD parcel charges. The parcel charges collected may only be used for landscape maintenance services of parkways and medians in the Towngate Specific Plan area. **This action will not impact the City's General Fund.**

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS

By accepting the proposal of Marina Landscape Inc., the CSD Board will continue to promote community image, as well as neighborhood pride and cleanliness, while ensuring that these public facilities are properly cared for.

SUMMARY

The actions before the CSD Board are to approve the attached Agreement for Project E-1/11, authorize the Board President to execute the Agreement with Marina Landscape Inc., and authorize the Purchasing Division Manager, at the start of Fiscal Year 2011/12, to issue purchase orders to Marina Landscape Inc. for twelve months of base maintenance services and anticipated Additional Work.

NOTIFICATION

Not applicable.

ATTACHMENTS

Attachment 1. Zones E-1 and E-1A Vicinity Maps

Attachment 2. Proposal Recap Sheet

Attachment 3. Copy of Agreement

Prepared By
Sharon Sharp
Senior Management Analyst

Concurred By
Candace E. Cassel
Special Districts Division Manager

Concurred By
Daniel Monto
Senior Landscape Services Inspector

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

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

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Attachment
1
(Behind this page)

Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-1 • Towngate



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

8

- Landscaped Parkway
- Landscaped Median
- Zone E-1 Parcels

Map Created by Moreno Valley GIS
Print Date: November 29, 2007
File: G:\ArcMap\Special Districts\E1_8.5x11.mxd

Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-1A • Walls/Internal Landscape Maintenance



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.

8

- CSD Maintained Aterial Walls
 - CSD Maintained Landscape and Internal Walls
 - Zone E-1A Parcels
- 323-

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<u>Propopser</u>	<u>PRICE</u>
BEMUS	\$141,946.00
MARINA	\$97,906.00
TRUGREEN	\$124,699.44
TROPICAL	\$122,160.00
SPECTRUM	\$133,860.00
GREEN IT UP	\$133,125.36
EXCEL	\$142,237.29

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INDEPENDENT CONTRACTOR AGREEMENT

R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

This Contract Agreement, effective as of the day signed by the City Manager (acting in the capacity of District Manager to the Moreno Valley Community Services District) or Mayor (acting in the capacity of President to the Moreno Valley Community Services District), is made between the Moreno Valley Community Services District, a Community Services District established pursuant to Section 61000 and following of the California Government Code, hereinafter referred to as the "District", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon District policies and the following legal citations:

- A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and
- B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

1. CONTRACTOR INFORMATION:

Contractor's Name	Marina Landscape, Inc.
Street Address	
Street Address	1900 S. Lewis Street
City, State, Zip	Anaheim, CA 92805-6621
Mailing Address	
(If same as Street Address, write same or same as above)	Same as above
Business Phone (with area code)	(714) 939-6600
Cell or Mobile Phone (with area code)	
Other Contact Number (with area code)	
Fax Number	(714) 935-1199
Email Address	
Social Security Number	
Business License Number	
Federal Tax ID Number	95-3760820
Contractor's License Number & Classification	492862 A, B, C27, and C36

2. CONTRACTOR SERVICES, FEES, AND RELEVANT DATES:

- A. The Contractor's scope of work, responsibilities, requirements, provisions, and additional terms and conditions required to be performed by the Contractor the services of this RFP are described in Exhibit "A" attached hereto and incorporated

herein by this reference.

- B. The District's responsibilities, other than payment, are described in Exhibit "B" attached hereto and incorporated herein by this reference.
- C. Payment terms are provided in Exhibit "C" attached hereto and incorporated herein by this reference.
- D. The Contract Starting Date is July 1, 2011 and the Contract Ending Date is June 30, 2012. Any provisions for extending the term of the Contract for subsequent terms are provided in Exhibit "D" attached hereto and incorporated herein by this reference. The District acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.
- E. Contractor's Proposal, including but not limited to the Bid Schedule, Additional Work Price List, Contract Proposal, Proposed Project Work Schedules, Proposed Annual Material Schedule, Contractor Information, Certification of Non-Discrimination, and List of Subcontractors, are described in Exhibit "E" attached hereto and incorporated by this reference.

3. **STANDARD TERMS AND CONDITIONS:**

- A. Control of Work. Except for compliance with specifications and performance standards provided for in Exhibit "A," the Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The District will not provide, nor be responsible to provide, any training to the Contractor or his/her/its employees.
- B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services paid by the Contractor, an agent or employee of the District, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the District, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the District.
- C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the District. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Contract, with the exception that the District shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law [See California Labor Code Sections 1770 through 1777.7].

- D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Contract.

- E. Contractor Indemnification. Contractor shall indemnify, defend and hold the City of Moreno Valley (City), the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (District), and the City of Riverside (Riverside), their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney's fees and costs, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Contract. Acceptance of these terms by both parties constitutes a Contract and signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible for such coverage.

- F. District Indemnification. The District agrees to indemnify, defend and save the Contractor and his/her/its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and the District's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the District under this Contract, or are caused or claim to be caused by the negligent acts of the City, RDA, and the District, their officers, agents or employees, or its subcontractor(s) or any person acting for the District or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the Contractor, its officers, agent, employees, or subcontractors.

- G. Insurance Requirements. Where determined applicable by the District, Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

General Liability Insurance—to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Contractor, subcontractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Contract and any extension thereof in the minimum amounts provided below:

Bodily Injury	\$1,000,000 per occurrence/ \$2,000,000 aggregate
Property Damage	\$1,000,000 per occurrence/ \$2,000,000 aggregate

Professional Errors and Omission Insurance—such coverage shall not be less than \$1,000,000 per claim and aggregate.

Worker's Compensation Insurance—in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide

legal defense for both the Contractor and the City, RDA, District, and Riverside against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the Agreement. This coverage may be waived if the Contractor is determined to be functioning as a sole proprietor and the city provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Contract

Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/RDA/District premises. Such coverage limits shall not be less than \$1,000,000 combined single limit.

Insurance requirements waived with Risk Manager's approval.
 By: _____ Date: _____
 (Risk Manager)

Insurance requirements modified with Risk Manager's approval and attached hereto as Exhibit "F" and incorporated herein by this reference.

A Certificate of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City's Risk Manager prior to the execution of this Contract. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

Solely as respect to services done by or on behalf of the named insured for the Moreno Valley Community Services District, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and the City of Riverside, their officers, employees and agents are included as additional insured under this policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and/or the City of Riverside, their officers, employees and agents, under any third party liability policy.

The terms of the insurance policy or policies issued to provide the above coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail to the City of amendment or cancellation, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

H. Intellectual Property. Any system or documents developed, produced or provided under this Contract, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall

become the sole property of the District unless explicitly stated otherwise in this Contract. The Contractor may retain copies of any and all material, including drawings, documents, and specifications, produced by the Contractor in performance of this Contract. The District and the Contractor agree that to the extent permitted by law, until final approval by the District, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

- I. Entire of the Contract. This Contract constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Contract. This Contract applies only to the proposal attached. This Contract may be modified or amended only by a subsequent written Contract signed by both parties. Assignment of this Contract is prohibited without prior written consent.
- J. Termination.
1. Either party may terminate this Contract upon breach of the Contract by the other party. In the event the District terminates the Contract, the Contractor shall perform no further services under the Contract unless the notice of termination authorizes such further work.
 2. The District may terminate this Contract without fault on the part of the Contractor by giving at least ten (10) days written notice to the Contractor. The written notice shall specify the date of termination. Upon receipt of such notice, the Contractor may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the District. The District shall pay the Contractor within thirty (30) days after the date of termination for all non-objected to services performed by the Contractor in accordance herewith through the date of termination.
- K. Payment. Payments to the Contractor, pursuant to this Contract will be reported to Federal and State taxing authorities as required. The District will not withhold any sums from compensation payable to Contractor, except as provided for in Exhibit "C". Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contractor's time and materials charges under the Contract. Upon reasonable notice, such records must be made available to the District's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Contract.
- L. Restrictions on District / City Employees. The Contractor shall not employ any District or City employee or official in the work performed pursuant to this Contract. No officer or employee of the District or City shall have any financial interest in this Contract in violation of federal, state, or local laws.

M. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Contract, and shall govern the interpretation of this Contract. Any legal proceeding arising from this Contract shall be brought in the appropriate court located in Riverside County, State of California.

N. Notices. All notices, requests, demands or other communications ("notice") under this Contract by any party shall be in writing, shall be properly addressed as set forth below (or to such other address as any party may later designate), and shall be sufficiently given on the date: (a) of service if served personally upon the person to whom notice is to be given, (b) receipt is confirmed with the addressee by telephone if a notice is sent by telex, telecopier, facsimile or other telecommunication facility, or (c) of receipt if a notice is sent by courier or by registered or certified mail, return receipt requested, postage prepaid:

To Contractor:

[Mailing Address (Post Office Box, if applicable)]

[Telephone number]

[Fax number]

[Email address]

With a copy to:

[Attorney for Contractor, if applicable]

[Street Address]

[Post Office Box, if applicable]

[City, State, Zip]

[Telephone number]

[Fax number]

[Email address]

To CSD:

MORENO VALLEY COMMUNITY SERVICES DISTRICT
Public Works Department
Special Districts Division
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: Daniel Monto, Senior Landscape Services Inspector
Telephone number: 951. 413-3480
Fax Number: 951. 413-3498

With a copy to: City Attorney's Office [if applicable]
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: City Attorney
Telephone number: 951. 413-3036
Fax number: 951. 413-3034

SIGNATURE PAGE TO FOLLOW:

SIGNATURE PAGE

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

Moreno Valley Community Services District

Contractor

By: _____
Title: Mayor, acting in the capacity of
President of the Board of Directors of
the Moreno Valley Community
Services District

By: _____
Title: (President or Vice President)
(Partner)
(Joint Venturer)
(Owner)

Date: _____

Date: _____

INTERNAL USE ONLY

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

Date

RECOMMENDED FOR APPROVAL:

Department Head

Date

By: _____
Title: Corporate Secretary or Assistant
Secretary
(If applicable)

Date: _____

Affix Corporate Seal Below
(If applicable)

Attachments

EXHIBIT A
R.F.P. NO. E-1/11
PROJECT NO. E-1/11

**TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION**

1. SCOPE OF WORK

- A. The work to be performed under this Contract shall include the furnishing of all labor, material, and equipment necessary for the provision of landscape and appurtenant maintenance services within the boundaries of the various zones of the District as determined in the resolutions of the City Council establishing said zones, and as said boundaries may have been heretofore or may be hereafter altered, and as more particularly shown on the Location Map or Maps attached at the end of this exhibit, Section 23, Project Location Map.
- B. The Contractor shall have the duty to: mow, edge, trim, and fertilize turf and shrub areas designated hereunder; regularly maintain and prune trees up to eighteen feet (18') in height; remove litter and debris from all sites as required under this Contract; provide general pest control services as requested, including but not limited to weeds, insects, and diseases; maintain irrigation systems; hand water and bleed valves as necessary during emergencies when automatic systems are not functioning.
- C. All work shall be performed in accordance with usual and customary horticultural practices to achieve, and maintain healthy, viable landscapes. The Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director" will periodically inspect all the operations and approve or reject the work performed, and methods or materials used, and make changes in work scheduling.
- D. The Contractor shall be responsible for carefully reviewing the site(s), and verifying the square footage noted for each location of proposed work is included in the Proposal. The Contractor shall not be relieved of his//her/its liability under this Contract, nor the District or City be held liable for any loss sustained by the Contractor as a result of any variance between conditions as referred to in the Technical Provisions, and the actual conditions revealed during the examination of the locations of the proposed work.
- E. All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

2. SCHEDULING OF WORK

- A. The Contractor shall adhere to the facilities, equipment and staffing schedule, and

monthly and annual work schedules submitted as a part of the Contractor's bid, and incorporated herein by this reference. These schedules, and any approved revisions thereto, shall be used by the District as a basis for determining Contractor's satisfactory performance.

- B. Revisions to facilities, equipment, staffing, or monthly and annual work schedules shall not be implemented without the prior written approval of the Director. The Contractor shall submit proposed revisions to equipment and staffing, or monthly and annual work schedules in writing to the District at the address as set forth in Exhibit A, Section 3, paragraph N. of the Contract at least ten (10) working days prior to commencing work per the proposed revisions.
- C. Failure to submit proposed revisions to equipment, staffing, or work schedules by the time limits established hereinabove may result in the Contractor becoming liable to the District for non-performance penalties per Exhibit C, Section 4.
- D. The above provisions shall not be construed to eliminate the Contractor's responsibility for complying with the requirement to notify the Director for Specialty type maintenance as set forth immediately hereinafter.
- E. The Contractor shall notify the Director in writing at least five (5) working days prior to the date and time of all "Specialty" type maintenance operations, which shall include, but are not limited to:
 - 1. Fertilization;
 - 2. Turf Aeration;
 - 3. Application of pesticides by any method;
 - 4. Other operations so designated by the Director.

Notification of "Specialty" maintenance operations shall include a brief description of intended method(s) of execution, materials to be used, and the dates for commencement and completion of said operations. Failure to complete "Specialty" operations by the indicated date may result in the assessment of non-performance penalties per Exhibit C, Section 4.

- F. When inclement weather renders performance per approved schedule unsafe, impractical, or liable to damage landscaping, the Contractor shall adjust his work force in order to accomplish those work items not affected by weather, and shall contact District field staff to inform them of said alternate work assignments. Failure to advise the District may be cause for assessment of non-performance penalties per Exhibit C, Section 4.
- G. For the purposes of this Contract, "Working Days" shall be Mondays through Thursdays, excluding holidays as provided herein. The hours of maintenance service shall be from 7:00 a.m. to 4:30 p.m. on those days maintenance is to be provided pursuant to the work schedule as approved by the Director. Any work the Contractor proposes to perform outside of the days and hours set forth

hereinabove, as well as on legal City holidays, shall not be undertaken without the prior written approval of the Director.

The following days have been designated as holidays by the City:

New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls upon a Sunday, the following Monday shall be the day the holiday is observed. If a holiday falls upon a Saturday, the preceding Friday shall be the day the holiday is observed. If a scheduled maintenance service day falls on a designated holiday, the Contractor shall submit a proposed make-up day for the Director's approval.

3. FUNCTIONS AND RESPONSIBILITIES

- A. The Director and Contractor shall conduct an inspection of all sites covered under this Contract as soon as practicable after its execution, and prior to commencement of Contractor's operations. Following said inspection, the Contractor shall submit to the Director a written affidavit certifying the actual condition of the site(s) relative to District Specifications, including but not limited to the nature and extent of any deficiencies noted by the Contractor, and acknowledged by the Director. The Contractor is hereby advised that this affidavit shall serve as the benchmark for the Director's evaluation of Contractor's performance under this Contract. Failure to maintain site(s) up to this established standard may result in the District deducting payment of all or part of the Contractor's compensation, as further described in Exhibit C., Section 3.
- B. The Contractor shall on an ongoing basis maintain a monthly log that records all work performed by the Contractor. Said log shall be in a form and content acceptable to the Director (see Appendix B, Monthly Report Form), and shall be submitted to the Director by the tenth day of each month, one (1) month in arrears. The monthly payment for the work so reported will not be authorized until such report (Monthly Report) is received, and approved by the Director.
- C. The Contractor shall perform at least one maintenance inspection weekly during daylight hours of all sites. Such inspection shall be both visual and operational, including but not limited to, operation of all automatic irrigation systems to check for proper condition, and reliability. Additionally, the Director may require the

Contractor to attend meetings with the District field staff at some fixed interval to review the Contractor's operations, and schedule such future work as may be ordered by the Director. Failure to conduct said weekly inspections or attend regularly scheduled meetings may result in the assessment of non-performance penalties per Exhibit C., Section 4.

- D. The Contractor shall maintain an office at some fixed place, and shall maintain an operable telephone thereat, listed in the telephone directory in Contractor's own name or in the Contractor's company name, and shall at all times employ some responsible person(s) to take the necessary action regarding all inquiries, complaints, and/or emergency calls that may be received from the Director or other authorized individuals or agencies as listed in Exhibit A, Section 3., paragraph E. below. This person(s) shall be reachable twenty-four (24) hours per day, seven (7) days a week. During normal working hours, the Contractor's Supervisor or employee designated as being responsible for providing maintenance services to the District shall be directly available for immediate notification through some type of reliable electronic means, including but not limited to, mobile or cellular phone, two-way radio, or pager. The Contractor or Contractor's designated employee shall confirm said notification within one (1) hour of receipt. An answering service will be considered an acceptable substitute for coverage only during periods outside of normal working hours, provided Contractor is advised of emergency calls within one (1) hour of receipt of the call by the answering service and within twenty-four (24) hours after receipt of non-emergency calls by the answering service. The above provision for Contractor's communication with the District is the minimum acceptable standard under this Contract. Failure to regularly provide said communication capability may result in the Contractor being assessed non-performance penalties, per Exhibit C., Section 4.
- E. The Contractor shall respond to an emergency call from any of the parties listed below no later than two (2) hours following first notification by facsimile transmission, or in writing, or by telephone. In situations involving emergency repair work after normal working hours, the Contractor shall dispatch qualified personnel, and equipment to reach the site within two (2) hours of first notification. An emergency may be called by the following individuals or agencies at any time:

- | | |
|-----------------------------|--|
| 1. City Manager | 5. Special Districts Division Manager |
| 2. Director of Public Works | 6. Street Maintenance Supervisor |
| 3. Police Department | 7. Senior Landscape Services Inspector |
| 4. Fire Department | 8. Landscape Services Inspector |

Contractor's emergency response and any necessary corrective work shall be considered Additional Work as defined in Exhibit C., Section 2, unless said emergency is determined to have been caused by an act or omission attributable to the Contractor.

4. CONTRACTOR'S STAFF

- A. The Contractor shall provide sufficient personnel to perform all work in accordance with the Specifications set forth herein. All of the Contractor's maintenance personnel shall be supervised at the work site(s) by a qualified Supervisor in the employ of the Contractor. Work Site Supervisors must be able to demonstrate to the satisfaction of the Director that they possess adequate technical background, and communication skills to perform the intended services. Adequate and competent supervision shall be provided for all work done by the Contractor's employees to ensure accomplishment of high quality work, which will be acceptable to the Director. Any order or communication given to the Work Site Supervisor shall be deemed to have been delivered to the Contractor.
- B. The Contractor and his employees and subcontractors, if any, shall conduct themselves in a proper, professional, and efficient manner at all times, and shall cause the least possible inconvenience to the public.
- C. The Director may require the Contractor to remove from the work site any employee(s) deemed careless, incompetent, or otherwise objectionable, whose continued employment on the job is considered to be contrary to the best interests of the District.
- D. The Contractor shall require each employee performing work under the Contract to adhere to basic public works standards of working attire, including but not limited to wearing of proper clothing, proper shoes, and other gear required by applicable Safety Regulations and/or fertilizer/pesticide label requirements..
- Shirts shall be worn at all times, and shall be buttoned. Approved safety vests shall be worn by Contractor's employees when working on parkway medians, monuments, parkways, and other high traffic-hazard areas as determined by the Director. Failure to comply with the above requirements may make the Contractor liable for assessment of non-performance penalties, per Exhibit C., Section 4.
- E. The Contractor shall establish an identification system for Contractor's personnel which clearly indicates to the public the name of the Contractor. The identification system shall be furnished at the Contractor's expense and may include appropriate attire, and/or name badges as specified by the Director.

5. EMPLOYMENT OF APPRENTICES

The provisions of Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code regarding the employment of properly registered apprentices may apply to this Contract if the Contractor, or any subcontractors thereunder, employs workers in any apprenticeable craft or trade. It is the Contractor's sole responsibility to comply with the Labor Code sections cited above. Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the California Department of Industrial Relations..

6. COMPLAINTS

- A. All complaints shall be responded to as soon as possible after notification, but in all cases within twenty-four (24) hours, to the satisfaction of the Director. If any complaint is not satisfactorily responded to within twenty-four (24) hours, the Director shall be notified immediately of the reason for not remedying the complaint followed by a written report to the Director within five (5) working days. If the complaints are not remedied within the time specified, and to the satisfaction of the Director, the Director may correct the specific complaint by using an alternative source. The total cost incurred by the District to effect necessary remedies will be deducted from the payments owing to the Contractor from the District, per Exhibit C., Section 3.
- B. The Contractor shall maintain a written log of all complaints, the date and time thereof, and the action taken pursuant thereto, or the reason for non-action. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above.
- C. In addition to the provisions of Section 6., paragraph A. above, in the event of a failure by the Contractor to satisfactorily remedy a complaint in a timely manner or for any other breach of this Contract by Contractor, the District may immediately upon written notice to the Contractor terminate this Contract.

7. SAFETY

- A. The Contractor agrees to perform all work as outlined in the Provisions listed herein in such a manner as to meet all accepted standards for safe practices and to safely maintain equipment, machines, and materials, and prescribe and employ all precautions and safety procedures related to other hazards consequential to the work; and accepts additionally the sole responsibility for complying with all local, State, Federal and other legal requirements including but not limited to, full compliance with the terms of any and all applicable OSHA and Cal/OSHA Safety Orders at all times so as to protect all persons, including Contractor's employees and subcontractors, agents of the District, City, materialmen, vendors, members of the public and others from foreseeable injury, or damage to their property.
- B. The Contractor's operations shall be conducted in such a manner as to cause the least possible obstruction, and inconvenience to public traffic. The Contractor shall furnish, erect and maintain such fences, barriers, lights and warning signs as may be deemed necessary by the Director, or any duly constituted public safety official.

Contractor's work area traffic control, including but not limited to type and placement of signs, barricades, and delineators, shall be in accordance with the "Manual of Uniform Traffic Control Devices, 2010 (or most current) California Supplement".

Contractor's work should not encroach into open lanes of traffic between the hours of 7:00 a.m. and 8:30 a.m., or between the hours of 3:30 p.m. and 6:00 p.m.

- C. The Contractor shall maintain all work sites free of hazards to persons or property resulting from Contractor's operations. The Contractor shall inspect for all potential hazards at said areas under maintenance, and keep a log indicating date inspected, and action taken. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above. Any hazardous condition noted by the Contractor, which is not a result of Contractor's operations, shall be immediately reported to the Director.
- D. The Contractor shall be responsible for making minor corrections, including but not limited to, filling holes in turf areas, replacing valve box covers, and repairing irrigation systems, so as to protect members of the public or others from injury.

The Contractor shall cooperate fully with the District or City in the investigation of any accidental injury or death occurring on the site, including a complete written report thereof to the Director within five (5) working days following the occurrence.

- E. Failure to comply with the provisions of this section of Exhibit A may result in: payment deduction per Exhibit C, Section 3 of the Contract, or assessment of non-performance penalties per Exhibit C., Section 4. Repeated failure to comply with the provisions of this section may result in contract termination, per Exhibit A, Section 3, paragraph J of the Contract Agreement.

8. USE OF CHEMICALS

- A. Before the beginning of the Contract period, the Contractor shall submit a list, which shall include the exact Brand Name, Label, and Material Safety and Data Sheet (MSDS) of all chemicals proposed for use under this Contract, including but not limited to fertilizers and pesticides, for approval by the Director. Where applicable, materials included on this list shall be chemicals as approved by the State of California Department of Food and Agriculture.
- B. Director shall be notified in writing of any changes or deviations from the above list. Use or application of said materials shall not be made prior to approval by the Director. Failure to comply with this requirement may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
- C. Chemical applications, including but not limited to fertilizers and pesticides, shall be made in strict compliance with the label directions, restrictions, and precautions as well as with any other requirements deemed necessary by any county, state, or federal regulatory agency, or the Public Works Department of the City of Moreno Valley.
- D. Contractor shall report all fertilizers and pesticides used in performance of the work as an element of Contractor's Monthly Report, as set forth in Section 3, paragraph B above. This report shall include: the date, time of day, location, type of material, method of application, and environmental data.

9. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - REQUIRED URBAN RUNOFF MANAGEMENT TRAINING

The Contractor shall provide National Pollutant Discharge Elimination System (NPDES) Permit training for Urban Runoff Management to Contractor's employees and subcontractors if any. Failure to provide Urban Runoff Management training is a violation of Order No. R8-2002-0011, NPDES No. CAS 618033 (Municipal Separate Storm Sewer System NPDES Permit), Section XI.I, for each day of which such failure occurs, and shall in addition, be a breach of the Contract with the City of Moreno Valley (City). Contractor understands and agrees that NPDES Permit violations are grounds for enforcement action by the Environmental Protection Agency, the State/Regional Water Resources Control Board, and the City and may result in permit termination (stop work order), civil and criminal fines, and termination of Contract. By submitting a proposal, the Contractor certifies to the City that Contractor's employees and subcontractors, if any, have been trained for Urban Runoff Management, and sufficient sums are included in the proposal's amount to cover costs of such said training.

10. LICENSES AND PERMITS

The Contractor shall, without additional expense to the District or City, possess all licenses and permits, including but not limited to a valid City Business License, required for the performance of the work under this Contract.

11. PREVAILING WAGE

- A. Pursuant to provision of Section 1773 of the Labor Code of the State of California, the Moreno Valley Community Services District has obtained the general prevailing rate of per diem wages applicable for the work to be done, including but not limited to: straight time, overtime and holiday work; travel and subsistence payments; employee payments of health and welfare, vacation, pension, and similar purposes. Said rate and scale are on file with the Public Works Department of the City of Moreno Valley, and copies will be made available to any interested party on request. These rates shall be the minimum wage rates for this project. Throughout the term of this Contract, the Contractor will be required to post a copy of said rate, and scale as required by the Labor Code.
- B. Pursuant to provisions of Section 1775 of the Labor Code, the Contractor shall forfeit as penalty to the Moreno Valley Community Services District, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinabove stipulated for any work done under the attached contract, by the Contractor or by any subcontractor under Contractor's direction and control, in violation of the provisions of said Labor Code.

12. PAYROLL RECORDS

- A. The Contractor, and any subcontractor thereunder, shall keep complete and

accurate payroll records for each workman employed by Contractor/subcontractor in connection with this Contract, as required by California Labor Code Section 1776.

- B. The Contractor, and any subcontractor thereunder, shall make available to the District upon its request certified payroll records for each workman employed in connection with this contract as required by California Labor Code Section 1776.
- C. The District may withhold from Contractor's progress payments the penal sum of twenty-five dollars (\$25.00) per calendar day (or portion thereof) for each worker employed in connection with this Contract should Contractor, or any subcontractors thereunder, fail to strictly comply with California Labor Code 1776 after receiving written notice of non-compliance.

13. BONDS

Pursuant to Section 3247 of the Civil Code, the Contractor hereby agrees to provide and maintain in full force and effect for the duration of this Contract, two (2) good, and sufficient surety bonds, to wit:

- A. A "Faithful Performance Bond" in the amount of one hundred percent (100%) of the contract price, which shall guarantee the faithful performance of all work, and;
- B. A "Materials and Labor Bond" in the amount of one hundred percent (100%) of the contract price, which shall secure the payment of the claims of labor, mechanics or materialmen for all work performed hereunder.

14. SUBSTITUTION OF SECURITIES

Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the Moreno Valley Community Services District to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the Moreno Valley Community Services District, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld, and shall receive any dividends or interest thereon. The Contractor shall give the District written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow agreement in a form which is substantially similar to the agreement set forth in Section 22300 of the Public Contract Code.

15. CONTRACTOR'S LIABILITY

- A. The Contractor shall be responsible for all damages to people and/or property that occur as a result of the fault or negligence attributable to Contractor in connection

with the performance under this Contract. Any and all restitution or repairs deemed necessary by the Director to remedy such damages shall be furnished and performed at the Contractor's sole expense, and shall be completed within the time limits established by the Director.

- B. Repairs made to sites and site appurtenances that are damaged as a result of Acts of Nature, vandalism, theft, and acts or omissions by third parties or any other occurrence not attributable to the Contractor's operations shall be repaired by the Contractor as Additional Work and compensated as defined in Exhibit C., Section 2.

16. CONTRACTORS LICENSE

Contractors are required by law to be licensed, and regulated by the Contractors' State License Board. Contractor will comply with all applicable licensing laws, and regulations. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 9821 Business Park Driver, Sacramento, CA 95827. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

17. TECHNICAL PROVISIONS – FULL SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed weekly-on no more than two (2) consecutive days as weather and site conditions permit. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.
3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.
4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" shall include, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.
5. Machines operating on turf known to have a disease, fungus, or insect infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in to any other site.
6. Mowing height for cool season grasses shall not exceed three inches (3") maximum, or two inches (2") minimum, and shall be adjusted within these

parameters on a seasonal basis.

7. Mowing height for warm season grasses shall not exceed one and one-half inches (1½") maximum, or three-quarters of an inch (¾") minimum, and shall be adjusted within these parameters on a seasonal basis.
8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.
9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.
10. Whenever trees occur in turf areas, a six inch (6") ring of grass shall be removed from around the trunks in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.
11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.
12. Fertilization: See Technical Provisions Full Service Fertilization, Section 18.
13. Pest control: See Technical Provisions - Full Service Pesticide Use, Section 19.
14. Aeration:
 - (a) All turf areas shall be aerated three (3) times annually;
 - (b) Aeration shall be done in the spring, mid-summer, and fall, or as directed by District field staff;
 - (c) Aeration equipment shall be of the hollow tine type. The tines shall have a minimum diameter of one-half inch (½"), and a penetration depth of at least two inches (2"). There shall be no more than six inches (6") between tines;
 - (d) Areas to be treated shall be adequately irrigated prior to treatment to allow maximum tine penetration;
 - (e) Any soil cores remaining on the turf surface two (2) weeks after treatment must be removed;
 - (f) Humus base fertilizer is to be applied directly following spring and fall aeration operations. See Technical Provisions - Full Service Fertilization, Section 18.
15. Renovation/thatching operations are to be considered Additional Work, per

Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.
2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.
3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with ANSI 300-2001, (or most current revision); safety requirements shall be per ANSI Z133-1994 (or most current revision) standards.
4. Any tree shall be pruned at any time in order to:
 - (a) Remove dead, diseased, or damaged branches;
 - (b) Remove unwanted encroachments into public and/or utility rights-of-way;
 - (c) Correct any condition which the Director has deemed to be hazardous.
5. Trees up to eighteen feet (18') in height shall:
 - (a) Be pruned to enable successful adaptation to their particular site situation;
 - (b) Have no more than one-third (1/3) of living branches removed annually;
 - (c) Be fertilized only as directed by District field staff.
6. Trees over eighteen feet (18') in height shall:
 - (a) Be inspected annually;
 - (b) Pruned and/or trimmed as necessary to maintain proper site orientation;
 - (c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;
 - (d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.
7. Pruning tools shall:

- (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.
8. The following practices shall not be allowed:
- (a) internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");
 - (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;
 - (c) Use of pruning paint/pruning compound/wound dressing;
 - (d) Use of climbing spurs or gaffs.
9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.
10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodge pole-type stakes is the minimum District standard.
11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.
12. Pest control: See Technical Provisions – Full Service Pesticide Use, Section 19.

C. SHRUB CARE

- 1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.
- 2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').
- 3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.
- 4. Any shrub shall be pruned and/or trimmed at any time in order to:
 - (a) Remove dead, diseased, or damaged branches;
 - (b) Remove unwanted encroachments into public and/or utility rights-of-

way;

(c) Correct any condition which the Director has deemed to be hazardous.

5. Shrubs shall be pruned:

(a) To enable successful adaptation to their particular site situation;

(b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;

(c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

6. Pruning tools shall:

(a) Be kept properly sharpened, and in proper working order;

(b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any shrub known to be diseased.

7. The following practices shall not be allowed:

(a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", "poodling") will be done only when authorized by the Director on a site-specific basis.

(b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.

(c) Use of pruning paint/pruning compound/wound dressing.

8. Fertilization: See Technical Provisions - Full Service Fertilization, Section 18.

9. Pest control: See Technical Provisions - Full Service Pesticide Use, Section 19.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed \pm one foot (1').

3. Ground covers shall be pruned/trimmed at any time in order to:
 - (a) Remove dead, diseased, or damaged branches/crowns;
 - (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);
 - (c) Correct any condition which the Director has deemed to be hazardous.
4. Ground covers shall be pruned/trimmed/renovated:
 - (a) To enable successful adaptation to their particular site situation;
 - (b) In accordance with accepted practices for the particular species in question;
 - (c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
5. Pruning tools shall:
 - (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.
6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.
7. Fertilization: See Technical Provisions - Full Service Fertilization, Section 18.
8. Pest control: See Technical Provisions - Full Service Pesticide Use, Section 19.

E. WEED CONTROL

1. All weeds shall be continuously controlled at all sites.
2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.
3. Site areas subject to weed control per these Specifications include, but are

not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; and non-landscaped portions of sites, as determined by the Director.

4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.
5. Chemical weed control: See Technical Provisions – Full Service Pesticide Use, Section 19.
6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites shall at all times receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather conditions require.
2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3.- Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per week; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.
3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal operation ("wear and tear"), and; 2) vandalism, theft, and acts or omissions by third parties.
4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.
5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.
6. Automatic irrigation systems shall:

- (a) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than one (1) time per week;
 - (b) Be turned off during periods of rainfall, or as directed by District field staff;
 - (c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.
7. Manually operated irrigation systems shall:
- (a) Be operated only when Contractor's personnel are present on site;
 - (b) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than at each time of operation;
 - (c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.
8. Parts/components used to effect irrigation system repairs shall be of the same manufacture as those originally installed unless otherwise approved by the Director prior to repair operations.
9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.
2. Contractor shall make a minimum of one (1) visitation per week of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walks the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites that are, in the opinion of the Director, exceptionally littered shall be cleared by Contractor before the close of business the working day following notification of this condition.
3. All hardscape areas, including but not limited to sidewalks, curbs, and gutters shall be maintained in a hazard-free condition.
4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.
5. The Contractor shall dispose of all debris and litter, as described in

paragraphs 1 and 2 above, off-site, and in a legal manner.

6. The Contractor shall notify the Director immediately whenever suspicious and/or hazardous waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.
7. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.
2. For the purposes of this contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from contract sites by the Contractor, or any subcontractors thereunder, in performance of contract's Scope of Work.
3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.
4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested therein and shall include, on a separate Monthly Greenwaste Report form, any greenwaste generated through the operations of any subcontractors performing under Contractor's Scope of Work.
5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

18. TECHNICAL PROVISIONS – FULL SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. Per Technical Provisions – Full Service Landscape Section 17, a humus base fertilizer shall be applied to turf areas immediately following spring and fall aeration operations. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
2. Humus base fertilizers to be applied by drop spreader only.
3. Humus base fertilizers to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).
4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.
5. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.
6. Written notification is required to Director five (5) working days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

Month	Number of Apps	Type of Fertilizer	Rates per 1,000 sq. ft.	
			Lbs. of Actual N	Lbs. of Fertilizer
April	1	23-5-10 *	1.5	6.5 lbs
Sept	1	23-5-10 *	1.5	6.5 lbs

* 23-5-10/BEST@POLY SUPREME or approved equal

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.
3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.
4. Written notification is required to Director five (5) working days prior to

fertilizer application.

5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.
2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.
 - (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.
 - (b) No injecting or drilling into tree trunk will be allowed.
 - (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.
 - (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.
3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.
4. Written notification to the Director is required a minimum of five (5) working days prior to fertilizer application.
5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

19. TECHNICAL PROVISIONS – FULL SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.
2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Agreement.
4. Before the beginning of the Contract period, Contractor shall supply to the Director a list of all proposed pesticides to be used, along with a use recommendation for each pesticide, in the fulfillment of said Contract, per Section 8 – Use of Chemicals. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides listed shall be submitted in writing to the Director for approval prior to any use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for the filing of all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by all county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require that copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.
2. For pesticide application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.
3. A written notice shall be provided to the Director five (5) working days prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

(a) All shrub bed areas shall be treated with an appropriate pre-emergent herbicide at the maximum allowable rate according to the label, and state regulations. This treatment shall be performed twice a year, as determined by the Director.

(b) Appropriate chemical control must be used on the following weeds.

Bermuda Grass
Kikuyu Grass
Nutsedge
Field Bindweed
Spurge

The aforementioned list is inclusive; other species may be added by the Director as necessary

(c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

(a) Snails shall be controlled on a regular basis on the following plant species:

Agapanthus africanus
Aptenia sp.
Gazania sp.
Hemerocallis sp.

(b) Snails shall be controlled on an as needed basis on all other plant material.

(c) Failure to adhere to the above specifications for snail control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

3. Insect and Disease Control

(a) The Director may require certain tree species, which are subjected to excessively dusty conditions be rinsed off with water, as directed by District field staff. Rinsing operations that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(b) The Director may require that all Platanus species be sprayed annually with two applications of a copper based dormant spray should an

infestation be detected. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

- (c) The Director may require that all *Pyrus* and *Pyracantha* species found to be infected with fireblight be treated with annual applications of a copper based dormant spray. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.
- (d) The Director may require that all *Juniperus*, *Pinus*, *Cupressus* and *Pyracantha* species found to be infested with mites be treated with an appropriate acaricide. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.
- (e) All other insect, disease, and fungus problems will be treated on a site- and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

- (a) When the Director determines that the turf weed population at any site(s) exceeds acceptable levels, an appropriate herbicide shall be applied in accordance with all label specifications. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.
- (b) All turf areas that the Director has determined to be prone to annual weed grass intrusion shall require annual applications of pre-emergent herbicides labeled for such use. Any preventative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.
- (c) Failure to apply turf weed control materials within the time frames

established by the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Insect and Disease Control

- (a) All turf areas that the Director has determined to have a history of fungus infection shall be treated annually with an appropriate fungicide, as directed. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.
- (b) All other insect, disease, and fungus problems will be treated on a site and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but are not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of being noticed by the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

20. TECHNICAL PROVISIONS – REDUCED SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed **bi-weekly** and completed within no more than two (2) consecutive days, weather and site conditions permitting. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.
3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.
4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" includes, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.
5. Machines operating on turf known to have a disease, fungus, or insect

infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in onto any other site.

6. Mowing height for cool season grasses shall not exceed a maximum of three inches (3"), or minimum of two inches (2"), and shall be adjusted within these parameters on a seasonal basis.
7. Mowing height for warm season grasses shall not exceed a maximum of one and one-half inches (1½"), or a minimum of three-quarters of an inch (¾"), and shall be adjusted within these parameters on a seasonal basis.
8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.
9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.
10. Around tree trunks in turf areas, a six inch (6") ring of grass shall be removed in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.
11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.
12. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.
13. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.
14. Aeration is considered Additional Work, per Exhibit C., Section 2.
15. Renovation/thatching operations are considered Additional Work, per Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.
2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.
3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with **ANSI 300-2001**, (or most current revision); safety requirements shall be per **ANSI Z133-1994** (or most current revision)

standards.

4. Any tree shall be pruned at any time in order to:
 - (a) Remove dead, diseased, or damaged branches;
 - (b) Remove unwanted encroachments into public and/or utility rights-of-way;
 - (c) Correct any condition which the Director has deemed to be hazardous.
5. Trees up to eighteen feet (18') in height shall:
 - (a) Be pruned to enable successful adaptation to their particular site situation;
 - (b) Have no more than one-third (1/3) of living branches removed annually;
 - (c) Be fertilized only as directed by District field staff.
6. Trees over eighteen feet (18') in height shall:
 - (a) Be inspected annually;
 - (b) Pruned and/or trimmed as necessary to maintain proper site orientation;
 - (c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;
 - (d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.
7. Pruning tools shall:
 - (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.
8. The following practices shall not be allowed:
 - (a) Internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");
 - (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;
 - (c) Use of pruning paint/pruning compound/wound dressing;

- (d) Use of climbing spurs or gaffs.
- 9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.
- 10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodgepole-type stakes is the minimum District standard.
- 11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.
- 12. Pest control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

C. SHRUB CARE

- 1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.
- 2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').
- 3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.
- 4. Any shrub shall be pruned and/or trimmed at any time in order to:
 - (a) Remove dead, diseased, or damaged branches;
 - (b) Remove unwanted encroachments into public and/or utility rights-of-way;
 - (c) Correct any condition which the Director has deemed to be hazardous.
- 5. Shrubs shall be pruned:
 - (a) To enable successful adaptation to their particular site situation;
 - (b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;
 - (c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

6. Pruning tools shall:
 - (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any shrub known to be diseased.
7. The following practices shall not be allowed:
 - (a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", or "poodling") will be done only when authorized by the Director on a site-specific basis.
 - (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.
 - (c) Use of pruning paint/pruning compound/wound dressing.
8. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.
9. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.
2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed \pm one foot (1').
3. Ground covers shall be pruned/trimmed at any time in order to:
 - (a) Remove dead, diseased, or damaged branches/crowns;
 - (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);
 - (c) Correct any condition which the Director has deemed to be hazardous.
4. Ground covers shall be pruned/trimmed/renovated:
 - (a) To enable successful adaptation to their particular site situation;
 - (b) In accordance with accepted practices for the particular species in question;

- (c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
- 5. Pruning tools shall:
 - (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.
- 6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.
- 7. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.
- 8. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

E. WEED CONTROL

- 1. All weeds shall be controlled quarterly at all sites.
- 2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.
- 3. Site areas subject to weed control per these Specifications include, but are not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; non-landscaped portions of sites, as determined by the Director.
- 4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.
- 5. Chemical weed control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.
- 6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites at all times shall receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather conditions require.
2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3 - Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per **month**; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.
3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: a) normal "wear and tear", and; b) vandalism or theft (which includes acts or omissions by third parties) up to the amount of 11 percent of the Contractor's monthly base price as set forth in Exhibit C., Section 1. Repairs due to vandalism or theft (which includes acts or omissions by third parties) in excess of the above indicated amount may be billed as Additional Work, per Exhibit C., Section 2.
4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.
5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.
6. Automatic irrigation systems shall:
 - (a) Be inspected for, and repaired as necessary to ensure, proper operation, and coverage not less than one (1) time per month;
 - (b) Be turned off during periods of rainfall, or as directed by District field staff;
 - (c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.
7. Manually operated irrigation systems shall:

- (a) Be operated only when Contractor's personnel are present on site;
 - (b) Be inspected for, and repaired as necessary to ensure proper operation, and coverage not less than at each time of operation;
 - (c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.
8. Parts/components used to repair irrigation systems shall be of the same manufacture as those originally installed, unless otherwise approved by the Director prior to repair operations.
 9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.
2. Contractor shall make a minimum of one (1) visitation per **month** of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walkways the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites which, in the opinion of the Director, contain an exceptional amount of litter shall be cleared by Contractor before the close of business the working day following notification of this condition.
3. All hardscape areas, including but not limited to sidewalks, curbs, and gutters shall be maintained in a hazard-free condition.
4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.
5. The Contractor shall dispose of all debris and litter as described in paragraphs 1 and 2 above off-site, and in a legal manner.
 - (a) The Contractor shall notify the Director immediately whenever suspicious and/or waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any

way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.

- (b) Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.
2. For the purposes of this Contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from Contract sites by the Contractor, or any subcontractors thereunder, in performance of Contract's Scope of Work.
3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of Contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.
4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of the Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested and include, on a separate Monthly Greenwaste Report form, any greenwaste generated by any subcontractors performing under Contractor's Scope of Work.
5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

21. TECHNICAL PROVISIONS – REDUCED SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. All turf areas are to be fertilized as per Table I. All fertilizers are to be of indicated analysis or better.

TABLE I

Month	Number of Apps	Type of Fertilizer	Rates per 1,000 sq. ft.	
			Lbs. of Actual N	Lbs. of Fertilizer
FEB	1	22-0-6**	1	4.5 lbs
JUN	1	22-5-5*	1.25	5.7 lbs

OCT	1	22-5-5*	1.25	5.7 lbs
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*22-5-5/BEST® TURF GOLD or approved equal Controlled-Release fertilizer. These fertilizers to contain micronutrients including iron. See following section on fertilizers.

**22-0-6/SCOTTS® PROTURF® + Pre-emergent Weed Control or approved equivalent. These fertilizers to contain micronutrients including iron. See following sections, below, regarding fertilizers.

2. A humus base fertilizer shall be applied to turf areas immediately following aeration operations.
3. Humus base fertilizers are required to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).
4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.
5. Contractor shall supply the Director with a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.
6. Written notification to the Director is required five (5) days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

Month	Number of Applications	Type of Fertilizer	Rates per 1,000 sq. ft.	
			Lbs. of Actual N	Lbs. of Fertilizer
APR	1	23-5-10*	1.5	6.5 lbs

* 23-5-10/BEST® POLY SUPREME or approved equal.

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.
3. Contractor shall supply to the Director with a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required five (5) days prior to fertilizer application.
5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8 – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.
2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.
 - (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.
 - (b) No injecting or drilling into tree trunk will be allowed.
 - (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.
 - (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.
3. Contractor shall supply a list of all proposed fertilizers to be used in the fulfillment of said contract to the Director, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.
4. Written notification to the Director is required five (5) days prior to fertilizer application.
5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8. – Use of Chemicals.

22. TECHNICAL PROVISIONS – REDUCED SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.
2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Contract.
4. Before the beginning of the Contract period, Contractor shall supply to the Director a list of all proposed pesticides to be used in the fulfillment of said Contract, per Section 8 – Use of Chemicals. A valid written pesticide use recommendation for each pesticide listed shall be submitted concurrently with this list. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides so listed shall be submitted in writing to the Director for approval prior to use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for filing all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.
2. Pesticide application reporting specifications, - See Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.
3. A five (5) working day written notice shall be given to the Director prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

- (a) Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.
- (b) Appropriate chemical control must be used on the following weeds.

Bermuda Grass
Kikuyu Grass
Nutsedge
Field Bindweed
Spurge

This list is inclusive; other species may be added by the Director as necessary.

- (c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

Application of molluscicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.

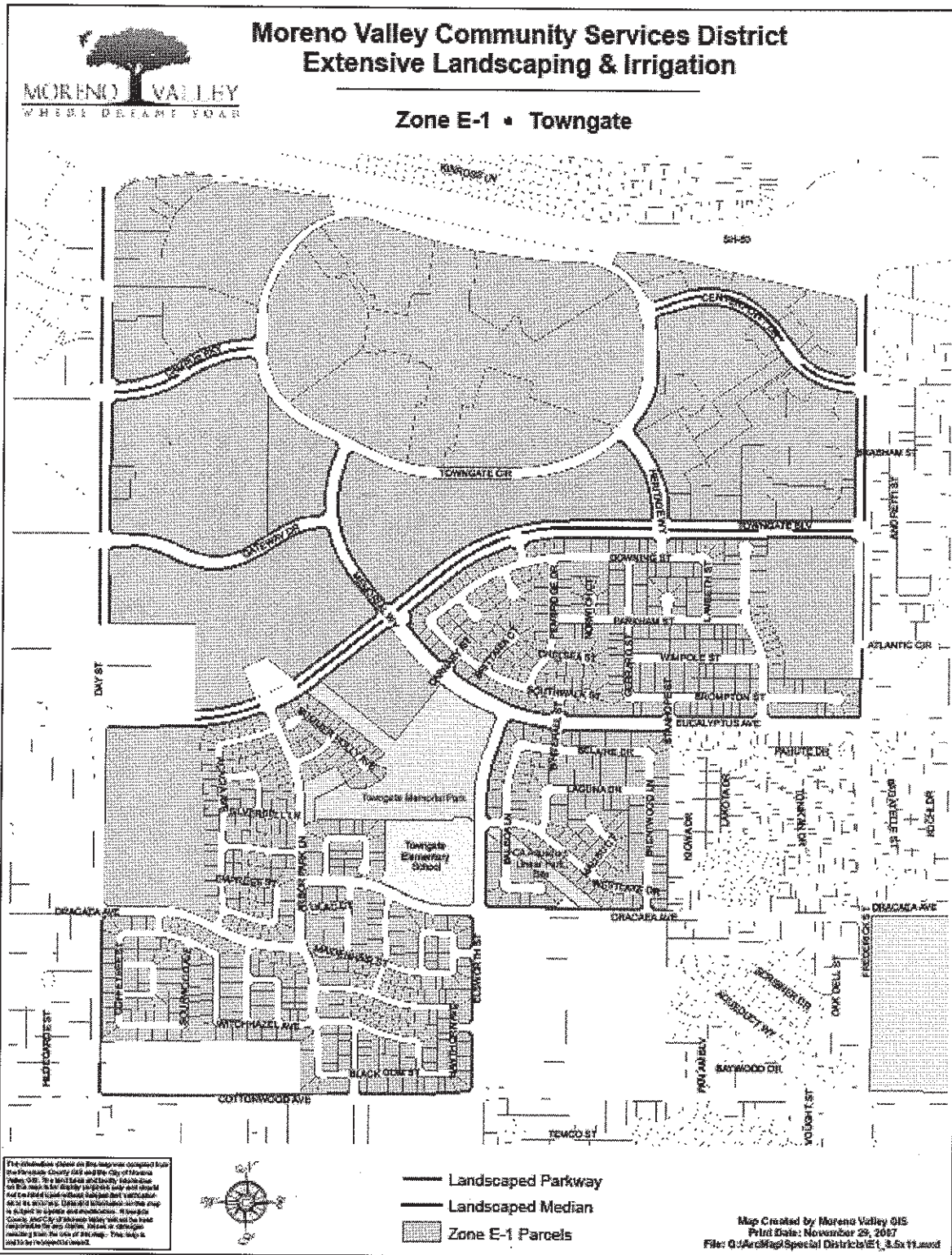
2. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of notification from the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

23. PROJECT LOCATION MAP





Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-1A • Walls/Internal Landscape Maintenance

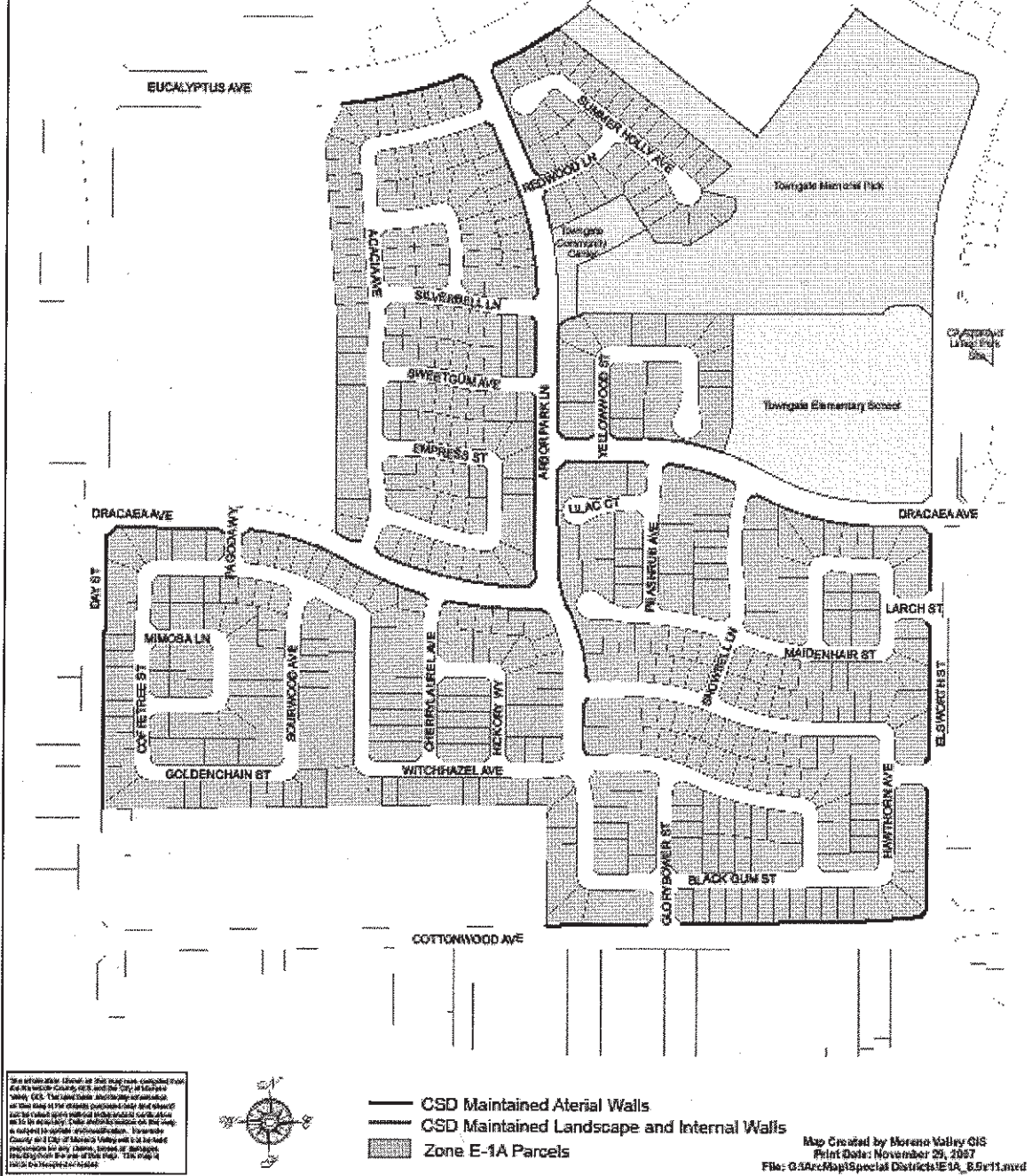


EXHIBIT B: District ResponsibilitiesR.F.P. NOE-1/11
PROJECT NO. E-1/11TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION**1. CONTRACT SUPERVISION**

- A. The Contract shall be administered on behalf of the District by the Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director."
- B. The Director will decide all questions which may arise as to the manner of performance and completion per schedule, acceptable fulfillment of the Contract by the Contractor, interpretation of the Specifications, and compensation to include completion of work by alternate sources.

2. IRRIGATION SYSTEMS

The District shall manage the operation of all automatically controlled irrigation systems, including but not limited to irrigation controller programming and scheduling. The Contractor shall monitor the operation of, and maintain said irrigation systems as required by the Director. The Contractor shall operate manually controlled irrigation systems as directed by District field staff.

3. UTILITIES

It shall be the District's duty to provide the utilities necessary for irrigation (i.e., water, electricity and communications), and to maintain their appurtenances (i.e., water and electrical meters and backflow devices). The District will pay the water, electricity, and communications costs used in the sites covered by this Contract. The Contractor shall report any interruption of these services for whatever reason immediately upon Contractor's observation of same to the Director.

4. RESTRICTED PESTICIDE MATERIALS PERMIT / USE CONSENT

- A. The District shall maintain in full force and effect throughout the entire term of the Contract a valid Restricted Materials Permit issued by the Agricultural Commissioner of the County of Riverside on behalf of the California Department of Pesticide Regulation. The Contractor shall comply with all permit conditions that pertain to any of the pest control materials listed on said permit that may be used in the course of Contractor's operations under this Contract.
- B. Director must give consent in writing prior to application of any Category I pesticide.

EXHIBIT C: Payment Terms

R.F.P. NO E-1/11

PROJECT NO. E-1/11

TOWNGATE
 MAINTENANCE OF PARKWAY AND MEDIAN
 LANDSCAPING AND IRRIGATION

1. CONTRACTOR'S COMPENSATION

- A. The Contractor will be paid monthly per site for work performed satisfactorily under this Contract. By the tenth of each month the Contractor shall submit to the Director detailed reports for the: 1) maintenance performed, 2) complaints received, 3) hazards noted, and 4) chemicals used in the prior month. These reports shall be accompanied by a billing in accordance with the Contract price for the work performed, and shall become the basis for payment. No payment(s) shall be made until the reports, listed herein, have been submitted and approved.
- B. Except where additional compensation is specifically provided for in this Contract, the District will pay the Contractor for all work (labor, material, supplies, equipment, etc.) performed under this Contract the total amount of eight thousand, one hundred and fifty-six dollars and ninety/100 (\$8,158.90) per month, one (1) month in arrears, on the last day of the month. The total contract amount for twelve (12) months shall not exceed ninety-seven thousand, nine hundred and six dollars and eighty/100 (\$97,906.80), except as provided for in Section 2 below.
- C. Should this Contract commence or terminate on other than the first day of a calendar month, the Contractor's compensation for that partial calendar month shall be prorated at the rate of 1/30 of the full month rate per day for the number of days during which the Contract is effective.

2. ADDITIONAL WORK

- A. During the term of this Contract the District may, at its discretion, authorize the Contractor to perform certain Additional Work as included in Section 2., paragraph C. herein this Exhibit, ("Additional Landscape Areas"), in addition to the work set forth in Exhibit A, Contractor's Scope of Work.

If the District determines it to be in the District's best interest, said Additional work may include: Acts of God (i.e., earthquake damage, storm damage), or vandalism, theft, and acts or omissions by third parties.

Compensation for all such Additional Work shall be calculated either: at the prices set forth by the Contractor in the Exhibit E, Section 9, or at a price based on the Contractor's written estimate (lump sum, time and materials, or cost plus basis), as determined by the Director. Except as set forth in Section 2, paragraph B. below, the Contractor shall not perform any such Additional Work without first obtaining express written authorization from the District.

- B. Notwithstanding the above requirement for prior written authorization, when a condition exists wherein there is imminent danger of injury to the public or damage to property, the District may verbally authorize the work to be performed upon receiving a verbal estimate from the Contractor. Within twenty-four (24) hours after receiving a verbal authorization, the Contractor must submit a written estimate to the District for written approval. Whenever immediate action is required to prevent impending injury, death, or property damage to the facilities being maintained, the District may, after reasonable attempt to notify the Contractor, cause such action to be taken by the District or City's work force.
- C. The Contractor shall maintain as Additional Work, at a unit price comparable to landscape areas described herein, additional landscape areas that the District may add to this Contract. In the event that notification is made of a new installation, at other than the beginning of a monthly period, the unit cost as set forth by Contractor in the Exhibit E, Section 9, shall be prorated from the day the Contractor commences work on the additional areas.
- D. Routine repairs to project irrigation system(s) shall be considered Additional Work to the extent that the Contractor shall charge only for materials used to perform said repairs at Contractor's cost plus a percentage of that cost, as set forth in Exhibit E, Section 9. For the purposes of this Contract, routine irrigation repairs are defined as replacement of existing sprinklers or sprinkler components, and/or non-pressurized pipe, and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal "wear and tear", and 2) vandalism or theft, (which includes acts or omissions by third parties).
- E. Except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize Additional Work pursuant to paragraphs A., B., and C. above in excess of the cumulative total of \$9,790.68 for each contract year during the term of this Contract.

3. PAYMENT DEDUCTIONS

The District may deduct payment to such extent as may be necessary to protect the District from loss due to:

- A. Work required in the General or Special Provisions which is: not performed, or; not performed to the standards set forth therein, or; not performed at or within the time(s) specified therein, or; is incomplete;
- B. Claims filed or reasonable evidence indicating probable filing of claims by laborers, materialmen, subcontractors, or third parties.

4. NON-PERFORMANCE PENALTIES

The Contractor may become liable for payment of non-performance penalties for failure to: provide adequate communications; provide adequate work area safety; complete "Specialty" operations in a timely manner as set forth in the General Provisions; submit notifications or reports required by the Contract, or General or Special Provisions at the intervals and/or

frequencies set forth therein, or; perform work as required by the General or Special Provisions at the intervals and/or frequencies as set forth therein, or as set forth in Contractor's approved work schedule, or as directed by the District. For each of the categories set forth hereinabove, the penal sum of \$100.00 (one hundred dollars) per working day will be assessed for each working day the deficiencies remain uncorrected.

If non-performance penalties are to be assessed, the Contractor will be notified immediately by facsimile transmission, or in writing, or by telephone.

The Contractor will not be assessed non-performance penalties for delays caused by the District, or by the owner of a utility to provide for the removal or relocation of utility facilities.

5. EXCESSIVE UTILITY USAGE

Contractor shall pay for all excessive utility usage due to Contractor's failure to monitor irrigation system malfunctions or unauthorized increases in the frequency of irrigation. The excess cost will be determined by comparing the current usage with the historical usage for the same time period. The excess cost factor, to be deducted from the payments to the Contractor, will be presented by the Director to the Contractor prior to actual deduction by the District to allow for explanations.

EXHIBIT D: Term of Contract

R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. TERM OF CONTRACT

- A. Following approval by both parties, the Contract will commence on July 1, 2011, and shall terminate twelve (12) months thereafter.
- B. At the expiration of its term, the Contract may be extended for up to four (4) additional twelve (12) month periods with the concurrence of both parties. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph B.) shall be given to the Contractor at least thirty (30) days prior to the expiration of the initial term of the Contract or any extension thereof.
- C. In considering the option to extend the Contract, as set forth in paragraph B. above, the District shall determine the following:

That the Contractor's performance during the preceding twelve months has been satisfactory, and;

That any request for increase of Contractor's compensation is based on an annual inflation adjustment based on the percentage increase 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.

- D. At the expiration of its term, and with the concurrence of both parties, the Contract may be extended for up to three (3) additional periods of thirty (30) days each, subject to all terms and conditions in effect during the current term of the Contract. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph D.) shall be given to the Contractor at least fifteen (15) days prior to the expiration of the initial term of this Contract, or any extensions thereof.
- E. It should be noted that multiyear contracts may be continued each fiscal year only after funding appropriations and program approvals have been granted by the City Council of the City of Moreno Valley and the City Council acting in the capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District. (CSD) In the event that the City Council and/or the City Council acting in the capacity as President and Members of the Board of Directors for the CSD does not grant necessary funding appropriations and/or program approval, the affected multiyear contract becomes null and void, effective July 1st of the fiscal year for which such approvals have been denied.

EXHIBIT E: PROPOSAL SUBMITTAL DOCUMENTS

R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

ATTACH ADDITIONAL SHEETS AS NECESSARY FOR COMPLETE RESPONSES

1. SCHEDULE I

A. COMPANY NAME: MARINA LANDSCAPE INC.

TYPE

- Sole proprietor _____
- Partnership _____
- Corporation X

B. COMPANY ADDRESS/PHONE NUMBER

MAIN OFFICE ADDRESS:

1900 S. LEWIS STREET
ANAHEIM, CA 92805

MAIN OFFICE PHONE NUMBER: (714) 939-6600

SATELLITE OFFICE ADDRESS (if applicable):
N/A

SATELLITE OFFICE PHONE NUMBER N/A

C. CONTRACTOR'S LICENSING INFORMATION:

LICENSE NUMBER/CLASSIFICATION/NAME STYLE: #492862 A, B, C27, C36
CORPORATION

NUMBER OF YEARS OPERATING UNDER ABOVE LICENSE/NAME STYLE: 25

LICENSE EXPIRATION DATE: 6/30/2012

CURRENT LICENSE STATUS: ACTIVE

PRIOR ACTIONS AGAINST THIS LICENSE? Yes/No

IF YES, LIST CITATION TYPE AND HOW RESOLVED: N/A

D. COMPANY'S FEDERAL IDENTIFICATION NO.: 95-3760820

E. NAME AND TITLE OF COMPANY OFFICERS:

<u>ROBERT COWAN</u>	<u>PRESIDENT & SECRETARY</u>
<u>ALI TAVAKOLI</u>	<u>VICE PRESIDENT OF CONSTRUCTION</u>
<u>TEJI NGWENO</u>	<u>CEO</u>

F. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES: 39

G. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES FOR PUBLIC AGENCIES: 39

H. CURRENT LANDSCAPE MAINTENANCE OPERATIONS

THE DISTRICT RECOGNIZES THAT THE INFORMATION PROVIDED TO THIS QUESTION (QUESTION H.) IS PROPRIETARY IN NATURE, AND THEREFORE, THE DISTRICT WILL KEEP THIS INFORMATION CONFIDENTIAL TO THE EXTENT PERMITTED BY LAW.

TOTAL LANDSCAPE MAINTENANCE CONTRACTS: 155

PERCENTAGE OF TOTAL CONTRACTS WITH PUBLIC AGENCIES: 15%

TOTAL DOLLAR VALUE OF LANDSCAPE MAINTENANCE CONTRACTS: \$ 11,000,000 / YEAR

1. NUMBER OF EMPLOYEES COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS

SUPERVISORS: <u>8</u>	AVERAGE WAGE SCALE: \$ <u>32</u> /Hr.*
TECHNICIANS: <u>12</u>	AVERAGE WAGE SCALE: \$ <u>22</u> /Hr.*
FOREMEN: <u>45</u>	AVERAGE WAGE SCALE: \$ <u>19.65</u> /Hr.*
LABORERS: <u>320</u>	AVERAGE WAGE SCALE: \$ <u>15</u> /Hr.*

*Use fully burdened rate (i.e., taxes, insurance, benefits, OH &P) - This is a prevailing wage project.

2. TYPE & NUMBER OF VEHICLES & POWER EQUIPMENT COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS:

A. MOTOR VEHICLES

• TYPE: <u>Ford F-250</u>	NUMBER: <u>78</u>
• TYPE: <u>Ford F-350</u>	NUMBER: <u>15</u>

- TYPE: Dump Truck NUMBER: 2
- TYPE: Low Boy Tractor NUMBER: 2

B POWER EQUIPMENT

- TYPE: E-Z Maxx Laser Mower NUMBER: 32
- TYPE: Toro Pro-Line 36" Mower NUMBER: 45
- TYPE: Power-Edge Edger NUMBER: 57
- TYPE: Stihl Blowers NUMBER: 110

I. REFERENCES**ATTACH RESPONSES ON ADDITIONAL SHEETS - ONE SHEET PER REFERENCE**

1. LIST A MINIMUM OF THREE (3) REFERENCES FOR PUBLIC AGENCY LANDSCAPE MAINTENANCE CONTRACTS THAT ARE EITHER CURRENT AND/OR HAVE BEEN SUCCESSFULLY COMPLETED WITHIN THE LAST TWO (2) YEARS.
2. REFERENCE RESPONSES MUST INCLUDE:
 - A. NAME AND ADDRESS OF AGENCY;
 - B. NAME AND TELEPHONE NUMBER OF AGENCY PERSON RESPONSIBLE FOR ADMINISTERING CONTRACT;
 - C. CONTRACT NAME(S) / NUMBER(S);
 - D. ANNUAL CONTRACT AMOUNT(S);
 - E. NUMBER OF ACRES MAINTAINED PER CONTRACT(S);
 - F. LOCATION(S) OF CONTRACT AREAS – WE WILL VISIT SITE(S);
 - G. LENGTH OF CONTRACT(S).
3. THE FOLLOWING REFERENCE QUESTIONS WILL BE ASKED OF EACH AGENCY REFERENCED:
 - A. How many (number) of contracts and years under contract?
 - B. What are/were the Scope of the contract(s), acreage amounts, location(s)?
 - C. What are/were the Contract amount(s)?
 - D. Do/did they have adequate (quantity/quality) staffing?
 - E. How are/were the Training/Technical skills (i.e., Irrigation/Pest Control/ Equipment Operation/Safety)?
 - F. Does staff have the ability to comprehend/speak English?
 - G. How are/were the appearance, uniforms, and use of safety equipment?
 - H. Do/did they have availability of additional personnel for extra work/special projects?
 - I. Is/was the equipment used in good working order?
 - J. Do/did they have an effective in-company communications system?
 - K. How is/was the knowledge of project/contract standards?
 - L. Do/did they have the ability to respond to complaints/requests in a timely fashion?

Marina Landscape Inc.

Landscape Maintenance References

City of Anaheim, CA - Eastside Resort District 120 acres

Contact: Dan Oregel 200 S. Anaheim Blvd.,
 (714) 765-6961 Anaheim, CA 92805
 Fax: (714) 765-5288
 doregel@anaheim.net

\$950,000 / year

9/1/09-present

Lake Forest Sports Fields 100 acres (2010 C.L.C.A. First Place Prize – Sports Fields Maintenance)

Contact: Oscar Garcia 25550 Commercentre Dr., Suite 100
 (949) 283-1737 Lake Forest, CA 92630
 Fax: (949) 461-3512
 lestevez@ci.lake-forest.ca.us

\$650,000/year

1/1/10 – 12/31/2012

Culver City – City wide landscape maintenance 65 acres

Contact: Patrick Reynolds 4117 Overland Avenue
 (310) 253-6471 Culver City, CA 90230
 Fax: (310) 253-6666
 patrick.reynolds@culvercity.org

\$400,000 / year

8/1/09-present

- M. Are/were they willing to resolve questions, disputes, and deficiencies short of "formal" sanctions (i.e., monetary penalties, contract deductions, liquidated damages, claims against bonds)?
- N. How accurate & timely is/was billing/invoicing?
- O. Have Contract(s) been successfully completed to term?
- P. Would you accept future proposals/bids from this company?

2. PROPOSED FACILITIES, EQUIPMENT, & STAFFING SCHEDULE

- A. **Facilities** – List the facility(ies) location and/or address where work crews and equipment will be dispatched. Use additional sheets as necessary to provide a full and comprehensive response.

1900 S Lewis Street
Anaheim, CA 92805

- B. List the equipment, motor vehicles, and tools, in the areas below that will be furnished to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Indicate with (S) any listed equipment to be shared with another contract/ project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **Equipment:**

SEE BELOW

2. **Motor Vehicles:**

Ford F-250 Crew Cab

3. **Turf Maintenance Power Equipment/Tools:**

ExMark Laser or Toro 36" mower

Weed Eaters

Power-Edge Edgers

Backpack Blowers

4. **Tree, Shrub, Ground Cover Trimming/Pruning Equipment/Tools:**
(List both powered and hand equipment/tools)

Pole Hedge Trimmers String Backpack Blowers
Power Edgers Various Hand Tools
Need Eaters
Hedge Trimmers
Rake & Brooms

5. **Irrigation System Maintenance Equipment:**
(List both powered and hand equipment/tools)

Remote Control
Wire Tracers
Pumps
Retractors
Various Tappers/Volt Meters
Cutting Tools
Glue
Wrenches
Routine Irrigation Repair Parts.

6. **Fertilizer Application Equipment:**

(List both powered and hand equipment/tools)

Walk Behind Spreaders
Wide Applicator
Hand Spreaders
Deep-Boot Injector (if needed)

7. **Pesticide Application Equipment:**

(List both powered and hand equipment/tools)

350-Gallon Spray Rig (if needed)
Backpack Sprayers
Tree Gun
Tractor Mounted Wide Spray Applicator

- C. **Staff:** - List the employees, both labor and supervision, to be routinely assigned to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Be sure to note by title any applicable licenses/certifications held by assigned personnel. Indicate with (S) if listed personnel are to be shared with another contract / project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **General Landscape Maintenance:**
(List labor, administrative, and field supervisory personnel – include any relevant education, certification, licensing information for each person listed)

SEE ATTACHED

2. **Tree Trimming/Maintenance:**
(List any ISA or equivalent certified personnel)

Victor Solis - ISA Certified Tree Trimmer

3. **Irrigation System Maintenance:**
(List technical personnel – include any relevant education, certification, licensing information for each person listed)

JOSE LUIS SOLANO - CERTIFIED IRRIGATION TECHNICIAN

CHRIS CURRY - CERTIFIED AUDITOR

GUSTAVO CAMPOS - CERTIFIED IRRIGATION TECHNICIAN
- BACKFLOW INSPECTOR

4. **Pesticide Application:**
(List licensed and/or certified personnel. All non-licensed, non-certified personnel must have received verifiable annual training.)

ROBERT COWAN - PCL, PCA

VICTOR GARIBAY - QAL

Key Personnel

Marty Stowell, Superintendent, Operations Manager

Marty has been in the landscaping industry for over 30 years. He is responsible for the entire Maintenance Operations Department which includes overseeing all of our maintenance jobs and crews. Marty's expertise is found in maintaining city-wide maintenance contracts and HOAs in Southern California. His keen eye for scheduling and the utilization of our crews makes our maintenance operations very efficient and effective. Marty also has vast knowledge in landscape irrigation and installation, estimating and construction.

Jose Luis Solano, Supervisor, Landscape Maintenance

Jose Luis has been working in the landscape industry for over 18 years. His landscape background includes management, irrigation, maintenance and arbor care. Jose Luis is responsible for a crew of 55 employees maintaining large public and private parks, sports venues and commercial landscapes in Los Angeles and Orange Counties. Jose Luis is especially familiar with irrigation repair and maintenance. Notable projects include Anaheim Resort District, Anaheim, CA; Yorba Park, Yorba Linda, CA; and Seal Beach Naval Housing, Seal Beach, CA and Rancho Palos Verdes Parks and Trails.

City of Rancho Palos Verdes (Parks and Trails)

Currently

- Oversee the full-time maintenance crews spread out over the City's 200 acres of parks, trails and landscaped areas.
- Daily maintenance of all baseball fields, parks, trees, trails, landscapes, irrigation and facilities
- Turf renovations include, aerating, verti-cutting, overseeding/reseeding, topdressing, fertilizing, and establishing
- In charge of granular/foliar applications of fertilizer/herbicide/insecticide/fungicide/PGR

City of Anaheim, General Supervisor on our Anaheim Projects

- Eastside Resort District, Landscape and Power Washing
- Anaheim Convention Center
- Anaheim Parks, Mowing and Trash
- Anaheim Family Justice Center
- Little Warner Basin
- Anaheim Civic Center

Angie Trejo, Office Manager, Landscape Maintenance

Rosa has over 15 years experience in landscape industry, and joined the Marina family in 2007. Angie's key strengths as an office manager include client relations and accounting. Angie is responsible for accounts payable, accounts receivable, payroll reports, and customer service. Angie is also fluent in both English and Spanish.

**PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-1 MONTHLY SCHEDULE SHEET**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 Mow / Edge Planters Weed Control Litter Control 4 men - 8 hrs ea.	Planters Weed Control Litter Control 2 men - 8 hrs. Irrigation Tech 8 hrs.	Planters Weed Control Litter Control Rodent Control Disease Control 1 man - 8 hrs.	Planters Weed Control Litter Control Trees 3 men - 8 hrs.	/
WEEK #2 Same as Week #1				/
WEEK #3 Same as Week #1				/
WEEK #4 Same as Week #1				/

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-1 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 Mow/EDGE Planters Weed Control (QUARTERS) Litter Control 3 men - 8 hrs.	Planters Litter Control Rodent Control 2 men - 8 hrs.	Planters Irrigation Tech 6 hrs.	Planters Litter Control Trees 2 men - 8 hrs.	/
WEEK #2 Planters Litter Control Rodent Control 2 men - 8 hrs.	Planters Litter Control Rodent Control 2 men - 8 hrs.	Planters Irrigation Tech 6 hrs.	Planters Litter Control Disease Control 2 men - 8 hrs.	/
WEEK #3 Same as week #1	→			/
WEEK #4 Same as week #2	→			/

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-1A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 /	/	Planters Weed Control Litter Control Pest & Disease Trees Irrigation Team 4 hrs. 2 men = 6 hrs.	/	/
WEEK #2 Same as Week #1	→			
WEEK #3 Same as Week #1	→			
WEEK #4 Same as Week #1	→			

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-1A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 /	/	Planters Weed Control Litter Control Pestent & Disease Trees Irrigation Tech 2 HRS. LAW - 6 HRS.	/	/
WEEK #2 Same as Week #1				↘
WEEK #3 Same as Week #1				↘
WEEK #4 Same as Week #1				↘

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-1 ANNUAL SCHEDULE SHEET

<p>JANUARY MONTHLY REPORTS.</p>	<p>FEBRUARY</p>	<p>MARCH Ensure Ground Covers is Pruned - 80 hrs.</p>
<p>APRIL Aerate Turf - 8 hrs Humus Fertilizer - 8 hrs. Shrubs & G.C. Fert. - 8 hrs.</p>	<p>MAY</p>	<p>JUNE Ensure Ground Cover is Pruned, 80 hrs.</p>
<p>JULY Aerate Turf 8 hrs</p>	<p>AUGUST</p>	<p>SEPTEMBER Ensure Ground Cover is Pruned - 80 hrs. Ensure Shrubs are Pruned - 160 hrs. Shrubs & G.C. Fert - 8 hrs.</p>
<p>OCTOBER Aerate Turf 8 hrs. Humus Fertilizer - 8 hrs.</p>	<p>NOVEMBER INSPECT ALL TREES over 18'</p>	<p>DECEMBER Ensure Ground Cover is Pruned - 80 hrs.</p>

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-1 ANNUAL SCHEDULE SHEET

<p>JANUARY</p>	<p>FEBRUARY TURF FERT - 8 hrs.</p>	<p>MARCH ENSURE G.C. IS PRUNED - 80 hrs. WEED CONTROL - 40 hrs.</p>
<p>APRIL SHRUBS & G.C. FERT - 8 hrs.</p>	<p>MAY</p>	<p>JUNE ENSURE G.C. IS PRUNED - 80 hrs. WEED CONTROL - 40 hrs. TURF FERT - 8 hrs.</p>
<p>JULY</p>	<p>AUGUST</p>	<p>SEPTEMBER ENSURE G.C. IS PRUNED - 80 hrs. WEED CONTROL - 40 hrs.</p>
<p>OCTOBER</p>	<p>NOVEMBER INSPECT TREES OVER 18' ENSURE SHRUBS ARE PRUNED - 40 hrs.</p>	<p>DECEMBER ENSURE G.C. IS PRUNED - 80 hrs. WEED CONTROL - 40 hrs.</p>

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-1A ANNUAL SCHEDULE SHEET

<p>JANUARY Monthly Reports</p>	<p>FEBRUARY</p>	<p>MARCH Ensure Ground Cover is Pruned - 40 hrs.</p>
<p>APRIL Shrubs & G.C. Fert. - 8 hrs.</p>	<p>MAY</p>	<p>JUNE Ensure Ground Cover is Pruned - 40 hrs.</p>
<p>JULY</p>	<p>AUGUST</p>	<p>SEPTEMBER Ensure Ground Cover & Shrubs are Pruned - 80 hrs. Shrubs & G.C. Fert. - 4 hrs.</p>
<p>OCTOBER</p>	<p>NOVEMBER Inspect all Trees over 18'</p>	<p>DECEMBER Ensure Ground Cover is Pruned - 40 hrs.</p>

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
 E-1A ANNUAL SCHEDULE SHEET

<p>JANUARY</p>	<p>FEBRUARY</p>	<p>MARCH ENSURE G.C. IS PRUNED - 40 hrs. WEED CONTROL - 20 hrs.</p>
<p>APRIL SHRUBS & G.C. FEELT - 8 hrs.</p>	<p>MAY</p>	<p>JUNE ENSURE G.C. IS PRUNED - 40 hrs. WEED CONTROL - 20 hrs.</p>
<p>JULY</p>	<p>AUGUST</p>	<p>SEPTEMBER ENSURE G.C. IS PRUNED - 40 hrs. WEED CONTROL - 20 hrs.</p>
<p>OCTOBER</p>	<p>NOVEMBER INSPECT ALL TREES OVER 18' ENSURE SHRUBS ARE PRUNED - 40 hrs.</p>	<p>DECEMBER ENSURE G.C. IS PRUNED - 40 hrs. WEED CONTROL - 20 hrs.</p>

4. PROPOSED ANNUAL MATERIAL SCHEDULE

A. Fertilizers:

List the fertilizers to be furnished to execute work tasks specified in Exhibit A. Specify the type (analysis/brand name), estimated amount of each type to be supplied annually, and estimated annual cost for each type (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
BEST POLY SUPREME	2,000 LBS.	\$ 1,500
Humus Feex.	1,800 LBS.	\$ 1,225

B. Pesticides:

List pesticides to be furnished to execute work tasks specified in Exhibit A. Specify the type (i.e., pre-emergent herbicide, rodent/snail bait, insecticide, etc.), the brand name, estimated amount of each type/brand to be supplied annually, and the estimated annual cost for each type/brand (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
Round-Up	4 GALLONS	\$ 350
Giant DESTROYER	2 CASES	\$ 200
Dimension (if needed)	500 LBS.	\$ 650

5. COMMUNICATIONS, TRAFFIC SAFETY, & GREENWASTE RECYCLING**A. Communications:**

The General Provisions require that the selected Contractor possess, and maintain an effective company-wide communications system. The Contractor must also designate responsible staff to be available on a twenty-four (24) hour basis to receive, and respond to emergency calls.

Describe your company's internal communications system, both in the office and in the field, and how it will enable your company to provide the communication capability as required in Scope of Services specifications. Also, describe how your company will provide the required twenty-four (24) hour communication capability. Use additional sheets as necessary to provide a full, and comprehensive response.

See ATTACHED

B. Traffic Safety:

The General Provisions require that the selected Contractor provide safe and effective work area traffic control, per Caltrans' "Manual On Uniform Traffic Control Devices 2010 (or most current) California Supplement, Part 6, Temporary Traffic Control". Please describe your company's general traffic control practices and training, and how your company intends, if selected, to conduct work area traffic control operations to provide service for this project. Use additional sheets as necessary to provide a full and comprehensive response.

See ATTACHED

Communications:

Every morning our whole office and field staff reports to the Anaheim yard. We are directed by the Operations Manager and Supervisors about routes and duties. There is constant communication between all levels of operations via cell phones which are carried by all crews.

All emergency calls can be directed to our office phone number at (714) 939-6600. The after-hour emergency system will re-direct the call to Juan Galindo, who is our emergency on-call supervisor. He will immediately contact Stephen Guise, VP of Maintenance Operations, and Jose Luis Solano, Supervisor, to let them know of the situation. They will determine the best course of action and remedy the situation. This system ensures all levels of management are aware of any emergencies that may arise.

Traffic Safety:

We will set up our traffic control in accordance with the Caltrans's MUTCD Part 6. We will set up an advanced warning sign next to the curb 200 feet from the start of the working area. From that point, cones will be placed next to the curb every 30 feet until the work area is cleared, to let drivers know that work is in progress near the road. In the event we need to close a land of traffic, our trucks have the flashing light hookups. Using flashing lights, cones, warning signs, and channelizing techniques, we can direct traffic safely away from our workers. However, we do not intend to close down any lanes of traffic.

C. Greenwaste Recycling:

AB 939 mandates that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction. Please describe your company's program to insure that the City receives credit for the greenwaste that will be generated from executing the project's Scope of Work (Exhibit A). Be sure to include the name(s), address(es) and phone number(s) of the recycling facility(ies) that will be accepting the greenwaste generated from your operations on the project. If planning to use any recycled greenwaste products (mulch, compost, soil amendments, etc.) on the project, please give name/address/phone information of the producer if different from those listed above. Use additional sheets as necessary to provide a full and comprehensive response.

See Attached

MARINA GREEN PLAN

Marina is a landscape firm committed to the environment in everyway. The company's diverse projects reflect this commitment, recreation facilities, sport fields, golf courses, hotels, resorts, commercial and industrial developments, public facilities, streetscapes, highway beautification, wetlands, re-vegetation zones, and housing developments.

Marina's landscape projects have won numerous awards from public and private agencies, and contractors' associations.

Marina Landscape is also working in the community as a leader in recycling of "green waste", trash and green waste are separated and disposed of properly. All green waste generated through the maintenance of this project will be delivered to our recycle center where the materials can be re-used to benefit the environment. Receipts will be available for inspection at anytime upon request by the City of Moreno Valley.

Marina Landscape Inc. also mulches the green waste collect from our jobsites, at our in-house location.


**Regional Material Recovery
Anaheim Disposal Inc.**
1131 N. Blue Gum Street
Anaheim, CA 92805
(714) 238-3300

7. CERTIFICATION OF NON-DISCRIMINATION

Pursuant to California Labor Code Section 1735, as added by Chapter 643 statutes of 2039, and as amended,

No discrimination shall be made in the employment of persons upon Public Works because of race, religion creed, color, national origin, ancestry, physical handicaps, mental condition, marital status or sex of such persons, except as provided in Section 12940, of the California Labor Code and every Contractor of Public Works violating this section is subject to all penalties imposed for a violation of the Chapter.

I certify that I have read, and understand the foregoing:

SIGNATURE 
PRINTED NAME ROBERT COWAN
TITLE PRESIDENT
COMPANY NAME MARINA LANDSCAPE INC.
DATE 2/2/11

8. PROPOSAL AFFIRMATION

With regard to the information provided hereinabove (Exhibit E: Proposal Submittal Documents), I affirm that:

- All information provided is true and correct to the best of my knowledge, and;
- I understand that a materially false statement willfully or fraudulently made in connection with this proposal may result in the termination of any Contract between the Moreno Valley Community Services District and MARINA LANDSCAPE INC., and further, the aforesaid company may be barred from participation in future District contracts and be subject to possible criminal prosecution, and;
- I have legal authority to bind MARINA LANDSCAPE INC. to the terms of this affirmation (See "INSTRUCTION TO PROPOSER", Section D. - Signature of Contract Proposal).

FOR PROPOSAL TO BE VALID, THIS SHEET MUST BE FILLED OUT (PRINTED), SIGNED AND DATED

SIGNATURE _____



NAME _____

ROBERT COWAN

TITLE _____

PRESIDENT

COMPANY NAME _____

MARINA LANDSCAPE INC.

DATE _____

2/2/11

9. SCHEDULE II

A. BID SCHEDULE

PROPOSER: MARINA LANDSCAPE INC.

(Company Name)

SITE	SERVICE LEVEL	ESTIMATED AREA	COST PER SQ. FT.	COST PER MONTH	COST PER TWELVE MONTHS
E-1 LANDSCAPE PARKWAYS & MEDIANS (currently full service)	Full	Planter: 294,598 sq. ft.	\$.01413	\$ 4,162.67	\$ 49,952.04
		Turf: 148,104 sq. ft.	\$.02035	\$ 3,013.02	\$ 36,167.04
	Reduced	Planter: 294,598 sq. ft.	\$.00948	\$ 2,792.79	\$ 33,513.48
		Turf: 148,104 sq. ft.	\$.01365	\$ 2,021.62	\$ 24,259.44
E-1 LANDSCAPE DAY ST. MEDIANS (currently full service)	Full	Planter: 3,080 sq. ft.	\$.01563	\$ 48.14	\$ 577.68
		Turf 8,800 sq. ft.	\$.01641	\$ 144.41	\$ 1,732.92
	Reduced	Planter: 3,080 sq. ft.	\$.01048	\$ 32.28	\$ 387.36
		Turf 8,800 sq. ft.	\$.01101	\$ 96.89	\$ 1,162.68
E-1A LANDSCAPE PARKWAYS & MEDIANS (currently reduced service)	Full	Planter 72,655 sq. ft.	\$.01621	\$ 1,177.74	\$ 14,132.88
	Reduced	Planter 72,655 sq. ft.	\$.01087	\$ 789.76	\$ 9,477.12

The Total Amount of the Service Proposal shall be based on current service levels (Full service for E-1 Parkways & Medians and Day St. Medians, Reduced service for E-1A Parkways & Medians):

Figures: 97,906 and 80 /100's Dollars

Words: NINETY-SEVEN THOUSAND NINE HUNDRED SIX and 80 /100's Dollars

All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

The Contractor shall furnish all labor, equipment, and materials necessary to provide maintenance of median and parkway, irrigation, and landscaping as set forth in Exhibit A: Scope of Work of this Contract, and; any and all addenda issued prior to the opening of Proposals; any Change Orders issued after the execution of the Independent Contractor Agreement and its attached exhibits.

Addendum No(s). N/A has/have been received and is/are made a part of this proposal.

[Signature] PRESIDENT 2/2/11
 (AUTHORIZED SIGNATURE AND TITLE) (DATE)

B. ADDITIONAL WORK PRICE LIST

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

Prices for Additional Work, and Routine Irrigation Repair, including, but not limited to: Exhibit A and Exhibit C

UNIT PRICES (Includes all labor and materials)

1. 1 gal. shrub/vine/ground cover in place	@	\$ <u>10</u>	ea
2. 5 gal. shrub/vine/ground cover in place	@	\$ <u>26.50</u>	ea
3. 5 gal. tree in place (stakes included)	@	\$ <u>35-</u>	ea
4. 15 gal. tree in place (stakes included)	@	\$ <u>100-</u>	ea
5. 24" box tree in place (stakes included)	@	\$ <u>300-</u>	ea
6. 36" box tree in place (guy wires included)	@	\$ <u>850-</u>	ea
7. Flat of ground cover in place	@	\$ <u>24.50</u>	ea
8. Planter bed mulch in place	@	\$ <u>75</u>	/cu. yd
9. Additional labor	@	\$ <u>21.50</u>	/man hour
10. Additional Irrigation Technician	@	\$ <u>45-</u>	/man hour

PROPOSER: MARINA LANDSCAPE INC.

(Company Name)

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

ROUTINE IRRIGATION REPAIR PRICES

1. Irrigation repair parts for routine repairs @ cost plus 15 %
2. Unit prices for Additional Work (additional **FULL SERVICE** landscape areas) per Exhibit C, Section 2.
 - A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). \$.015 /sq. ft./mo.
 - B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). \$.017 /sq. ft./mo.
3. Unit prices for Additional Work (additional **REDUCED SERVICE** landscape areas) per Exhibit C, Section 2.
 - A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). \$.01 /sq. ft./mo.
 - B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). \$.012 /sq. ft./mo.
4. Any other Additional Work shall be quoted per Exhibit C, Section 2.

PROPOSER: MARINA LANDSCAPE INC.
(Company Name)

10. CONTRACT PROPOSAL

The undersigned declares that he/she has carefully examined the location(s) of the proposed work, that he/she has examined the Specifications and has read the accompanying Instructions to Proposers, and hereby proposes and agrees, if this proposal is accepted, to enter into a Contract with the District for the good and faithful performance thereof, to furnish all material and do all work required to complete the said work in accordance with the Specifications, in the time and manner therein prescribed, for the unit cost and lump sum amounts set forth in the proposal and as listed as follows. The undersigned further declares that the representations made herein are made under penalty of perjury.

TOTAL BASE COMPENSATION AMOUNT (FROM Exhibit E, Section 9 (Schedule II) A. "Bid Schedule"):

NINETY-SEVEN THOUSAND NINE HUNDRED SIX & 80/100
(Dollar Amount in Words)

\$ 97,906.80
(Dollar Amount in Figures)

Date: 2/2/11

Proposer: MARINA LANDSCAPE INC.
(Company Name)

By: [Signature]
(Signature)

Title: PRESIDENT

State License Number and Classification: #492862 A,B,C27,C36

If a corporation, complete the following:
INCORPORATED UNDER LAWS OF THE STATE OF CALIFORNIA

(Corporate Seal) PRESIDENT ROBERT COWAN


SECRETARY ROBERT COWAN

11. AFFIRMATION OF PROPOSAL GUARANTEE

The undersigned also affirms that:

Accompanying this proposal is cash, a cashier's check, or a certified check, or a Proposal Surety Bond for 10% of Total Bid, payable to the Moreno Valley Community Services District, which is deemed to constitute liquidated damages, if, in the event this proposal is accepted, the undersigned shall fail to execute the Contract and furnish satisfactory bonds under the conditions and within the time specified in this proposal, otherwise said cash, cashier's check, certified check or Proposal Surety Bond is to be returned to the undersigned.

Dated 2/2/11

Signature of Proposer 

By MARINA LANDSCAPE INC.

Address of Proposer 1900 S. LEWIS STREET
ANAHEIM, CA 92805

Telephone Number of Proposer (714) 939-6600

Names and Addresses of Members of the Company:

ROBERT COWAN 1900 S. LEWIS STREET, ANAHEIM, CA 92805

RICHARD COWAN 1900 S. LEWIS STREET, ANAHEIM, CA 92805

(If a Corporation)

Signature of Proposer 

By ROBERT COWAN

Title PRESIDENT

Business Address 1900 S. LEWIS STREET
ANAHEIM, CA 92805

Affirmation of Proposal Guarantee (cont.)

Incorporated Under Laws of the State of

CALIFORNIA

State License Number and Classification

492862 A, B, C27, C36

PRESIDENT

ROBERT COWAN

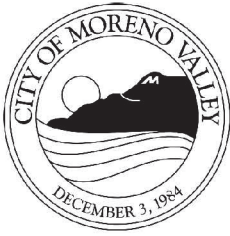
SECRETARY

ROBERT COWAN

TREASURER

ROBERT COWAN

(Corporate 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, acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

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

AGENDA DATE: June 14, 2011

TITLE: **AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-4/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-4 (MORENO VALLEY RANCH – EAST) AND E-4A (DAYBREAK)**

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD):

1. Approve the attached Agreement for CSD Project E-4/11 (the “Agreement”) with TruGreen Landcare, and;
2. Authorize the President of the CSD Board to execute said Agreement with TruGreen Landcare, and;
3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to TruGreen Landcare, in the amounts of:
 - a. ONE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED AND SIXTY-FOUR AND 76/100 DOLLARS (\$179,564.76) for twelve (12) months of base maintenance services and;
 - b. FOURTEEN THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$14,800.00) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable

BACKGROUND

Advertisements requesting proposals for extensive maintenance of the public parkways and medians within the CSD Zone E-4 (Moreno Valley Ranch – East) and the parkways in Zone E-4A (Daybreak) service areas, Project E-4/11 were placed in The Press-Enterprise on February 2, 2011 and February 8, 2011. Copies of the complete RFP document were also sent to F.W. Dodge-McGraw-Hill and Bid America for publishing both in print and on-line. In addition, the RFP document was also posted on the City's website.

Representatives from eleven (11) landscape maintenance firms attended the mandatory pre-submittal meeting on February 9, 2011. At this meeting staff explained in detail the information requested in the RFP, and the proposal submittal and selection process.

Proposals were submitted to the office of the City Clerk on February 17, 2011, by eight (8) firms. Staff from the Special Districts Division of the Public Works Department reviewed the proposals that were received by the submission deadline and selected, TruGreen Landcare's proposal based on their commitment to provide the greatest amount of man power to perform the maintenance services needed as compared to the compensation rate. (See Attachment 2 – Proposal Recap Sheet).

DISCUSSION

R.F.P. No. E-4/11 provides for extensive maintenance of the public parkways and medians within the CSD Zone E-4 (Moreno Valley Ranch – East) and the parkways in Zone E-4A (Daybreak) service areas, which are located within the Moreno Valley Ranch Specific Plan development. The proposal submitted by TruGreen Landcare demonstrates that this company shall be able to perform the required services as requested and is the lowest responsible proposer by demonstrating that they will commit the necessary man power to perform the services required at a lower cost than the current contract service, which will terminate on June 30, 2011. The key provisions of the Agreement include:

1. The furnishing of contract labor, specified materials, and equipment necessary to maintain over 28 acres of extensive parkway and median landscaping and irrigation located in the E-4 and E-4A Service Areas.
2. The CSD will furnish the necessary utilities (water, electricity, and irrigation system control communication service), certain ancillary materials, and staff field inspection services to manage the irrigation systems and coordinate contractor operations.
3. The Agreement has an initial term of twelve months, commencing on July 1, 2011, and terminating on June 30, 2012. The CSD, at its option, may enter into negotiations with the contractor to extend the Agreement for additional one-year

periods, not to exceed a total of four such extensions (Exhibit D, Section 1, paragraph B. of the Agreement).

ALTERNATIVES

1. By approving the Agreement with TruGreen Landcare, and authorizing the issuance of a purchase order at the start of the 2011/12 fiscal year, contingent upon execution of the Agreement, submittal of satisfactory proofs of insurance, and payment and submittal of performance bonds the CSD Board will provide for base maintenance services for the landscaped parkways and medians associated with CSD Zone E-4 (Moreno Valley Ranch – East) and parkways of Zone E-4A (Daybreak). TruGreen Landcare’s proposal was complete and comprehensive. The firm’s municipal references and the level of care it provides on agency contracts of comparable types indicate its ability to perform satisfactorily under the scope of this Agreement. *By accepting this proposal, the CSD will ensure continuity of service to the E-4 Parkways & Medians and to the E-4A Parkway landscaped areas.*
2. By not accepting the proposal from TruGreen Landcare, and directing staff to publish a second solicitation of proposals maintenance for CSD Zone E-4 (Moreno Valley Ranch – East) and Zone E-4A (Daybreak) landscaped parkways and medians may incur a lapse in maintenance services while attempting to obtain a more favorable contract term. *This alternative would consume additional staff time and resources with no assurance of receiving a more favorable result for the CSD.*

FISCAL IMPACT

The necessary annual purchase orders for the initial term of this contract are set forth below.

Purchase Order Type/Fund/Business Unit	2011/2012 Fiscal Year P.O. Amount
<u>Base Contract</u>	
00182.78250.6261	\$173,984.76
00182.78282.6261	\$ 5,580.00
<u>Additional Work</u>	
00182.78250.6261	\$ 13,500.00
00182.78282.6261	\$ 1,300.00
Total P.O. Amounts	\$194,364.76

The above amounts have been budgeted for Zone E-4 and Zone E-4A for the coming fiscal year, with costs to be recovered through annual CSD parcel charges. The parcel charges collected may only be used for landscape maintenance services of parkways and medians in the Moreno Valley Ranch Specific Plan area. **This action will not impact the City’s General Fund.**

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS

By accepting the proposal of TruGreen Landcare, the CSD Board will continue to promote community image, as well as neighborhood pride and cleanliness, while ensuring that these public facilities are properly cared for.

SUMMARY

The actions before the CSD Board are to approve the attached Agreement for Project E-4/11, authorize the Board President to execute the Agreement with TruGreen Landcare, and authorize the Purchasing Division Manager, at the start of Fiscal Year 2011/12, to issue purchase orders to TruGreen Landcare for twelve months of base maintenance services and anticipated Additional Work.

NOTIFICATION

Not applicable.

ATTACHMENTS

Attachment 1. Zones E-4 and E-4A Vicinity Maps

Attachment 2. Proposal Recap Sheet

Attachment 3. Copy of Agreement

Prepared By
Sharon Sharp
Senior Management Analyst

Concurred By
Candace E. Cassel
Special Districts Division Manager

Concurred By
Daniel Monto
Senior Landscape Services Inspector

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

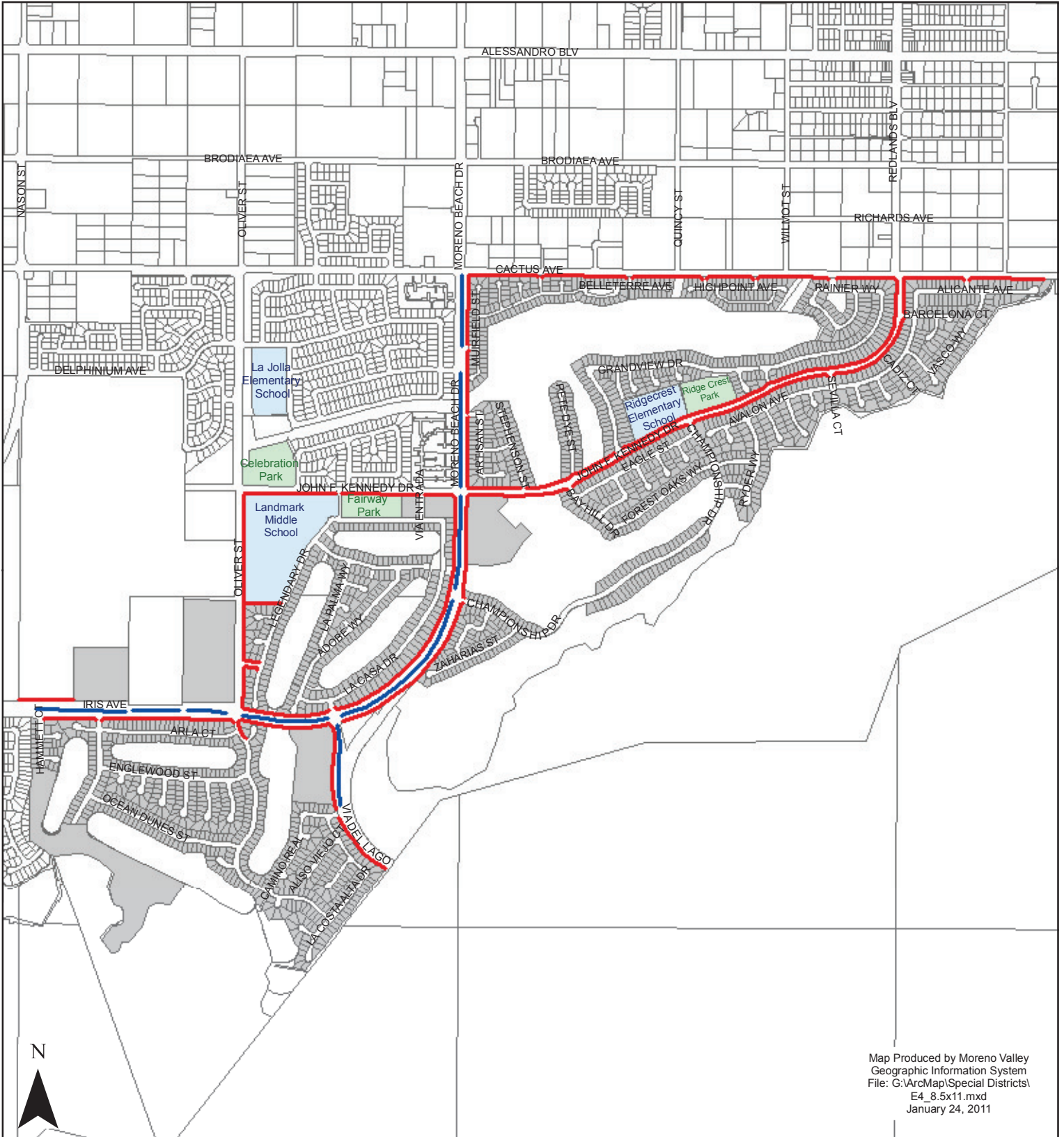
Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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Attachment
1
(Behind this page)

Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-4 • Moreno Valley Ranch - East



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E4_8.5x11.mxd
January 24, 2011

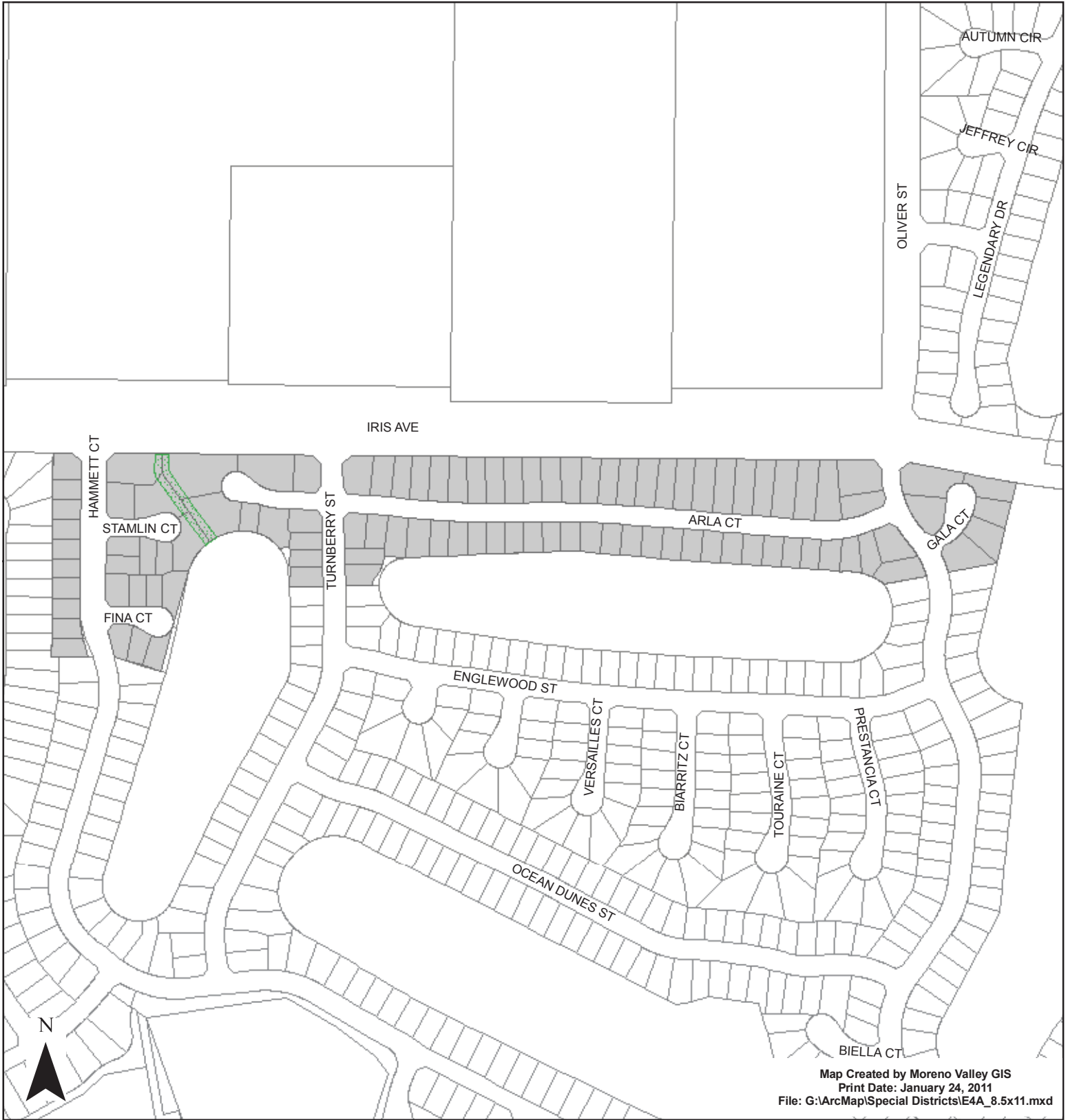
The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this 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.

- Landscaped Parkway
- Landscaped Median
- Zone E-4 Parcels -418-





Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-4A • Daybreak - Internal Landscape Maintenance



Map Created by Moreno Valley GIS
Print Date: January 24, 2011
File: G:\ArcMap\Special Districts\E4A_8.5x11.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.

-  Landscaped Open Space
-  Zone E-4A Parcels

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PROJECT E-4/11
PROPOSAL RECAP SHEET
LOWEST RESPONSIVE AND RESPONSIBLE PROPOSAL

Proposer	SCH. 1	CERT. OF	SCH. 2	PROPOSAL	NON-COLLUSION	ADDENDUM	MEETS SPECIFICATIONS AND TERMS & CONDITIONS OF RFP
	COMPLETED?	NON-DISCRIM.?	COMPLETED?	SURETY?	SIGNATURES NOTARIZED?	AFFIDAVIT?	
BEMUS	YES	YES	YES	YES	YES	YES	YES
MARINA	YES	YES	YES	YES	YES	YES	YES
TRUGREEN	YES	YES	YES	YES	YES	YES	YES
MERCHANTS	YES	YES	YES	YES	YES	YES	YES
SPECTRUM	YES	YES	YES	YES	YES	YES	YES
MIDORI GARDENS	YES	YES	YES	YES	YES	YES	YES
EXCEL	YES	YES	YES	YES	YES	YES	YES
MARIPOSA	YES	YES	YES	YES	YES	YES	YES

Note:

Although TruGreen was not the lowest proposer, they were the lowest responsible proposer, as demonstrated in their proposal. TruGreen's proposal will commit 32% more man power while asking for 25% more compensation than Mariposa and 33% more man power while asking for 18% more compensation than Marina. The current contractor for the 2010/11 fiscal year, Bemus Landscape Inc, provides 192 man hours per week at a cost of \$192,223.20 per year. TruGreen is willing to commit 168 man hours per week as compared to Mariposa Landscape Inc, who is willing to commit 115 man hours per week and Marina Landscape Inc, who is willing to commit 112 man hours per week.

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INDEPENDENT CONTRACTOR AGREEMENT

R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK MAINTENANCE OF PARKWAY AND MEDIAN LANDSCAPING AND IRRIGATION

This Contract Agreement, effective as of the day signed by the City Manager (acting in the capacity of District Manager to the Moreno Valley Community Services District) or Mayor (acting in the capacity of President to the Moreno Valley Community Services District), is made between the Moreno Valley Community Services District, a Community Services District established pursuant to Section 61000 and following of the California Government Code, hereinafter referred to as the "District", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon District policies and the following legal citations:

- A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and
- B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

1. CONTRACTOR INFORMATION:

Contractor's Name	TruGreen Landcare
Street Address	1616 Marlborough Ave.,
Street Address	Bldg. S
City, State, Zip	Riverside, CA 92507
Mailing Address	
(If same as Street Address, write same or same as above)	Same as Above
Business Phone (with area code)	(951) 688-6880
Cell or Mobile Phone (with area code)	
Other Contact Number (with area code)	
Fax Number	(951) 686-1436
Email Address	
Social Security Number	
Business License Number	07754
Federal Tax ID Number	36-4313318
Contractor's License Number & Classification	774548 C-51, D-49, C-27

2. CONTRACTOR SERVICES, FEES, AND RELEVANT DATES:

- A. The Contractor's scope of work, responsibilities, requirements, provisions, and additional terms and conditions required to be performed by the Contractor the services of this RFP are described in Exhibit "A" attached hereto and incorporated herein by this reference.

- B. The District's responsibilities, other than payment, are described in Exhibit "B" attached hereto and incorporated herein by this reference.
- C. Payment terms are provided in Exhibit "C" attached hereto and incorporated herein by this reference.
- D. The Contract Starting Date is July 1, 2011 and the Contract Ending Date is June 30, 2012. Any provisions for extending the term of the Contract for subsequent terms are provided in Exhibit "D" attached hereto and incorporated herein by this reference. The District acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.
- E. Contractor's Proposal, including but not limited to the Bid Schedule, Additional Work Price List, Contract Proposal, Proposed Project Work Schedules, Proposed Annual Material Schedule, Contractor Information, Certification of Non-Discrimination, and List of Subcontractors, are described in Exhibit "E" attached hereto and incorporated by this reference.

3. STANDARD TERMS AND CONDITIONS:

- A. Control of Work. Except for compliance with specifications and performance standards provided for in Exhibit "A," the Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The District will not provide, nor be responsible to provide, any training to the Contractor or his/her/its employees.
- B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services paid by the Contractor, an agent or employee of the District, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the District, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the District.
- C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the District. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Contract, with the exception that the District shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law [See California Labor Code Sections 1770 through 1777.7].
- D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Contract.

E. Contractor Indemnification. Contractor shall indemnify, defend and hold the City of Moreno Valley (City), the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (District), and the their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney's fees and costs, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Contract. Acceptance of these terms by both parties constitutes a Contract and signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible for such coverage.

F. District Indemnification. The District agrees to indemnify, defend and save the Contractor and his/her/its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and the District's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the District under this Contract, or are caused or claim to be caused by the negligent acts of the City, RDA, and the District, their officers, agents or employees, or its subcontractor(s) or any person acting for the District or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the Contractor, its officers, agent, employees, or subcontractors.

G. Insurance Requirements. Where determined applicable by the District, Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

General Liability Insurance—to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Contractor, subcontractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Contract and any extension thereof in the minimum amounts provided below:

Bodily Injury	\$1,000,000 per occurrence/ \$2,000,000 aggregate
Property Damage	\$1,000,000 per occurrence/ \$2,000,000 aggregate

Professional Errors and Omission Insurance—such coverage shall not be less than \$1,000,000 per claim and aggregate.

Worker's Compensation Insurance—in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Contractor and the City, RDA, and District against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the

Agreement. This coverage may be waived if the Contractor is determined to be functioning as a sole proprietor and the city provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Contract

Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/RDA/District premises. Such coverage limits shall not be less than \$1,000,000 combined single limit.

Insurance requirements waived with Risk Manager's approval.

By: _____ Date: _____

(Risk Manager)

Insurance requirements modified with Risk Manager's approval and attached hereto as Exhibit "F" and incorporated herein by this reference.

A Certificate of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City's Risk Manager prior to the execution of this Contract. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

Solely as respect to services done by or on behalf of the named insured for the Moreno Valley Community Services District, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and, their officers, employees and agents, under any third party liability policy.

The terms of the insurance policy or policies issued to provide the above coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail to the City of amendment or cancellation, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

H. Intellectual Property. Any system or documents developed, produced or provided under this Contract, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall become the sole property of the District unless explicitly stated otherwise in this Contract. The Contractor may retain copies of any and all material, including drawings, documents, and specifications, produced by the Contractor in performance of this Contract. The District and the Contractor agree that to the extent permitted by law, until final approval by the District, all data shall be treated

as confidential and will not be released to third parties without the prior written consent of both parties.

- I. Entire of the Contract. This Contract constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Contract. This Contract applies only to the proposal attached. This Contract may be modified or amended only by a subsequent written Contract signed by both parties. Assignment of this Contract is prohibited without prior written consent.
- J. Termination.
 1. Either party may terminate this Contract upon breach of the Contract by the other party. In the event the District terminates the Contract, the Contractor shall perform no further services under the Contract unless the notice of termination authorizes such further work.
 2. The District may terminate this Contract without fault on the part of the Contractor by giving at least ten (10) days written notice to the Contractor. The written notice shall specify the date of termination. Upon receipt of such notice, the Contractor may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the District. The District shall pay the Contractor within thirty (30) days after the date of termination for all non-objected to services performed by the Contractor in accordance herewith through the date of termination.
- K. Payment. Payments to the Contractor, pursuant to this Contract will be reported to Federal and State taxing authorities as required. The District will not withhold any sums from compensation payable to Contractor, except as provided for in Exhibit "C". Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contractor's time and materials charges under the Contract. Upon reasonable notice, such records must be made available to the District's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Contract.
- L. Restrictions on District / City Employees. The Contractor shall not employ any District or City employee or official in the work performed pursuant to this Contract. No officer or employee of the District or City shall have any financial interest in this Contract in violation of federal, state, or local laws.
- M. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Contract, and shall govern the interpretation of this Contract. Any legal proceeding arising from this Contract shall be brought in the appropriate court located in Riverside County, State of California.

N. Notices. All notices, requests, demands or other communications ("notice") under this Contract by any party shall be in writing, shall be properly addressed as set forth below (or to such other address as any party may later designate), and shall be sufficiently given on the date: (a) of service if served personally upon the person to whom notice is to be given, (b) receipt is confirmed with the addressee by telephone if a notice is sent by telex, telecopier, facsimile or other telecommunication facility, or (c) of receipt if a notice is sent by courier or by registered or certified mail, return receipt requested, postage prepaid:

To Contractor: 1616 Marlborough Ave., Bldg. S, Riverside, CA 92507

[Mailing Address (Post Office Box, if applicable)]

(951) 688-6880

[Telephone number]

(951) 686-1436

[Fax number]

[Email address]

With a copy to:

[Attorney for Contractor, if applicable]

[Street Address]

[Post Office Box, if applicable]

[City, State, Zip]

[Telephone number]

[Fax number]

[Email address]

To CSD:

MORENO VALLEY COMMUNITY SERVICES DISTRICT

Public Works Department

Special Districts Division

14177 Frederick Street

P. O. Box 88005

Moreno Valley, CA 92552-0805

Attn: Daniel Monto, Senior Landscape Services Inspector

Telephone number: 951. 413-3480

Fax Number: 951. 413-3498

With a copy to: City Attorney's Office [if applicable]
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: City Attorney
Telephone number: 951. 413-3036
Fax number: 951. 413-3034

SIGNATURE PAGE TO FOLLOW:

SIGNATURE PAGE

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

Moreno Valley Community Services District

TruGreen Landcare

By: _____
Title: Mayor, acting in the capacity of
President of the Board of Directors of
the Moreno Valley Community
Services District

By: Harriel Mendez
Title: (President or Vice President)
BRANCH MANAGER

Date: _____

Date: 4-14-11

INTERNAL USE ONLY

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

Date

RECOMMENDED FOR APPROVAL:

Department Head

Date

By: _____

Title: Corporate Secretary or Assistant
Secretary
(If applicable)

Date: _____

Affix Corporate Seal Below
(If applicable)

Attachments

EXHIBIT A
R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. SCOPE OF WORK

- A. The work to be performed under this Contract shall include the furnishing of all labor, material, and equipment necessary for the provision of landscape and appurtenant maintenance services within the boundaries of the various zones of the District as determined in the resolutions of the City Council establishing said zones, and as said boundaries may have been heretofore or may be hereafter altered, and as more particularly shown on the Location Map or Maps attached at the end of this exhibit, Section 23, Project Location Map.
- B. The Contractor shall have the duty to: mow, edge, trim, and fertilize turf and shrub areas designated hereunder; regularly maintain and prune trees up to eighteen feet (18') in height; remove litter and debris from all sites as required under this Contract; provide general pest control services as requested, including but not limited to weeds, insects, and diseases; maintain irrigation systems; hand water and bleed valves as necessary during emergencies when automatic systems are not functioning.
- C. All work shall be performed in accordance with usual and customary horticultural practices to achieve, and maintain healthy, viable landscapes. The Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director" will periodically inspect all the operations and approve or reject the work performed, and methods or materials used, and make changes in work scheduling.
- D. The Contractor shall be responsible for carefully reviewing the site(s), and verifying the square footage noted for each location of proposed work is included in the Proposal. The Contractor shall not be relieved of his/her/its liability under this Contract, nor the District or City be held liable for any loss sustained by the Contractor as a result of any variance between conditions as referred to in the Technical Provisions, and the actual conditions revealed during the examination of the locations of the proposed work.
- E. All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

2. SCHEDULING OF WORK

- A. The Contractor shall adhere to the facilities, equipment and staffing schedule, and monthly and annual work schedules submitted as a part of the Contractor's bid, and incorporated herein by this reference. These schedules, and any approved revisions thereto, shall be used by the District as a basis for determining Contractor's satisfactory performance.
- B. Revisions to facilities, equipment, staffing, or monthly and annual work schedules shall not be implemented without the prior written approval of the Director. The Contractor shall submit proposed revisions to equipment and staffing, or monthly and annual work schedules in writing to the District at the address as set forth in Exhibit A, Section 3, paragraph N. of the Contract at least ten (10) working days prior to commencing work per the proposed revisions.
- C. Failure to submit proposed revisions to equipment, staffing, or work schedules by the time limits established hereinabove may result in the Contractor becoming liable to the District for non-performance penalties per Exhibit C, Section 4.
- D. The above provisions shall not be construed to eliminate the Contractor's responsibility for complying with the requirement to notify the Director for Specialty type maintenance as set forth immediately hereinafter.
- E. The Contractor shall notify the Director in writing at least five (5) working days prior to the date and time of all "Specialty" type maintenance operations, which shall include, but are not limited to:
 1. Fertilization;
 2. Turf Aeration;
 3. Application of pesticides by any method;
 4. Other operations so designated by the Director.

Notification of "Specialty" maintenance operations shall include a brief description of intended method(s) of execution, materials to be used, and the dates for commencement and completion of said operations. Failure to complete "Specialty" operations by the indicated date may result in the assessment of non-performance penalties per Exhibit C, Section 4.

- F. When inclement weather renders performance per approved schedule unsafe, impractical, or liable to damage landscaping, the Contractor shall adjust his work force in order to accomplish those work items not affected by weather, and shall contact District field staff to inform them of said alternate work assignments. Failure to advise the District may be cause for assessment of non-performance penalties per Exhibit C, Section 4.

G. For the purposes of this Contract, "Working Days" shall be Mondays through Thursdays, excluding holidays as provided herein. The hours of maintenance service shall be from 7:00 a.m. to 4:30 p.m. on those days maintenance is to be provided pursuant to the work schedule as approved by the Director. Any work the Contractor proposes to perform outside of the days and hours set forth hereinabove, as well as on legal City holidays, shall not be undertaken without the prior written approval of the Director.

The following days have been designated as holidays by the City:

New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls upon a Sunday, the following Monday shall be the day the holiday is observed. If a holiday falls upon a Saturday, the preceding Friday shall be the day the holiday is observed. If a scheduled maintenance service day falls on a designated holiday, the Contractor shall submit a proposed make-up day for the Director's approval.

3. FUNCTIONS AND RESPONSIBILITIES

- A. The Director and Contractor shall conduct an inspection of all sites covered under this Contract as soon as practicable after its execution, and prior to commencement of Contractor's operations. Following said inspection, the Contractor shall submit to the Director a written affidavit certifying the actual condition of the site(s) relative to District Specifications, including but not limited to the nature and extent of any deficiencies noted by the Contractor, and acknowledged by the Director. The Contractor is hereby advised that this affidavit shall serve as the benchmark for the Director's evaluation of Contractor's performance under this Contract. Failure to maintain site(s) up to this established standard may result in the District deducting payment of all or part of the Contractor's compensation, as further described in Exhibit C., Section 3.
- B. The Contractor shall on an ongoing basis maintain a monthly log that records all work performed by the Contractor. Said log shall be in a form and content acceptable to the Director (see Appendix B, Monthly Report Form), and shall be submitted to the Director by the tenth day of each month, one (1) month in arrears. The monthly payment for the work so reported will not be authorized until such report (Monthly Report) is received, and approved by the Director.

- C. The Contractor shall perform at least one maintenance inspection weekly during daylight hours of all sites. Such inspection shall be both visual and operational, including but not limited to, operation of all automatic irrigation systems to check for proper condition, and reliability. Additionally, the Director may require the Contractor to attend meetings with the District field staff at some fixed interval to review the Contractor's operations, and schedule such future work as may be ordered by the Director. Failure to conduct said weekly inspections or attend regularly scheduled meetings may result in the assessment of non-performance penalties per Exhibit C., Section 4.
- D. The Contractor shall maintain an office at some fixed place, and shall maintain an operable telephone thereat, listed in the telephone directory in Contractor's own name or in the Contractor's company name, and shall at all times employ some responsible person(s) to take the necessary action regarding all inquiries, complaints, and/or emergency calls that may be received from the Director or other authorized individuals or agencies as listed in Exhibit A, Section 3., paragraph E. below. This person(s) shall be reachable twenty-four (24) hours per day, seven (7) days a week. During normal working hours, the Contractor's Supervisor or employee designated as being responsible for providing maintenance services to the District shall be directly available for immediate notification through some type of reliable electronic means, including but not limited to, mobile or cellular phone, two-way radio, or pager. The Contractor or Contractor's designated employee shall confirm said notification within one (1) hour of receipt. An answering service will be considered an acceptable substitute for coverage only during periods outside of normal working hours, provided Contractor is advised of emergency calls within one (1) hour of receipt of the call by the answering service and within twenty-four (24) hours after receipt of non-emergency calls by the answering service. The above provision for Contractor's communication with the District is the minimum acceptable standard under this Contract. Failure to regularly provide said communication capability may result in the Contractor being assessed non-performance penalties, per Exhibit C., Section 4.
- E. The Contractor shall respond to an emergency call from any of the parties listed below no later than two (2) hours following first notification by facsimile transmission, or in writing, or by telephone. In situations involving emergency repair work after normal working hours, the Contractor shall dispatch qualified personnel, and equipment to reach the site within two (2) hours of first notification. An emergency may be called by the following individuals or agencies at any time:
- | | |
|-----------------------------|--|
| 1. City Manager | 5. Special Districts Division Manager |
| 2. Director of Public Works | 6. Street Maintenance Supervisor |
| 3. Police Department | 7. Senior Landscape Services Inspector |
| 4. Fire Department | 8. Landscape Services Inspector |

Contractor's emergency response and any necessary corrective work shall be considered Additional Work as defined in Exhibit C., Section 2, unless said emergency is determined to have been caused by an act or omission attributable to the Contractor.

4. CONTRACTOR'S STAFF

- A. The Contractor shall provide sufficient personnel to perform all work in accordance with the Specifications set forth herein. All of the Contractor's maintenance personnel shall be supervised at the work site(s) by a qualified Supervisor in the employ of the Contractor. Work Site Supervisors must be able to demonstrate to the satisfaction of the Director that they possess adequate technical background, and communication skills to perform the intended services. Adequate and competent supervision shall be provided for all work done by the Contractor's employees to ensure accomplishment of high quality work, which will be acceptable to the Director. Any order or communication given to the Work Site Supervisor shall be deemed to have been delivered to the Contractor.
- B. The Contractor and his employees and subcontractors, if any, shall conduct themselves in a proper, professional, and efficient manner at all times, and shall cause the least possible inconvenience to the public.
- C. The Director may require the Contractor to remove from the work site any employee(s) deemed careless, incompetent, or otherwise objectionable, whose continued employment on the job is considered to be contrary to the best interests of the District.
- D. The Contractor shall require each employee performing work under the Contract to adhere to basic public works standards of working attire, including but not limited to wearing of proper clothing, proper shoes, and other gear required by applicable Safety Regulations and/or fertilizer/pesticide label requirements..

Shirts shall be worn at all times, and shall be buttoned. Approved safety vests shall be worn by Contractor's employees when working on parkway medians, monuments, parkways, and other high traffic-hazard areas as determined by the Director. Failure to comply with the above requirements may make the Contractor liable for assessment of non-performance penalties, per Exhibit C., Section 4.
- E. The Contractor shall establish an identification system for Contractor's personnel which clearly indicates to the public the name of the Contractor. The identification system shall be furnished at the Contractor's expense and may include appropriate attire, and/or name badges as specified by the Director.

5. EMPLOYMENT OF APPRENTICES

The provisions of Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code regarding the employment of properly registered apprentices may apply to this Contract if the Contractor, or any subcontractors thereunder, employs workers in any apprenticeable craft or

trade. It is the Contractor's sole responsibility to comply with the Labor Code sections cited above. Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the California Department of Industrial Relations.

6. COMPLAINTS

- A. All complaints shall be responded to as soon as possible after notification, but in all cases within twenty-four (24) hours, to the satisfaction of the Director. If any complaint is not satisfactorily responded to within twenty-four (24) hours, the Director shall be notified immediately of the reason for not remedying the complaint followed by a written report to the Director within five (5) working days. If the complaints are not remedied within the time specified, and to the satisfaction of the Director, the Director may correct the specific complaint by using an alternative source. The total cost incurred by the District to effect necessary remedies will be deducted from the payments owing to the Contractor from the District, per Exhibit C., Section 3.
- B. The Contractor shall maintain a written log of all complaints, the date and time thereof, and the action taken pursuant thereto, or the reason for non-action. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above.
- C. In addition to the provisions of Section 6., paragraph A. above, in the event of a failure by the Contractor to satisfactorily remedy a complaint in a timely manner or for any other breach of this Contract by Contractor, the District may immediately upon written notice to the Contractor terminate this Contract.

7. SAFETY

- A. The Contractor agrees to perform all work as outlined in the Provisions listed herein in such a manner as to meet all accepted standards for safe practices and to safely maintain equipment, machines, and materials, and prescribe and employ all precautions and safety procedures related to other hazards consequential to the work; and accepts additionally the sole responsibility for complying with all local, State, Federal and other legal requirements including but not limited to, full compliance with the terms of any and all applicable OSHA and Cal/OSHA Safety Orders at all times so as to protect all persons, including Contractor's employees and subcontractors, agents of the District, City, materialmen, vendors, members of the public and others from foreseeable injury, or damage to their property.
- B. The Contractor's operations shall be conducted in such a manner as to cause the least possible obstruction, and inconvenience to public traffic. The Contractor shall furnish, erect and maintain such fences, barriers, lights and warning signs as may be deemed necessary by the Director, or any duly constituted public safety official.

Contractor's work area traffic control, including but not limited to type and placement of signs, barricades, and delineators, shall be in accordance with the "Manual of Uniform Traffic Control Devices, 2010 (or most current) California Supplement".

Contractor's work should not encroach into open lanes of traffic between the hours of 7:00 a.m. and 8:30 a.m., or between the hours of 3:30 p.m. and 6:00 p.m.

- C. The Contractor shall maintain all work sites free of hazards to persons or property resulting from Contractor's operations. The Contractor shall inspect for all potential hazards at said areas under maintenance, and keep a log indicating date inspected, and action taken. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above. Any hazardous condition noted by the Contractor, which is not a result of Contractor's operations, shall be immediately reported to the Director.
- D. The Contractor shall be responsible for making minor corrections, including but not limited to, filling holes in turf areas, replacing valve box covers, and repairing irrigation systems, so as to protect members of the public or others from injury.

The Contractor shall cooperate fully with the District or City in the investigation of any accidental injury or death occurring on the site, including a complete written report thereof to the Director within five (5) working days following the occurrence.

- E. Failure to comply with the provisions of this section of Exhibit A may result in: payment deduction per Exhibit C, Section 3 of the Contract, or assessment of non-performance penalties per Exhibit C., Section 4. Repeated failure to comply with the provisions of this section may result in contract termination, per Exhibit A, Section 3, paragraph J of the Contract Agreement.

8. USE OF CHEMICALS

- A. Before the beginning of the Contract period, the Contractor shall submit a list, which shall include the exact Brand Name, Label, and Material Safety and Data Sheet (MSDS).of all chemicals proposed for use under this Contract, including but not limited to fertilizers and pesticides, for approval by the Director. Where applicable, materials included on this list shall be chemicals as approved by the State of California Department of Food and Agriculture.
- B. Director shall be notified in writing of any changes or deviations from the above list. Use or application of said materials shall not be made prior to approval by the Director. Failure to comply with this requirement may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
- C. Chemical applications, including but not limited to fertilizers and pesticides, shall be made in strict compliance with the label directions, restrictions, and precautions as well as with any other requirements deemed necessary by any county, state, or federal regulatory agency, or the Public Works Department of the City of Moreno Valley.
- D. Contractor shall report all fertilizers and pesticides used in performance of the work as an element of Contractor's Monthly Report, as set forth in Section 3, paragraph B above. This report shall include: the date, time of day, location, type of material, method of application, and environmental data.

9. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - REQUIRED URBAN RUNOFF MANAGEMENT TRAINING

The Contractor shall provide National Pollutant Discharge Elimination System (NPDES) Permit training for Urban Runoff Management to Contractor's employees and subcontractors if any. Failure to provide Urban Runoff Management training is a violation of Order No. R8-2002-0011, NPDES No. CAS 618033 (Municipal Separate Storm Sewer System NPDES Permit), Section XI.I, for each day of which such failure occurs, and shall in addition, be a breach of the Contract with the City of Moreno Valley (City). Contractor understands and agrees that NPDES Permit violations are grounds for enforcement action by the Environmental Protection Agency, the State/Regional Water Resources Control Board, and the City and may result in permit termination (stop work order), civil and criminal fines, and termination of Contract. By submitting a proposal, the Contractor certifies to the City that Contractor's employees and subcontractors, if any, have been trained for Urban Runoff Management, and sufficient sums are included in the proposal's amount to cover costs of such said training.

10. LICENSES AND PERMITS

The Contractor shall, without additional expense to the District or City, possess all licenses and permits, including but not limited to a valid City Business License, required for the performance of the work under this Contract.

11. PREVAILING WAGE

- A. Pursuant to provision of Section 1773 of the Labor Code of the State of California, the Moreno Valley Community Services District has obtained the general prevailing rate of per diem wages applicable for the work to be done, including but not limited to: straight time, overtime and holiday work; travel and subsistence payments; employee payments of health and welfare, vacation, pension, and similar purposes. Said rate and scale are on file with the Public Works Department of the City of Moreno Valley, and copies will be made available to any interested party on request. These rates shall be the minimum wage rates for this project. Throughout the term of this Contract, the Contractor will be required to post a copy of said rate, and scale as required by the Labor Code.
- B. Pursuant to provisions of Section 1775 of the Labor Code, the Contractor shall forfeit as penalty to the Moreno Valley Community Services District, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinabove stipulated for any work done under the attached contract, by the Contractor or by any subcontractor under Contractor's direction and control, in violation of the provisions of said Labor Code.

12. PAYROLL RECORDS

- A. The Contractor, and any subcontractor thereunder, shall keep complete and accurate payroll records for each workman employed by Contractor/subcontractor in connection with this Contract, as required by California Labor Code Section 1776.
- B. The Contractor, and any subcontractor thereunder, shall make available to the District upon its request certified payroll records for each workman employed in connection with this contract as required by California Labor Code Section 1776.
- C. The District may withhold from Contractor's progress payments the penal sum of twenty-five dollars (\$25.00) per calendar day (or portion thereof) for each worker employed in connection with this Contract should Contractor, or any subcontractors thereunder, fail to strictly comply with California Labor Code 1776 after receiving written notice of non-compliance.

13. BONDS

Pursuant to Section 3247 of the Civil Code, the Contractor hereby agrees to provide and maintain in full force and effect for the duration of this Contract, two (2) good, and sufficient surety bonds, to wit:

- A. A "Faithful Performance Bond" in the amount of one hundred percent (100%) of the contract price, which shall guarantee the faithful performance of all work, and;
- B. A "Materials and Labor Bond" in the amount of one hundred percent (100%) of the contract price, which shall secure the payment of the claims of labor, mechanics or materialmen for all work performed hereunder.

14. SUBSTITUTION OF SECURITIES

Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the Moreno Valley Community Services District to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the Moreno Valley Community Services District, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld, and shall receive any dividends or interest thereon. The Contractor shall give the District written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow agreement in a form which is substantially similar to the agreement set forth in Section 22300 of the Public Contract Code.

15. CONTRACTOR'S LIABILITY

- A. The Contractor shall be responsible for all damages to people and/or property that occur as a result of the fault or negligence attributable to Contractor in connection with the performance under this Contract. Any and all restitution or repairs deemed necessary by the Director to remedy such damages shall be furnished and performed at the Contractor's sole expense, and shall be completed within the time limits established by the Director.
- B. Repairs made to sites and site appurtenances that are damaged as a result of Acts of Nature, vandalism, theft, and acts or omissions by third parties or any other occurrence not attributable to the Contractor's operations shall be repaired by the Contractor as Additional Work and compensated as defined in Exhibit C., Section 2.

16. CONTRACTORS LICENSE

Contractors are required by law to be licensed, and regulated by the Contractors' State License Board. Contractor will comply with all applicable licensing laws, and regulations. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 9821 Business Park Driver, Sacramento, CA 95827. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

17. TECHNICAL PROVISIONS – FULL SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed weekly-on no more than two (2) consecutive days as weather and site conditions permit. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.
3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.
4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" shall include, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.

5. Machines operating on turf known to have a disease, fungus, or insect infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in to any other site.
6. Mowing height for cool season grasses shall not exceed three inches (3") maximum, or two inches (2") minimum, and shall be adjusted within these parameters on a seasonal basis.
7. Mowing height for warm season grasses shall not exceed one and one-half inches (1½") maximum, or three-quarters of an inch (¾") minimum, and shall be adjusted within these parameters on a seasonal basis.
8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.
9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.
10. Whenever trees occur in turf areas, a six inch (6") ring of grass shall be removed from around the trunks in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.
11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.
12. Fertilization: See Technical Provisions Full Service Fertilization, Section 18.
13. Pest control: See Technical Provisions - Full Service Pesticide Use, Section 19.
14. Aeration:
 - (a) All turf areas shall be aerated three (3) times annually;
 - (b) Aeration shall be done in the spring, mid-summer, and fall, or as directed by District field staff;
 - (c) Aeration equipment shall be of the hollow tine type. The tines shall have a minimum diameter of one-half inch (½"), and a penetration depth of at least two inches (2"). There shall be no more than six inches (6") between tines;
 - (d) Areas to be treated shall be adequately irrigated prior to treatment to allow maximum tine penetration;
 - (e) Any soil cores remaining on the turf surface two (2) weeks after treatment must be removed;

(f) Humus base fertilizer is to be applied directly following spring and fall aeration operations. See Technical Provisions – Full Service Fertilization, Section 18.

15. Renovation/thatching operations are to be considered Additional Work, per Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.
2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.
3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with ANSI 300-2001, (or most current revision); safety requirements shall be per ANSI Z133-1994 (or most current revision) standards.
4. Any tree shall be pruned at any time in order to:
 - (a) Remove dead, diseased, or damaged branches;
 - (b) Remove unwanted encroachments into public and/or utility rights-of-way;
 - (c) Correct any condition which the Director has deemed to be hazardous.
5. Trees up to eighteen feet (18') in height shall:
 - (a) Be pruned to enable successful adaptation to their particular site situation;
 - (b) Have no more than one-third (1/3) of living branches removed annually;
 - (c) Be fertilized only as directed by District field staff.
6. Trees over eighteen feet (18') in height shall:
 - (a) Be inspected annually;
 - (b) Pruned and/or trimmed as necessary to maintain proper site orientation;
 - (c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;

- (d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.
- 7. Pruning tools shall:
 - (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.
- 8. The following practices shall not be allowed:
 - (a) internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");
 - (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;
 - (c) Use of pruning paint/pruning compound/wound dressing;
 - (d) Use of climbing spurs or gaffs.
- 9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.
- 10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodge pole-type stakes is the minimum District standard.
- 11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.
- 12. Pest control: See Technical Provisions – Full Service Pesticide Use, Section 19.

C. SHRUB CARE

- 1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.
- 2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').
- 3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.
- 4. Any shrub shall be pruned and/or trimmed at any time in order to:

- (a) Remove dead, diseased, or damaged branches;
 - (b) Remove unwanted encroachments into public and/or utility rights-of-way;
 - (c) Correct any condition which the Director has deemed to be hazardous.
5. Shrubs shall be pruned:
- (a) To enable successful adaptation to their particular site situation;
 - (b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;
 - (c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
6. Pruning tools shall:
- (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any shrub known to be diseased.
7. The following practices shall not be allowed:
- (a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", "poodling") will be done only when authorized by the Director on a site-specific basis.
 - (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.
 - (c) Use of pruning paint/pruning compound/wound dressing.
8. Fertilization: See Technical Provisions - Full Service Fertilization, Section 18.
9. Pest control: See Technical Provisions - Full Service Pesticide Use, Section 19.

D. GROUND COVER CARE

- 1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed \pm one foot (1').
3. Ground covers shall be pruned/trimmed at any time in order to:
 - (a) Remove dead, diseased, or damaged branches/crowns;
 - (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);
 - (c) Correct any condition which the Director has deemed to be hazardous.
4. Ground covers shall be pruned/trimmed/renovated:
 - (a) To enable successful adaptation to their particular site situation;
 - (b) In accordance with accepted practices for the particular species in question;
 - (c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
5. Pruning tools shall:
 - (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.
6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.
7. Fertilization: See Technical Provisions - Full Service Fertilization, Section 18.
8. Pest control: See Technical Provisions - Full Service Pesticide Use, Section 19.

E. WEED CONTROL

1. All weeds shall be continuously controlled at all sites.
2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the

plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.

3. Site areas subject to weed control per these Specifications include, but are not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; and non-landscaped portions of sites, as determined by the Director.
4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.
5. Chemical weed control: See Technical Provisions – Full Service Pesticide Use, Section 19.
6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites shall at all times receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather conditions require.
2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3.- Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per week; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.
3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal operation ("wear and tear"), and; 2) vandalism, theft, and acts or omissions by third parties.
4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.

5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.
6. Automatic irrigation systems shall:
 - (a) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than one (1) time per week;
 - (b) Be turned off during periods of rainfall, or as directed by District field staff;
 - (c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.
7. Manually operated irrigation systems shall:
 - (a) Be operated only when Contractor's personnel are present on site;
 - (b) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than at each time of operation;
 - (c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.
8. Parts/components used to effect irrigation system repairs shall be of the same manufacture as those originally installed unless otherwise approved by the Director prior to repair operations.
9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.
2. Contractor shall make a minimum of one (1) visitation per week of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walks the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites that are, in the opinion of the Director, exceptionally littered shall be cleared by Contractor before the close of business the working day following notification of this condition.
3. All hardscape areas, including but not limited to sidewalks, curbs, and

gutters shall be maintained in a hazard-free condition.

4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.
5. The Contractor shall dispose of all debris and litter, as described in paragraphs 1 and 2 above, off-site, and in a legal manner.
6. The Contractor shall notify the Director immediately whenever suspicious and/or hazardous waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.
7. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.
2. For the purposes of this contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from contract sites by the Contractor, or any subcontractors thereunder, in performance of contract's Scope of Work.
3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.
4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested therein and shall include, on a separate Monthly Greenwaste Report form, any greenwaste generated through the operations of any subcontractors performing under Contractor's Scope of Work.

5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

18. TECHNICAL PROVISIONS – FULL SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. Per Technical Provisions – Full Service Landscape Section 17, a humus base fertilizer shall be applied to turf areas immediately following spring and fall aeration operations. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
2. Humus base fertilizers to be applied by drop spreader only.
3. Humus base fertilizers to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).
4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.
5. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.
6. Written notification is required to Director five (5) working days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

Month	Number of Apps	Type of Fertilizer	Rates per 1,000 sq. ft.	
			Lbs. of Actual N	Lbs. of Fertilizer
April	1	23-5-10 *	1.5	6.5 lbs
Sept	1	23-5-10 *	1.5	6.5 lbs

* 23-5-10/BEST@POLY SUPREME or approved equal

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.
3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of

Chemicals.

4. Written notification is required to Director five (5) working days prior to fertilizer application.
5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.
2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.
 - (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.
 - (b) No injecting or drilling into tree trunk will be allowed.
 - (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.
 - (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.
3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.
4. Written notification to the Director is required a minimum of five (5) working days prior to fertilizer application.
5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

19. TECHNICAL PROVISIONS – FULL SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.
2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and

the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Agreement.
4. Before the beginning of the Contract period, Contractor shall supply to the Director a list of all proposed pesticides to be used, along with a use recommendation for each pesticide, in the fulfillment of said Contract, per Section 8 – Use of Chemicals. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides listed shall be submitted in writing to the Director for approval prior to any use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for the filing of all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by all county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require that copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.
2. For pesticide application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.
3. A written notice shall be provided to the Director five (5) working days prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

- (a) All shrub bed areas shall be treated with an appropriate pre-emergent herbicide at the maximum allowable rate according to the label, and state regulations. This treatment shall be performed twice a year, as determined by the Director.
- (b) Appropriate chemical control must be used on the following weeds.

Bermuda Grass
Kikuyu Grass
Nutsedge
Field Bindweed
Spurge

The aforementioned list is inclusive; other species may be added by the Director as necessary

- (c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

- (a) Snails shall be controlled on a regular basis on the following plant species:

Agapanthus africanus
Aptenia sp.
Gazania sp.
Hemerocallis sp.

- (b) Snails shall be controlled on an as needed basis on all other plant material.
- (c) Failure to adhere to the above specifications for snail control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

3. Insect and Disease Control

- (a) The Director may require certain tree species, which are subjected to excessively dusty conditions be rinsed off with water, as directed by District field staff. Rinsing operations that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.
- (b) The Director may require that all Platanus species be sprayed annually with two applications of a copper based dormant spray should an infestation be detected. Applications that require the use of powered

delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

- (c) The Director may require that all *Pyrus* and *Pyracantha* species found to be infected with fireblight be treated with annual applications of a copper based dormant spray. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.
- (d) The Director may require that all *Juniperus*, *Pinus*, *Cupressus* and *Pyracantha* species found to be infested with mites be treated with an appropriate acaricide. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.
- (e) All other insect, disease, and fungus problems will be treated on a site- and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

- (a) When the Director determines that the turf weed population at any site(s) exceeds acceptable levels, an appropriate herbicide shall be applied in accordance with all label specifications. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.
- (b) All turf areas that the Director has determined to be prone to annual weed grass intrusion shall require annual applications of pre-emergent herbicides labeled for such use. Any preventative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.
- (c) Failure to apply turf weed control materials within the time frames established by the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Insect and Disease Control

- (a) All turf areas that the Director has determined to have a history of fungus infection shall be treated annually with an appropriate fungicide, as directed. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.
- (b) All other insect, disease, and fungus problems will be treated on a site and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but are not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of being noticed by the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

20. TECHNICAL PROVISIONS – REDUCED SERVICE LANDSCAPE

A. TURF CARE

- 1. All turf areas shall be mowed, edged, and trimmed **bi-weekly** and completed within no more than two (2) consecutive days, weather and site conditions permitting. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
- 2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.
- 3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.
- 4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" includes, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.
- 5. Machines operating on turf known to have a disease, fungus, or insect infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in onto any other site.

6. Mowing height for cool season grasses shall not exceed a maximum of three inches (3"), or minimum of two inches (2"), and shall be adjusted within these parameters on a seasonal basis.
7. Mowing height for warm season grasses shall not exceed a maximum of one and one-half inches (1½"), or a minimum of three-quarters of an inch (¾"), and shall be adjusted within these parameters on a seasonal basis.
8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.
9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.
10. Around tree trunks in turf areas, a six inch (6") ring of grass shall be removed in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.
11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.
12. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.
13. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.
14. Aeration is considered Additional Work, per Exhibit C., Section 2.
15. Renovation/thatching operations are considered Additional Work, per Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.
2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.
3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with **ANSI 300-2001**, (or most current revision); safety requirements shall be per **ANSI Z133-1994** (or most current revision) standards.
4. Any tree shall be pruned at any time in order to:

- (a) Remove dead, diseased, or damaged branches;
 - (b) Remove unwanted encroachments into public and/or utility rights-of-way;
 - (c) Correct any condition which the Director has deemed to be hazardous.
5. Trees up to eighteen feet (18') in height shall:
- (a) Be pruned to enable successful adaptation to their particular site situation;
 - (b) Have no more than one-third (1/3) of living branches removed annually;
 - (c) Be fertilized only as directed by District field staff.
6. Trees over eighteen feet (18') in height shall:
- (a) Be inspected annually;
 - (b) Pruned and/or trimmed as necessary to maintain proper site orientation;
 - (c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;
 - (d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.
7. Pruning tools shall:
- (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.
8. The following practices shall not be allowed:
- (a) Internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");
 - (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;
 - (c) Use of pruning paint/pruning compound/wound dressing;
 - (d) Use of climbing spurs or gaffs.
9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.

10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodgepole-type stakes is the minimum District standard.
11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.
12. Pest control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

C. SHRUB CARE

1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.
2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').
3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.
4. Any shrub shall be pruned and/or trimmed at any time in order to:
 - (a) Remove dead, diseased, or damaged branches;
 - (b) Remove unwanted encroachments into public and/or utility rights-of-way;
 - (c) Correct any condition which the Director has deemed to be hazardous.
5. Shrubs shall be pruned:
 - (a) To enable successful adaptation to their particular site situation;
 - (b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;
 - (c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.
6. Pruning tools shall:
 - (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with a five percent (5%) chlorine bleach and water solution

before commencing work, and between cuts on any shrub known to be diseased.

7. The following practices shall not be allowed:
 - (a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", or "poodling") will be done only when authorized by the Director on a site-specific basis.
 - (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.
 - (c) Use of pruning paint/pruning compound/wound dressing.
8. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.
9. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.
2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed \pm one foot (1').
3. Ground covers shall be pruned/trimmed at any time in order to:
 - (a) Remove dead, diseased, or damaged branches/crowns;
 - (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);
 - (c) Correct any condition which the Director has deemed to be hazardous.
4. Ground covers shall be pruned/trimmed/renovated:
 - (a) To enable successful adaptation to their particular site situation;
 - (b) In accordance with accepted practices for the particular species in question;
 - (c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Pruning tools shall:
 - (a) Be kept properly sharpened, and in proper working order;
 - (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.
6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.
7. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.
8. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

E. WEED CONTROL

1. All weeds shall be controlled quarterly at all sites.
2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.
3. Site areas subject to weed control per these Specifications include, but are not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; non-landscaped portions of sites, as determined by the Director.
4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.
5. Chemical weed control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.
6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites at all times shall receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather

conditions require.

2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3 - Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per **month**; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.
3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: a) normal "wear and tear", and; b) vandalism or theft (which includes acts or omissions by third parties) up to the amount of 11 percent of the Contractor's monthly base price as set forth in Exhibit C., Section 1. Repairs due to vandalism or theft (which includes acts or omissions by third parties) in excess of the above indicated amount may be billed as Additional Work, per Exhibit C., Section 2.
4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.
5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.
6. Automatic irrigation systems shall:
 - (a) Be inspected for, and repaired as necessary to ensure, proper operation, and coverage not less than one (1) time per month;
 - (b) Be turned off during periods of rainfall, or as directed by District field staff;
 - (c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.
7. Manually operated irrigation systems shall:
 - (a) Be operated only when Contractor's personnel are present on site;
 - (b) Be inspected for, and repaired as necessary to ensure proper operation, and coverage not less than at each time of operation;

- (c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.
8. Parts/components used to repair irrigation systems shall be of the same manufacture as those originally installed, unless otherwise approved by the Director prior to repair operations.
9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.
2. Contractor shall make a minimum of one (1) visitation per **month** of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walkways the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites which, in the opinion of the Director, contain an exceptional amount of litter shall be cleared by Contractor before the close of business the working day following notification of this condition.
3. All hardscape areas, including but not limited to sidewalks, curbs, and gutters shall be maintained in a hazard-free condition.
4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.
5. The Contractor shall dispose of all debris and litter as described in paragraphs 1 and 2 above off-site, and in a legal manner.
 - (a) The Contractor shall notify the Director immediately whenever suspicious and/or waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.
 - (b) Failure to adhere to the specifications of this section of the Special

Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.
2. For the purposes of this Contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from Contract sites by the Contractor, or any subcontractors thereunder, in performance of Contract's Scope of Work.
3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of Contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.
4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of the Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested and include, on a separate Monthly Greenwaste Report form, any greenwaste generated by any subcontractors performing under Contractor's Scope of Work.
5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

21. TECHNICAL PROVISIONS – REDUCED SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. All turf areas are to be fertilized as per Table I. All fertilizers are to be of indicated analysis or better.

TABLE I

Month	Number of Apps	Type of Fertilizer	Rates per 1,000 sq. ft.	
			Lbs. of Actual N	Lbs. of Fertilizer
FEB	1	22-0-6**	1	4.5 lbs
JUN	1	22-5-5*	1.25	5.7 lbs
OCT	1	22-5-5*	1.25	5.7 lbs

*22-5-5/BEST® TURF GOLD or approved equal Controlled-Release fertilizer. These fertilizers to contain micronutrients including iron. See following section on fertilizers.

**22-0-6/SCOTTS® PROTURF® + Pre-emergent Weed Control or approved equivalent. These fertilizers to contain micronutrients including iron. See following sections, below, regarding fertilizers.

2. A humus base fertilizer shall be applied to turf areas immediately following aeration operations.
3. Humus base fertilizers are required to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).
4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.
5. Contractor shall supply the Director with a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.
6. Written notification to the Director is required five (5) days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

Month	Number of Applications	Type of Fertilizer	Rates per 1,000 sq. ft.	
			Lbs. of Actual N	Lbs. of Fertilizer
APR	1	23-5-10*	1.5	6.5 lbs

* 23-5-10/BEST® POLY SUPREME or approved equal.

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.
3. Contractor shall supply to the Director with a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.
4. Written notification to the Director is required five (5) days prior to fertilizer application.
5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8 – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of

trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.

2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.
 - (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.
 - (b) No injecting or drilling into tree trunk will be allowed.
 - (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.
 - (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.
3. Contractor shall supply a list of all proposed fertilizers to be used in the fulfillment of said contract to the Director, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.
4. Written notification to the Director is required five (5) days prior to fertilizer application.
5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8. – Use of Chemicals.

22. TECHNICAL PROVISIONS – REDUCED SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.
2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and the County of Riverside during the entire term of this Contract.
3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Contract.
4. Before the beginning of the Contract period, Contractor shall supply to the

Director a list of all proposed pesticides to be used in the fulfillment of said Contract, per Section 8 – Use of Chemicals. A valid written pesticide use recommendation for each pesticide listed shall be submitted concurrently with this list. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides so listed shall be submitted in writing to the Director for approval prior to use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for filing all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.
2. Pesticide application reporting specifications, - See Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.
3. A five (5) working day written notice shall be given to the Director prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control
 - (a) Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.
 - (b) Appropriate chemical control must be used on the following weeds.

Bermuda Grass
Kikuyu Grass
Nutsedge

Field Bindweed
Spurge

This list is inclusive; other species may be added by the Director as necessary.

- (c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

Application of molluscicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.

2. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of notification from the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

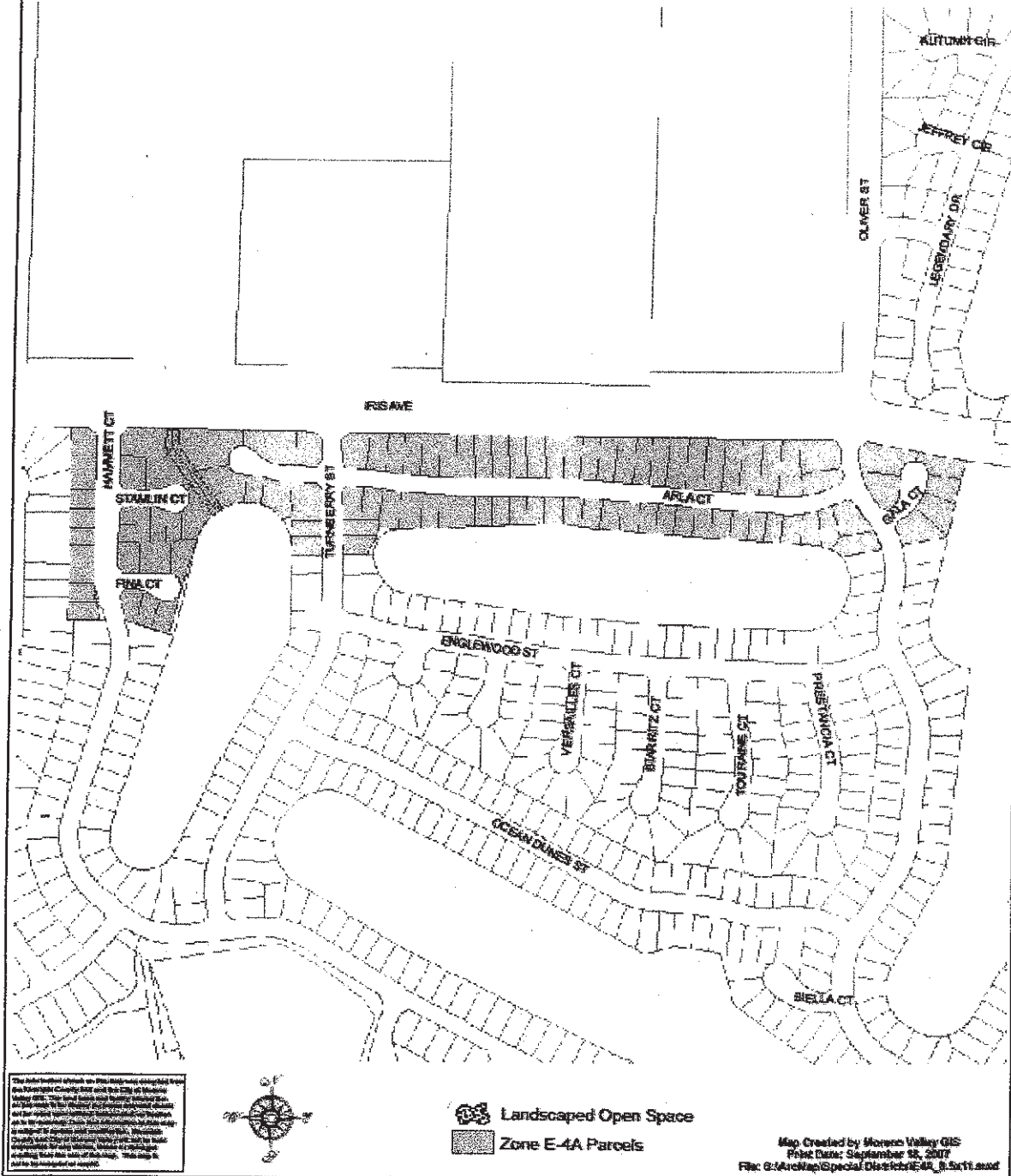
23. PROJECT LOCATION MAP





Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-4A • Daybreak - Internal Landscape Maintenance



The information shown on this map was compiled from the Planning Commission and the City of Moreno Valley GIS. The land parcels and hatched areas are for informational purposes only. The City of Moreno Valley is not responsible for any errors or omissions on this map. The City of Moreno Valley is not responsible for any errors or omissions on this map. The City of Moreno Valley is not responsible for any errors or omissions on this map.

Map Created by Moreno Valley GIS
Print Date: September 22, 2007
File: G:\Map\Special District\E4A_8.5.rtf.mxd

EXHIBIT B: District Responsibilities

R.F.P. NOE-4/11

PROJECT NO. E-4/11

**MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION**

1. CONTRACT SUPERVISION

- A. The Contract shall be administered on behalf of the District by the Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director."
- B. The Director will decide all questions which may arise as to the manner of performance and completion per schedule, acceptable fulfillment of the Contract by the Contractor, interpretation of the Specifications, and compensation to include completion of work by alternate sources.

2. IRRIGATION SYSTEMS

The District shall manage the operation of all automatically controlled irrigation systems, including but not limited to irrigation controller programming and scheduling. The Contractor shall monitor the operation of, and maintain said irrigation systems as required by the Director. The Contractor shall operate manually controlled irrigation systems as directed by District field staff.

3. UTILITIES

It shall be the District's duty to provide the utilities necessary for irrigation (i.e., water, electricity and communications), and to maintain their appurtenances (i.e., water and electrical meters and backflow devices). The District will pay the water, electricity, and communications costs used in the sites covered by this Contract. The Contractor shall report any interruption of these services for whatever reason immediately upon Contractor's observation of same to the Director.

4. RESTRICTED PESTICIDE MATERIALS PERMIT / USE CONSENT

- A. The District shall maintain in full force and effect throughout the entire term of the Contract a valid Restricted Materials Permit issued by the Agricultural Commissioner of the County of Riverside on behalf of the California Department of Pesticide Regulation. The Contractor shall comply with all permit conditions that pertain to any of the pest control materials listed on said permit that may be used in the course of Contractor's operations under this Contract.
- B. Director must give consent in writing prior to application of any Category I pesticide.

EXHIBIT C: Payment Terms

R.F.P. NO E-4/11

PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK MAINTENANCE OF PARKWAY AND MEDIAN LANDSCAPING AND IRRIGATION

1. CONTRACTOR'S COMPENSATION

- A. The Contractor will be paid monthly per site for work performed satisfactorily under this Contract. By the tenth of each month the Contractor shall submit to the Director detailed reports for the: 1) maintenance performed, 2) complaints received, 3) hazards noted, and 4) chemicals used in the prior month. These reports shall be accompanied by a billing in accordance with the Contract price for the work performed, and shall become the basis for payment. No payment(s) shall be made until the reports, listed herein, have been submitted and approved.
- B. Except where additional compensation is specifically provided for in this Contract, the District will pay the Contractor for all work (labor, material, supplies, equipment, etc.) performed under this Contract the total amount of fourteen thousand, nine hundred and sixty three dollars and seventy-three/100 (\$14,963.73) per month, one (1) month in arrears, on the last day of the month. The total contract amount for twelve (12) months shall not exceed one hundred seventy-nine thousand, five hundred and sixty four dollars and seventy-six/100 (\$179,564.76), except as provided for in Section 2 below.
- C. Should this Contract commence or terminate on other than the first day of a calendar month, the Contractor's compensation for that partial calendar month shall be prorated at the rate of 1/30 of the full month rate per day for the number of days during which the Contract is effective.

2. ADDITIONAL WORK

- A. During the term of this Contract the District may, at its discretion, authorize the Contractor to perform certain Additional Work as included in Section 2, paragraph C. herein this Exhibit, ("Additional Landscape Areas"), in addition to the work set forth in Exhibit A, Contractor's Scope of Work.

If the District determines it to be in the District's best interest, said Additional work may include: Acts of God (i.e., earthquake damage, storm damage), or vandalism, theft, and acts or omissions by third parties.

Compensation for all such Additional Work shall be calculated either: at the prices set forth by the Contractor in the Exhibit E, Section 9, or at a price based on the Contractor's written estimate (lump sum, time and materials, or cost plus basis), as determined by the Director. Except as set forth in Section 2, paragraph B. below, the Contractor shall not perform any such Additional Work without first obtaining express written authorization from the District.

- B. Notwithstanding the above requirement for prior written authorization, when a condition exists wherein there is imminent danger of injury to the public or damage to property, the District may verbally authorize the work to be performed upon receiving a verbal estimate from the Contractor. Within twenty-four (24) hours after receiving a verbal authorization, the Contractor must submit a written estimate to the District for written approval. Whenever immediate action is required to prevent impending injury, death, or property damage to the facilities being maintained, the District may, after reasonable attempt to notify the Contractor, cause such action to be taken by the District or City's work force.
- C. The Contractor shall maintain as Additional Work, at a unit price comparable to landscape areas described herein, additional landscape areas that the District may add to this Contract. In the event that notification is made of a new installation, at other than the beginning of a monthly period, the unit cost as set forth by Contractor in the Exhibit E, Section 9, shall be prorated from the day the Contractor commences work on the additional areas.
- D. Routine repairs to project irrigation system(s) shall be considered Additional Work to the extent that the Contractor shall charge only for materials used to perform said repairs at Contractor's cost plus a percentage of that cost, as set forth in Exhibit E, Section 9. For the purposes of this Contract, routine irrigation repairs are defined as replacement of existing sprinklers or sprinkler components, and/or non-pressurized pipe, and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal "wear and tear", and 2) vandalism or theft, (which includes acts or omissions by third parties).
- E. Except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize Additional Work pursuant to paragraphs A., B., and C. above in excess of the cumulative total of \$14,800.00 for each contract year during the term of this Contract.

3. PAYMENT DEDUCTIONS

The District may deduct payment to such extent as may be necessary to protect the District from loss due to:

- A. Work required in the General or Special Provisions which is: not performed, or; not performed to the standards set forth therein, or; not performed at or within the time(s) specified therein, or; is incomplete;
- B. Claims filed or reasonable evidence indicating probable filing of claims by laborers, materialmen, subcontractors, or third parties.

4. NON-PERFORMANCE PENALTIES

The Contractor may become liable for payment of non-performance penalties for failure to: provide adequate communications; provide adequate work area safety; complete "Specialty" operations in a timely manner as set forth in the General Provisions; submit notifications or reports required by the Contract, or General or Special Provisions at the intervals and/or

frequencies set forth therein, or; perform work as required by the General or Special Provisions at the intervals and/or frequencies as set forth therein, or as set forth in Contractor's approved work schedule, or as directed by the District. For each of the categories set forth hereinabove, the penal sum of \$100.00 (one hundred dollars) per working day will be assessed for each working day the deficiencies remain uncorrected.

If non-performance penalties are to be assessed, the Contractor will be notified immediately by facsimile transmission, or in writing, or by telephone.

The Contractor will not be assessed non-performance penalties for delays caused by the District, or by the owner of a utility to provide for the removal or relocation of utility facilities.

5. EXCESSIVE UTILITY USAGE

Contractor shall pay for all excessive utility usage due to Contractor's failure to monitor irrigation system malfunctions or unauthorized increases in the frequency of irrigation. The excess cost will be determined by comparing the current usage with the historical usage for the same time period. The excess cost factor, to be deducted from the payments to the Contractor, will be presented by the Director to the Contractor prior to actual deduction by the District to allow for explanations.

EXHIBIT D: Term of Contract

R.F.P. NO. E-4/11

PROJECT NO. E-4/11

**MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION**

1. TERM OF CONTRACT

- A. Following approval by both parties, the Contract will commence on July 1, 2011, and shall terminate twelve (12) months thereafter.
- B. At the expiration of its term, the Contract may be extended for up to four (4) additional twelve (12) month periods with the concurrence of both parties. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph B.) shall be given to the Contractor at least thirty (30) days prior to the expiration of the initial term of the Contract or any extension thereof.
- C. In considering the option to extend the Contract, as set forth in paragraph B. above, the District shall determine the following:
- That the Contractor's performance during the preceding twelve months has been satisfactory, and;
- That any request for increase of Contractor's compensation is based on an annual inflation adjustment based on the percentage increase 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.
- D. At the expiration of its term, and with the concurrence of both parties, the Contract may be extended for up to three (3) additional periods of thirty (30) days each, subject to all terms and conditions in effect during the current term of the Contract. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph D.) shall be given to the Contractor at least fifteen (15) days prior to the expiration of the initial term of this Contract, or any extensions thereof.
- E. It should be noted that multiyear contracts may be continued each fiscal year only after funding appropriations and program approvals have been granted by the City Council of the City of Moreno Valley and the City Council acting in the capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District. (CSD) In the event that the City Council and/or the City Council acting in the capacity as President and Members of the Board of Directors for the CSD does not grant necessary funding appropriations and/or program approval, the affected multiyear contract becomes null and void, effective July 1st of the fiscal year for which such approvals have been denied.

EXHIBIT E: PROPOSAL SUBMITTAL DOCUMENTS

R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

ATTACH ADDITIONAL SHEETS AS NECESSARY FOR COMPLETE RESPONSES

1. SCHEDULE I

A. COMPANY NAME: TRUGREEN LANDCARE

TYPE

- Sole proprietor _____
- Partnership X
- Corporation _____

B. COMPANY ADDRESS/PHONE NUMBER

MAIN OFFICE ADDRESS:

1616 MARLBOROUGH Av. Bld. S
RIVERSIDE, CA. 92507

MAIN OFFICE PHONE NUMBER: 951-688-6880

SATELLITE OFFICE ADDRESS (if applicable):

SATELLITE OFFICE PHONE NUMBER _____

C. CONTRACTOR'S LICENSING INFORMATION:

LICENSE NUMBER/CLASSIFICATION/NAME STYLE: 774548
C-61, D-49, C-27

NUMBER OF YEARS OPERATING UNDER ABOVE LICENSE/NAME STYLE: 10

LICENSE EXPIRATION DATE: 2-29-12

CURRENT LICENSE STATUS: ACTIVE

PRIOR ACTIONS AGAINST THIS LICENSE? Yes No

IF YES, LIST CITATION TYPE AND HOW RESOLVED: _____

D. COMPANY'S FEDERAL IDENTIFICATION NO.: 36-4313318

E. NAME AND TITLE OF COMPANY OFFICERS:

<u>PATRICK SPAINHOUR</u>	<u>CEO</u>
<u>MAC McIlvried</u>	<u>PRESIDENT</u>
<u>MARK WESEL</u>	<u>REGION VICE PRESIDENT</u>
<u>MANNY MENDES</u>	<u>BRANCH MANAGER</u>

F. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES: 27

G. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES FOR PUBLIC AGENCIES: 27

H. CURRENT LANDSCAPE MAINTENANCE OPERATIONS

THE DISTRICT RECOGNIZES THAT THE INFORMATION PROVIDED TO THIS QUESTION (QUESTION H.) IS PROPRIETARY IN NATURE, AND THEREFORE, THE DISTRICT WILL KEEP THIS INFORMATION CONFIDENTIAL TO THE EXTENT PERMITTED BY LAW.

TOTAL LANDSCAPE MAINTENANCE CONTRACTS: OVER 200

PERCENTAGE OF TOTAL CONTRACTS WITH PUBLIC AGENCIES: 6%

TOTAL DOLLAR VALUE OF LANDSCAPE MAINTENANCE CONTRACTS: _____

\$3,600,000 out of RIVERSIDE BRANCH

1. NUMBER OF EMPLOYEES COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS

SUPERVISORS: <u>6</u>	AVERAGE WAGE SCALE: \$ <u>45-65</u> /K* Salary
TECHNICIANS: <u>10</u>	AVERAGE WAGE SCALE: \$ <u>15</u> /Hr.*
FOREMEN: <u>34</u>	AVERAGE WAGE SCALE: \$ <u>13.75</u> /Hr.*
LABORERS: <u>54</u>	AVERAGE WAGE SCALE: \$ <u>8.75</u> /Hr.*

*Use fully burdened rate (i.e., taxes, insurance, benefits, OH & P) - This is a prevailing wage project.

2. TYPE & NUMBER OF VEHICLES & POWER EQUIPMENT COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS:

A. MOTOR VEHICLES

• TYPE: <u>PICK-UP F-150</u>	NUMBER: <u>15</u>
• TYPE: <u>STAKE BEDS</u>	NUMBER: <u>22</u>

- TYPE: DUMP TRUCKS F-450 NUMBER: 9
- TYPE: _____ NUMBER: _____

B. POWER EQUIPMENT

- TYPE: MOWERS 21", 36", 48", 60" NUMBER: 64
- TYPE: BLOWERS NUMBER: 48
- TYPE: HEDGE TRIMMERS NUMBER: 47
- TYPE: WEEDEATERS NUMBER: 52

I. REFERENCES

ATTACH RESPONSES ON ADDITIONAL SHEETS - ONE SHEET PER REFERENCE

1. LIST A MINIMUM OF THREE (3) REFERENCES FOR PUBLIC AGENCY LANDSCAPE MAINTENANCE CONTRACTS THAT ARE EITHER CURRENT AND/OR HAVE BEEN SUCCESSFULLY COMPLETED WITHIN THE LAST TWO (2) YEARS.
2. REFERENCE RESPONSES MUST INCLUDE:
 - A. NAME AND ADDRESS OF AGENCY;
 - B. NAME AND TELEPHONE NUMBER OF AGENCY PERSON RESPONSIBLE FOR ADMINISTERING CONTRACT;
 - C. CONTRACT NAME(S) / NUMBER(S);
 - D. ANNUAL CONTRACT AMOUNT(S);
 - E. NUMBER OF ACRES MAINTAINED PER CONTRACT(S);
 - F. LOCATION(S) OF CONTRACT AREAS – WE WILL VISIT SITE(S);
 - G. LENGTH OF CONTRACT(S).
3. THE FOLLOWING REFERENCE QUESTIONS WILL BE ASKED OF EACH AGENCY REFERENCED:
 - A. How many (number) of contracts and years under contract?
 - B. What are/were the Scope of the contract(s), acreage amounts, location(s)?
 - C. What are/were the Contract amount(s)?
 - D. Do/did they have adequate (quantity/quality) staffing?
 - E. How are/were the Training/Technical skills (i.e., Irrigation/Pest Control/ Equipment Operation/Safety)?
 - F. Does staff have the ability to comprehend/speak English?
 - G. How are/were the appearance, uniforms, and use of safety equipment?
 - H. Do/did they have availability of additional personnel for extra work/special projects?
 - I. Is/was the equipment used in good working order?
 - J. Do/did they have an effective in-company communications system?
 - K. How is/was the knowledge of project/contract standards?
 - L. Do/did they have the ability to respond to complaints/requests in a timely fashion?

References:

1. City of Rancho Cucamonga
9153 9th Street
Rancho Cucamonga CA 91730
Don Gentry (909) 477-2700
December 1999 to Present
\$505,000.00 Annually
Square Footage: 45 Acres.
Areas Serviced: LMD's throughout the City
2. Marriott Desert Springs Villas
1091 Pinehurst
Palm Desert CA 92260
Glenn Knorr (760) 779-1291
2005 to Current
\$536,400.00 Annually.
Square Footage: 30 Acres.
Areas Serviced: Common Areas & High Profile Areas.
3. City of Banning
5261 W. Wilson
Banning CA 92220
Carl Szoyka (951) 922-3286
Septembe4 2005 to Present
\$31,000.00 Annually.
Square Footage: 2.5 Acres.
Areas Serviced: City Hall, Aquatic Center, Police Departments.

- M. Are/were they willing to resolve questions, disputes, and deficiencies short of "formal" sanctions (i.e., monetary penalties, contract deductions, liquidated damages, claims against bonds)?
- N. How accurate & timely is/was billing/invoicing?
- O. Have Contract(s) been successfully completed to term?
- P. Would you accept future proposals/bids from this company?

2. PROPOSED FACILITIES, EQUIPMENT, & STAFFING SCHEDULE

- A. **Facilities** – List the facility(ies) location and/or address where work crews and equipment will be dispatched. Use additional sheets as necessary to provide a full and comprehensive response.

RIVERSIDE OFFICE

1616 MARLBOROUGH AV. BLD. S

RIVERSIDE, CA. 92507

- B. List the equipment, motor vehicles, and tools, in the areas below that will be furnished to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Indicate with (S) any listed equipment to be shared with another contract/ project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **Equipment:** LAZER RIDING MOWER, 36" Walk behind Mower, 21" Mower, Power Edger, Hedge Trimmers, Blowers, Weedeater, Chain saw.

2. **Motor Vehicles:**

1- Stake Bed F-350

1- Pick-up F-150

1- Spray Truck F-350 w/ Bubble Tanks.

3. **Turf Maintenance Power Equipment/Tools:**

Power Edgers & Mowers above under equipment.

4. Tree, Shrub, Ground Cover Trimming/Pruning Equipment/Tools:
(List both powered and hand equipment/tools)

Vermeer 1800 Chipper
Vermeer Stump grinder
Hedge Trimmers, Weedeater

5. Irrigation System Maintenance Equipment:
(List both powered and hand equipment/tools)

Irrigation Truck & Rain Master remote controls

6. Fertilizer Application Equipment:
(List both powered and hand equipment/tools)

Lesco Spreader & Belly grinders .

7. Pesticide Application Equipment:
(List both powered and hand equipment/tools)

Spray Truck with Tanks & Lesco Back-Pack .

- C. **Staff:** - List the employees, both labor and supervision, to be routinely assigned to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Be sure to note by title any applicable licenses/certifications held by assigned personnel. Indicate with (S) if listed personnel are to be shared with another contract / project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **General Landscape Maintenance:**

(List labor, administrative, and field supervisory personnel – include any relevant education, certification, licensing information for each person listed)

Conrado Sigala - Area Manager

Lori Ledesma - Office Admin.

Foreman and labors who be assigned to job.

2. **Tree Trimming/Maintenance:**

(List any ISA or equivalent certified personnel)

Rafael Gomez - ISA Certified

3. **Irrigation System Maintenance:**

(List technical personnel – include any relevant education, certification, licensing information for each person listed)

Gilberto Castillo - Irrigation Tech

4. **Pesticide Application:**

(List licensed and/or certified personnel. All non-licensed, non-certified personnel must have received verifiable annual training.)

Ray Velasquez - QAL 103311

Manny Mendes - QAL 100444

3. PROPOSED PROJECT WORK SCHEDULES

The following two pages contain blank Monthly and Annual Schedule Sheets. Proposers are to complete these schedule sheets by writing in their proposed schedules for performing the work described in Exhibit A. Use additional sheets as necessary to provide a full and comprehensive response.

A. MONTHLY SCHEDULE SHEET (Full and Reduced Service Levels)

1. List all tasks specified to be performed on a weekly or monthly basis for the E-4 and E-4A areas in the box corresponding to the day of the week/month the work is proposed to be performed. List man-hours estimated to complete each task.
2. Be sure to include administrative tasks such as report submittals, meetings, etc.
3. Fill in the schedule sheet for the entire month. Schedule sheets that are not completed for the entire month will be considered to be non-responsive.

B. ANNUAL SCHEDULE SHEET (Full and Reduced Service Levels)

1. List all tasks specified to be performed for the E-4 and E-4A areas at intervals greater than one (1) month in the box corresponding to the month(s) of the year in which they are either so specified, or, if not specified, the month(s) in which the work is proposed to be performed. List man-hours estimated to complete each task.
2. Be sure to include any administrative tasks such as report submittals, meetings, etc.
3. Fill in the schedule sheet for the entire year. Schedule sheets that are not completed for the entire year will be considered to be non-responsive.

PROPOSED PROJECT WORK SCHEDULES - FULL SERVICE
E-4 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<p>WEEK #1</p> <ul style="list-style-type: none"> -Detail Trimming -Trash Pick up -Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 Hrs. 1 Irrigator 8 Hrs. 	<ul style="list-style-type: none"> -Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs. 	<ul style="list-style-type: none"> -Mowing & Edging -Trash Pick up -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs. 	<ul style="list-style-type: none"> -Detail Trimming -Trash Pick up -Weeding & Spraying -Blowing Sidewalks. 4 Men Crew 32 Hrs. 1 Irrigator 8 Hrs. 	<p>OFF</p> <p>(1 hr)</p>
<p>WEEK #2</p> <ul style="list-style-type: none"> -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs 	<ul style="list-style-type: none"> -Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs. 	<ul style="list-style-type: none"> -Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs 	<ul style="list-style-type: none"> -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks Meeting - Inspector 1 hr 4 Men Crew 32 Hrs 1 Irrigator 8 Hrs 	<p>OFF</p> <p>(1 hr)</p>
<p>WEEK #3</p> <ul style="list-style-type: none"> -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs 	<ul style="list-style-type: none"> -Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs. 	<ul style="list-style-type: none"> -Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs 	<ul style="list-style-type: none"> -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 Hrs 1 Irrigator 8 Hrs 	<p>OFF</p> <p>(1 hr)</p>
<p>WEEK #4</p> <ul style="list-style-type: none"> -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs 	<ul style="list-style-type: none"> -Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs 	<ul style="list-style-type: none"> -Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs 	<ul style="list-style-type: none"> -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks Meeting Inspector - 1 hr 4 Men Crew 32 Hrs 1 Irrigator 8 Hrs 	<p>OFF</p> <p>Reports Submittals 1 hr</p>

SUMMER SCHEDULE MAY - OCT.

PROPOSED PROJECT WORK SCHEDULES - FULL SERVICE
E-4 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<p>WEEK #1</p> <ul style="list-style-type: none"> - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks <p>4 Man Crew - 32 Hrs 1 Irrigator 8 Hrs</p>	<ul style="list-style-type: none"> - Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks <p>4 Man Crew 32 Hrs. 1 Irrigator 8 Hrs</p>	<ul style="list-style-type: none"> - Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks <p>4 Man Crew 32 Hrs 1 Irrigator 8 Hrs.</p>	<ul style="list-style-type: none"> - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks - Meeting Inspector 1 Hr <p>3 Man Crew 24 Hrs 1 Irrigator 8 Hrs</p>	<p>OFF</p>
<p>WEEK #2</p> <ul style="list-style-type: none"> - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks <p>4 Man Crew - 32 Hrs. 1 Irrigator 8 Hrs</p>	<ul style="list-style-type: none"> - Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks <p>4 Man Crew - 32 Hrs 1 Irrigator 8 Hrs.</p>	<ul style="list-style-type: none"> - Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks <p>4 Man Crew 32 Hrs 1 Irrigator 8 Hrs.</p>	<ul style="list-style-type: none"> - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks <p>3 Man Crew 24 Hrs. 1 Irrigator 8 Hrs.</p>	<p>OFF</p>
<p>WEEK #3</p> <ul style="list-style-type: none"> - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks <p>4 Man Crew - 32 Hrs 1 Irrigator 8 Hrs</p>	<ul style="list-style-type: none"> - Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks <p>4 Man Crew 32 Hrs 1 Irrigator 8 Hrs</p>	<ul style="list-style-type: none"> - Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks <p>4 Man Crew 32 Hrs. 1 Irrigator 8 Hrs.</p>	<ul style="list-style-type: none"> - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks - Meeting Inspector - 1 Hr <p>3 Man Crew 24 Hrs 1 Irrigator 8 Hrs.</p>	<p>OFF</p>
<p>WEEK #4</p> <ul style="list-style-type: none"> - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks <p>4 Man Crew 32 Hrs. 1 Irrigator 8 Hrs.</p>	<ul style="list-style-type: none"> - Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks <p>4 Man Crew 32 Hrs 1 Irrigator 8 Hrs.</p>	<ul style="list-style-type: none"> - Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks <p>4 Man Crew 32 Hrs. 1 Irrigator 8 Hrs.</p>	<ul style="list-style-type: none"> - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks <p>3 Man Crew 24 Hrs. 1 Irrigator 8 Hrs.</p>	<p>OFF</p> <p>- Reports Submittals 1 Hr</p>

WINTER SCHEDULE NOV - APRIL

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-4 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<p>WEEK #1</p> <ul style="list-style-type: none"> -Detail Trimming -Trash Pick up -Weeding & Spraying -Blowing Sidewalks. 4 Men Crew 32 hrs. 1 Irrigator 8 hrs. 		<ul style="list-style-type: none"> -Mowing & Edging -Trash Pick-up -Weeding -Blowing Sidewalks. 4 Men Crew 32 hrs 1 Irrigator 8 hrs. 	<p>Meeting Inspector - 1 hr.</p>	
<p>WEEK #2</p> <ul style="list-style-type: none"> -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 hrs. 1 Irrigator 8 hrs. 		<ul style="list-style-type: none"> -Mowing & Edging -Trash Pick up -Weeding -Blowing Sidewalks 4 Men Crew 32 hrs. 1 Irrigator 8 hrs. 		
<p>WEEK #3</p> <ul style="list-style-type: none"> -Detail Trimming -Trash Pick-up -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 hrs. 1 Irrigator 8 hrs. 		<ul style="list-style-type: none"> -Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 4 Men Crew 32 hrs. 1 Irrigator 8 hrs. 		
<p>WEEK #4</p> <ul style="list-style-type: none"> -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 hrs. 1 Irrigator 8 hrs. 		<ul style="list-style-type: none"> -Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks. 4 Men Crew 32 hrs. 1 Irrigator 8 hrs. 		<p>reports Submittals 1 hr.</p>

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
 E-4A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 2 Men Crew 1/2 day 8 HRS.	
WEEK #2			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/2 day 8 HRS	
WEEK #3		Irrigator 2 HRS.	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 2 Men Crew 1/2 day 8 HRS.	
WEEK #4		Meeting Inspector - 1/2 Hr.	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing sidewalks. 2 Men Crew 1/2 day 8 HRS.	Report Submittals 1/4 Hr.

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-4A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/4 day 4 Hrs.	
WEEK #2			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/4 day 4 Hrs.	
WEEK #3		Irrigator 1 Hr. Irrigator ^(mm) 1 Hr.	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/4 day 4 Hrs.	
WEEK #4		Meeting Inspector 1/4 Hr.	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/4 day 4 Hrs.	Reports Submittals 1/4 Hr.

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-4 ANNUAL SCHEDULE SHEET

<p>JANUARY</p>	<p>FEBRUARY</p>	<p>MARCH</p> <ul style="list-style-type: none"> - Turf Aeration - Growpower - Turf - Pre-emergent granual for bed areas.
<p>APRIL</p> <p>23-5-10 / Best Poly Supreme (Shrub + Ground Cover)</p>	<p>MAY</p>	<p>JUNE</p>
<p>JULY</p>	<p>AUGUST</p>	<p>SEPTEMBER</p> <p>23-5-10 / Best Poly Supreme (Shrub + Ground Cover)</p>
<p>OCTOBER</p> <p>Turf Aeration</p> <p>Growpower - Turf</p> <p>- Pre-emergent granual for bed areas.</p>	<p>NOVEMBER</p>	<p>DECEMBER</p>

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-4 ANNUAL SCHEDULE SHEET

<p>JANUARY</p>	<p>FEBRUARY</p> <p>Dimension Pre-emergent Fertilizer 22-06</p>	<p>MARCH</p>
<p>APRIL</p> <p>23-5-10 Best Poly Supreme (Shrubs + Ground Cover)</p>	<p>MAY</p>	<p>JUNE</p> <p>22-5-5 Best Turf Gold</p>
<p>JULY</p>	<p>AUGUST</p>	<p>SEPTEMBER</p>
<p>OCTOBER</p> <p>22-5-5 Best Turf Gold</p>	<p>NOVEMBER</p>	<p>DECEMBER</p>

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-4A ANNUAL SCHEDULE SHEET

<p>JANUARY</p>	<p>FEBRUARY</p>	<p>MARCH</p> <p>-Pre-emergent granual for bed areas.</p>
<p>APRIL</p> <p>23-5-10 / Best Poly Supreme (Shrub & Ground Cover)</p>	<p>MAY</p>	<p>JUNE</p>
<p>JULY</p>	<p>AUGUST</p>	<p>SEPTEMBER</p> <p>23-5-10 / Best Poly Supreme (Shrub & Ground Cover)</p>
<p>OCTOBER</p> <p>-Pre-emergent granual for bed areas.</p>	<p>NOVEMBER</p>	<p>DECEMBER</p>

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-4A ANNUAL SCHEDULE SHEET

<p>JANUARY</p>	<p>FEBRUARY</p>	<p>MARCH</p>
<p>APRIL 23-5-10 Best Poly Supreme (Shrubs & Ground Cover)</p>	<p>MAY</p>	<p>JUNE</p>
<p>JULY</p>	<p>AUGUST</p>	<p>SEPTEMBER</p>
<p>OCTOBER</p>	<p>NOVEMBER</p>	<p>DECEMBER</p>

4. PROPOSED ANNUAL MATERIAL SCHEDULE

A. Fertilizers:

List the fertilizers to be furnished to execute work tasks specified in Exhibit A. Specify the type (analysis/brand name), estimated amount of each type to be supplied annually, and estimated annual cost for each type (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
-Growpower Fertilizer	3500 lbs.	\$2050.00
-Best 23-5-10 Poly Supreme	3500 lbs.	\$1800.00

B. Pesticides:

List pesticides to be furnished to execute work tasks specified in Exhibit A. Specify the type (i.e., pre-emergent herbicide, rodent/snail bait, insecticide, etc.), the brand name, estimated amount of each type/brand to be supplied annually, and the estimated annual cost for each type/brand (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
Riverdale Razor-Pro	28 Gal	\$550
Fusilade - Post grass control	3 QT.	\$250
Ronstar - Pre-emergent	35 Bags	\$3075
Snail bait	200 lbs.	\$475

5. COMMUNICATIONS, TRAFFIC SAFETY, & GREENWASTE RECYCLING

A. Communications:

The General Provisions require that the selected Contractor possess, and maintain an effective company-wide communications system. The Contractor must also designate responsible staff to be available on a twenty-four (24) hour basis to receive, and respond to emergency calls.

Describe your company's internal communications system, both in the office and in the field, and how it will enable your company to provide the communication capability as required in Scope of Services specifications. Also, describe how your company will provide the required twenty-four (24) hour communication capability. Use additional sheets as necessary to provide a full, and comprehensive response.

In the Field 6:30 - 5:00pm Area Manager - Cell phone
 Office 8:00 - 4:30pm Office Staff
 After Hours 5:00 - 8:00am Emergency phone #

B. Traffic Safety:

The General Provisions require that the selected Contractor provide safe and effective work area traffic control, per Caltrans' "Manual On Uniform Traffic Control Devices 2010 (or most current) California Supplement, Part 6, Temporary Traffic Control". Please describe your company's general traffic control practices and training, and how your company intends, if selected, to conduct work area traffic control operations to provide service for this project. Use additional sheets as necessary to provide a full and comprehensive response.

Trugreen Workzone Safety program - All employees are certified (Safety Coordinator - Ray Velasquez) does weekly on site inspections and tailgate meetings. Traffic cones & arrow boards are used as needed.

C. Greenwaste Recycling:

AB 939 mandates that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction. Please describe your company's program to insure that the City receives credit for the greenwaste that will be generated from executing the project's Scope of Work (Exhibit A). Be sure to include the name(s), address(es) and phone number(s) of the recycling facility(ies) that will be accepting the greenwaste generated from your operations on the project. If planning to use any recycled greenwaste products (mulch, compost, soil amendments, etc.) on the project, please give name/address/phone information of the producer if different from those listed above. Use additional sheets as necessary to provide a full and comprehensive response.

Burrtec Industries

1850 AGUA MANSA RD.

Riverside, CA. 92509

951-685-5516

7. CERTIFICATION OF NON-DISCRIMINATION

Pursuant to California Labor Code Section 1735, as added by Chapter 643 statutes of 2039, and as amended,

No discrimination shall be made in the employment of persons upon Public Works because of race, religion creed, color, national origin, ancestry, physical handicaps, mental condition, marital status or sex of such persons, except as provided in Section 12940, of the California Labor Code and every Contractor of Public Works violating this section is subject to all penalties imposed for a violation of the Chapter.

I certify that I have read, and understand the foregoing:

SIGNATURE Manuel Mendes
PRINTED NAME MANUEL MENDES
TITLE BRANCH MANAGER
COMPANY NAME TRUGREEN LANDCARE
DATE 02-17-11

8. PROPOSAL AFFIRMATION

With regard to the information provided hereinabove (Exhibit E: Proposal Submittal Documents), I affirm that:

- All information provided is true and correct to the best of my knowledge, and;
- I understand that a materially false statement willfully or fraudulently made in connection with this proposal may result in the termination of any Contract between the Moreno Valley Community Services District and TRUGREEN LANDCARE, and further, the aforesaid company may be barred from participation in future District contracts and be subject to possible criminal prosecution, and;
- I have legal authority to bind the terms of contract to the terms of this affirmation (See "INSTRUCTION TO PROPOSER", Section D. – Signature of Contract Proposal).

FOR PROPOSAL TO BE VALID, THIS SHEET MUST BE FILLED OUT (PRINTED), SIGNED AND DATED

SIGNATURE Manuel Mendes
NAME MANUEL MENDES
TITLE BRANCH MANAGER
COMPANY NAME TRUGREEN LANDCARE
DATE 02-17-11

9. SCHEDULE II

A. BID SCHEDULE

PROPOSER: TRUGREEN LANDSCAPE
(Company Name)

SITE	SERVICE LEVEL	ESTIMATED AREA	COST PER SQ. FT.	COST PER MONTH	COST PER TWELVE MONTHS
E-4 LANDSCAPE PARKWAYS & MEDIANS (currently full service)	Full	Planter: 617,667 sq. ft.	\$ 0.015	\$9,265.00	\$11,180.00
		Turf: 588,060 sq. ft.	\$ 0.0089	\$5,233.73	\$62,804.76
	Reduced	Planter: 617,667 sq. ft.	\$ 0.0075	\$4632.50	\$55,590.00
		Turf: 558,060 sq. ft.	\$ 0.006	\$3348.36	\$40,180.32
E-4A LANDSCAPE PARKWAYS (currently full service)	Full	Planter 31,000 sq. ft.	\$ 0.015	\$ 465.00	\$ 5,580.00
	Reduced	Planter 31,000 sq. ft.	\$ 0.0075	\$232.50	\$ 2,790.00

The Total Amount of the Service Proposal shall be based on current service levels (Full service for E-4 Parkways & Medians and Full service for E-4A Parkways):

Figures: \$ 179,564 and 76 /100's Dollars

Words: One hundred seventy-nine thousand, five hundred sixty-four and seventy-six /100's Dollars

All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

The Contractor shall furnish all labor, equipment, and materials necessary to provide maintenance of median and parkway, irrigation, and landscaping as set forth in Exhibit A: Scope of Work of this Contract, and; any and all addenda issued prior to the opening of Proposals; any Change Orders issued after the execution of the Independent Contractor Agreement and its attached exhibits.

Addendum No(s). 0 has/have been received and is/are made a part of this proposal.

Samuel Mendes (AUTHORIZED SIGNATURE AND TITLE) 02-17-11 (DATE)

B. ADDITIONAL WORK PRICE LIST

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

Prices for Additional Work, and Routine Irrigation Repair, including, but not limited to: Exhibit A and Exhibit C

UNIT PRICES (Includes all labor and materials)

1. 1 gal. shrub/vine/ground cover in place	@	\$	<u>8.00</u>	ea
2. 5 gal. shrub/vine/ground cover in place	@	\$	<u>25.00</u>	ea
3. 5 gal. tree in place (stakes included)	@	\$	<u>32.00</u>	ea
4. 15 gal. tree in place (stakes included)	@	\$	<u>80.00</u>	ea
5. 24" box tree in place (stakes included)	@	\$	<u>275.00</u>	ea
6. 36" box tree in place (guy wires included)	@	\$	<u>675.00</u>	ea
7. Flat of ground cover in place	@	\$	<u>23.00</u>	ea
8. Planter bed mulch in place	@	\$	<u>37.00</u>	/cu. yd
9. Additional labor	@	\$	<u>30.00</u>	/man hour
10. Additional Irrigation Technician	@	\$	<u>55.00</u>	/man hour

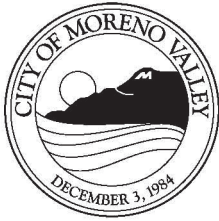
PROPOSER: TRUGREEN LANDCARE
(Company Name)

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

ROUTINE IRRIGATION REPAIR PRICES

1. Irrigation repair parts for routine repairs @ cost plus 15 %
2. Unit prices for Additional Work (additional **FULL SERVICE** landscape areas) per Exhibit C, Section 2.
 - A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). \$ 0.015 /sq. ft./mo.
 - B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). \$ 0.0089 /sq. ft./mo.
3. Unit prices for Additional Work (additional **REDUCED SERVICE** landscape areas) per Exhibit C, Section 2.
 - A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). \$ 0.0075 /sq. ft./mo.
 - B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). \$ 0.006 /sq. ft./mo.
4. Any other Additional Work shall be quoted per Exhibit C, Section 2.

PROPOSER: TRUGREEN LANDCARE
(Company Name)



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

Report to City Council

TO: Mayor and City Council, Acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

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

AGENDA DATE: June 14, 2011 (continued from May 24, 2011)

TITLE: **FIRST EXTENSION OF CONTRACT** - Project No. E-3/10 - Maintenance of Extensive Landscaping and Irrigation – Moreno Valley Ranch – West (Zone E-3) and Lasselle Powerline Parkway (Zone E-3A)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD), herein referred to as the CSD Board:

1. Approve the attached first Extension Agreement for CSD Project No. E-3/10 to extend the term of the contract for an additional one-year period;
2. Authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc., San Clemente, California; and
3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Bemus Landscape, Inc., in the amounts of:
 - a.) ONE HUNDRED THIRTY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$139,500.00) for twelve months of base maintenance service, and
 - b.) THIRTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS (\$13,260.00) for anticipated Additional Work per Section 5 of the first Extension Agreement.

ADVISORY COMMITTEE RECOMMENDATION

Not Applicable

BACKGROUND

On December 17, 2009, the Special Districts Division of the Public Works Department received valid proposals from seven landscape contracting firms in response to the Request for Proposal for Project E-3/10, maintenance of landscaping and irrigation of the parkways and medians for Moreno Valley Ranch – West (Zone E-3) and Lasselle Powerline Parkway (Zone E-3A). On April 27, 2010, the CSD Board awarded the E-3/10 contract to Bemus Landscape, Inc., San Clemente, California (the “Contractor”). The contract amount for the initial twelve-month term for fiscal year (FY) 2010/11, was \$152,745.00 (\$139,500.00 for Base Service; \$13,245.00 for estimated Additional Work). Staff is recommending that the Contractor be awarded the first of a possible three extensions, as discussed below.

DISCUSSION

In December 2010, Special Districts’ staff had a discussion with Bemus Landscape, Inc., on their performance to date, the possibility of the CSD extending the term of the contract, and the first Extension Agreement (see Attachment 2). The key provisions of the document are as follows:

1. Extension of the contract term to June 30, 2012.

The Contractor has provided a satisfactory service level over the last year and has expressed a desire to extend the contract. Due to the current economic climate, the terms negotiated and agreed upon resulted in a zero percent (0%) overall increase in the current compensation amount. Therefore, based on performance and price, staff recommends that the CSD Board exercise the first extension of the Contractor’s contract.

ALTERNATIVES

1. Approve the first Extension Agreement for Project No. E-3/10 to extend the term of the contract for an additional one-year period; authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc.; and authorize the Purchasing Manager to issue open purchase orders for Base Service and estimated Additional Work to Bemus Landscape, Inc., at the start of FY 2011/12. *Approval of this first Extension Agreement will ensure uninterrupted landscape maintenance service is provided to the parkways and medians of the Moreno Valley Ranch – West Specific Plan Development.*

2. Do not approve the first Extension Agreement for Project No. E-3/10 to extend the term of the contract for an additional one-year period. *By not approving this first Extension Agreement, the continuity of parkway and median landscape services for the Moreno Valley Ranch – West Specific Plan may be disrupted.*

FISCAL IMPACT

The sum of \$127,500.00 will be encumbered in Account 00182.78240.6261 (Zone E-3) and \$12,000.00 will be encumbered in Account 00182.78282.6261 (Zone E-3A) by open purchase order. Upon staff approval, monthly disbursements of \$11,625 to pay for base services will be made to Bemus Landscape, Inc. Staff also requests that the CSD Board authorize the encumbrance of \$10,260.00 in Account 00182.48240.6261 (Zone E-3) and \$3,000.00 in Account No. 00182.78283.6261(E-3A) to cover the cost of performing estimated Additional Work (e.g., repairs/replacements due to vandalism, theft, Acts of God, normal wear and tear) under the terms of this first Extension Agreement and as anticipated to be performed during the coming fiscal year. The combined cost of the Base Contract services and the Estimated Additional Work performed by Bemus Landscape, Inc., shall not exceed \$152,760.00 for FY 2011/12. The above amounts have been budgeted for in Zones E-3 and E-3A for the coming FY, with costs to be recovered through annual CSD Zone E parcel charges. This action will not impact the City's General Fund.

It should be noted that Zone E-3A, Lasselle Powerline Parkway, is scheduled for a mail ballot proceeding to allow property owners the opportunity to approve or reject an increase in the current CSD Zone E-3A parcel charge to retain maintenance at the full service level. The annual parcel charges collected for Zone E-3A may only be used for landscape maintenance services of the parkways associated with Zone E-3A. The funds collected pay for water and electric utility charges, along with their designated contractor maintenance, which includes mowing, trimming, pruning, and weeding of turf, shrubs, and trees, fertilizer applications, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, providing staff support, and other items necessary for the satisfactory maintenance of the landscaped areas, and administration of the Zone E-3A program.

Zone E-3, Moreno Valley Ranch – West, is presently at a reduced service level. Zone E-3 services are provided in accordance with the CSD Zone E Policy, No. 2.41, as originally adopted by the CSD Board on September 25, 2007, which describes the CSD Zone E Reduced Services. The Zone E-3 annual parcel charges received from properties within Zone E-3 are used to pay all costs to provide landscape maintenance of the parkways and medians within Zone E-3. The funds collected pay for water and electric utility charges, along with their designated contractor maintenance, which includes mowing, trimming, pruning, and weeding of turf, shrubs, and trees, fertilizer applications, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, providing staff support, and other items necessary for the

satisfactory maintenance of the landscaped and median at a reduced service level, and the administration of the Zone E-3 program.

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS

CSD landscape maintenance services help enhance community image, neighborhood pride and cleanliness. Residential properties, which have landscaped parkways and/or medians, as maintained by the CSD, help to foster a pleasant environment and neighborhood atmosphere. Proper placement of plant materials helps in the prevention of graffiti.

SUMMARY

The CSD furnishes ongoing landscape maintenance of extensive parkways and medians within its Zone E through the use of contract services. At the end of the initial term, the maintenance agreement may be renewed for up to three additional twelve month periods. Staff is recommending that the CSD Board exercise its option to authorize the first Extension Agreement with Bemus Landscape, Inc., for an additional twelve months.

NOTIFICATION

Not applicable.

ATTACHMENTS

1. Project E-3 and E-3A Vicinity Maps
2. First Extension Agreement

Prepared By
Sharon Sharp
Senior Management Analyst

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

Concurred By
Candace E. Cassel
Special Districts Division Manager

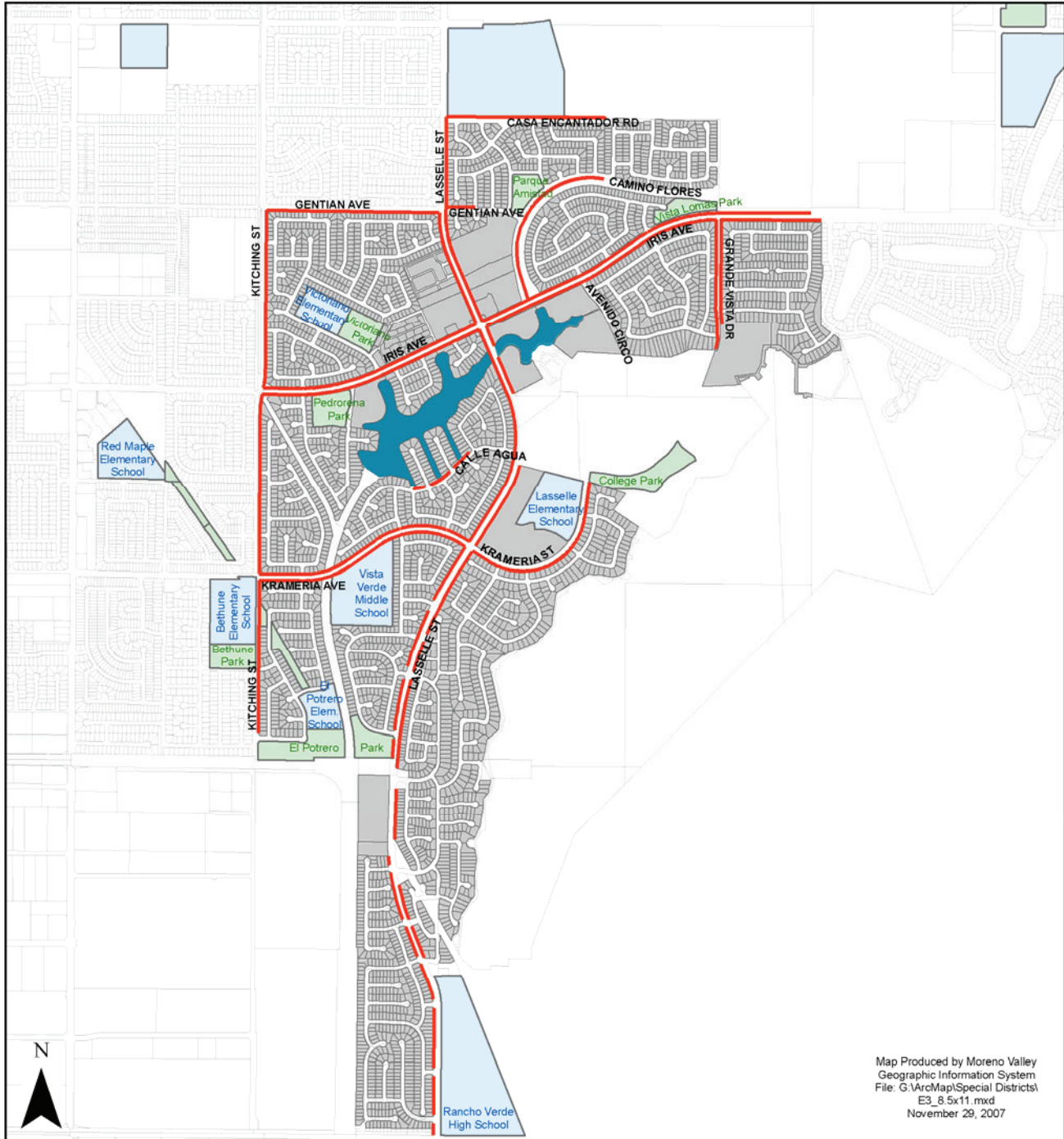
Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Services District CSD\Zone E\2011-12\Contracts\Staff Reports\2011\E-3 STF RPT_Contract Extensionv4.doc

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Moreno Valley Community Services District Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E3_8.5x11.mxd
November 29, 2007

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.

-  Landscaped Parkway
-  Zone E-3 Parcels



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EXTENSION AGREEMENT
PROJECT NO. E-3/10
MORENO VALLEY RANCH - WEST
MAINTENANCE OF LANDSCAPING AND IRRIGATION

THIS AGREEMENT is made and entered into by and between the Moreno Valley Community Services District (hereafter, "District") and **Bemus Landscape, Inc.**, (hereafter, "Contractor").

WHEREAS, the District and Contractor entered into an agreement dated June 29, 2010, referencing Project No. E-3/10 regarding maintenance of District landscaping and irrigation systems (hereafter, "Agreement").

WHEREAS, pursuant to the terms of the Agreement, both parties wish to extend the Agreement by a period of twelve (12) months under the following additional terms:

1. The extension period shall commence on **July 1, 2011**, and shall terminate on **June 30, 2012**.
2. In accordance with paragraph 5(b) of the Agreement, this Extension shall be considered the first of four possible extensions of the Agreement.
3. Notwithstanding paragraph 3(b) of the Agreement, for the period of this Extension and except where additional compensation is specifically provided for in the Agreement, the District will pay the Contractor for all work (labor, materials, supplies, equipment, etc.) performed under this Extension the total amount of **ELEVEN THOUSAND SIX HUNDRED AND 00/100 DOLLARS (\$11,625.00)** per month, one month in arrears, on the last day of the month. The total contract amount for the twelve (12) month extension period shall not exceed **ONE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED 00/100 DOLLARS (\$139,500.00)**
4. Notwithstanding paragraph 3(f) of the Agreement, the unit cost set forth in the Additional Work Price List, Section B. for any landscape areas added to the project during the period of this Extension shall be as follows:
 - a. Additional parkway areas, turf (trees up to 18-foot height, as applicable). **\$0.015/ sq. ft. / mo.**
 - b. Additional parkway areas, planters (trees up to 18-foot height, shrubs, ground cover included, as applicable). **\$0.011/ sq. ft. / mo.**
5. Notwithstanding paragraph 3(h) of the Agreement, for the period of this Extension and except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize additional work pursuant to this Extension or the original Agreement in excess of the cumulative total of **THIRTEEN THOUSAND TWO HUNDRED AND 00/100 DOLLARS (\$13,260.00)**.
6. Except as set forth above, all other terms and conditions of the Agreement shall remain in full force and effect.

ATTACHMENT 2

Dated: _____

MORENO VALLEY COMMUNITY SERVICES DISTRICT

By: _____
Mayor, acting in the capacity
of President to the Moreno
Valley Community Services District

CONTRACTOR:

Signature

Signature

Printed Name

Printed Name

Title

Title

Company Name

(Corporate Seal)

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

SEE AGENDA ITEM A.18

- B7. GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) **(Also listed as Item A.18- SEE ITEM A.18)**
-

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**MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report
of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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SEE AGENDA ITEM A.18

- C3. GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) **(Also listed as Item A.18- SEE ITEM A.18)**
-

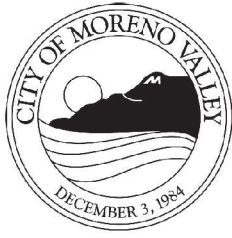
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**MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report
of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>MST</i>

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: June 14, 2011

TITLE: First Amendment - Aquabella Development Agreement (P11-029)

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing and subsequently introduce Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

ADVISORY BOARD/COMMISSION RECOMMENDATION

On May 12, 2011, the Planning Commission recommended approval of the Amendment by a vote of 6-0-1 (absent). After substantial discussion regarding the proposal and questions of the applicant and staff, the Commission determined that the Amendment would not materially affect the existing contractual rights and responsibilities of the applicant or City.

BACKGROUND

Highland Fairview submitted a Development Agreement Amendment application on March 28, 2011, to remove Planning Area 2 from the Aquabella Development Agreement. The Agreement, approved on January 12, 2006, currently covers 685 acres of the Aquabella Specific Plan. This proposal would be the First Amendment to the Agreement.

DISCUSSION

Planning Area 2 is a 13.2-acre site at the northeast corner of Cactus Avenue and Lasselle Street (the "Site"). The Aquabella Specific Plan permits the development of up to 220 non-senior multi-family units on the Site. If approved, the Site would no longer be covered by the Agreement and not be subject to its requirements nor benefit from its provisions. Any impacts related to the development of the Site would be conditioned as part of a future application submitted to the City. The site would continue to be a part of the Specific Plan. The site would continue to be a part of the Specific Plan. Exhibit A of the Amendment provides a legal description and plat map for both the Site and the remainder area covered by the Agreement.

All existing requirements of the Agreement remain in effect for remainder area. The Phasing Plan (Exhibit B) of the Amendment has been revised to ensure coverage of all requirements in the remaining five phases of the Aquabella project (the Site was Phase 6).

The proposal would be exempt from the California Environmental Quality Act as the Amendment would not result in substantial changes to the Agreement necessitating additional environmental review. No additional land disturbance would be permitted for the site by approval of the proposal.

As a legislative decision, the proposal requires final review and action by the City Council.

ALTERNATIVES

1. Approve the proposed Amendment as recommended by the Planning Commission.
2. Approve the proposed Amendment with modifications to address City Council concerns.
3. Refer the proposed Amendment back to the Planning Commission with direction for further review and recommendation.
4. Deny the proposed Amendment.

FISCAL IMPACT

Not applicable.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper on May 25, 2011.

ATTACHMENTS/EXHIBITS

1. Proposed Ordinance.
2. Proposed Amendment with Attachments.
3. Planning Commission Minutes.
4. Public Hearing Notice.

Prepared By:
John C. Terrell AICP
Planning Official

Department Head Approval:
Barry Foster
Community & 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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ORDINANCE NO. 825

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE AQUABELLA DEVELOPMENT AGREEMENT (P11-029) TO REMOVE PLANNING AREA 2

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.

1.3 The First Amendment to the Aquabella Development Agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the public hearing regarding the First Amendment on June 14, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed First Amendment is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

FACT: The First Amendment does not remove any responsibilities of the developer identified in the Development Agreement, nor does it change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

2. **The proposed First Amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

ATTACHMENT 1

3. **The proposed First Amendment will not be detrimental to the public health, safety or general welfare.**

FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

No specific development proposal has been submitted for the area proposed to be removed from the Development Agreement. Any future development proposal will be reviewed for conformance with the General Plan and zoning district to ensure that it would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity.

4. **The proposed First Amendment is in conformity with public convenience, general welfare and good land use practice.**

FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

No specific development proposal has been submitted for the area proposed to be removed from the Development Agreement. Any future development proposal will be reviewed for conformance with the General Plan and zoning district to ensure that it would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

No specific development proposal has been submitted for the area proposed to be removed from the Development Agreement. Any future development proposal will be reviewed for conformance with the General Plan and zoning district to ensure that it would not

cause serious public health problems or be materially injurious to properties or improvements in the general vicinity.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the First Amendment to the Aquabella Development Agreement attached hereto as Exhibit A, and does hereby authorize the Mayor to sign the First Amendment on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

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

SECTION 5: NOTICE OF ADOPTION:

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

SECTION 6: EFFECTIVE DATE:

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

APPROVED AND ADOPTED this 14th day of June, 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, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Clerk
P.O. Box 88005
Moreno Valley, California 92552-0805

**FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT
AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY
AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE
DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND
AMENDMENTS THERETO DATED JANUARY 12, 2006**

June xx, 2011

ATTACHMENT 2

THIS FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO DATED JANUARY 12, 2006 (“Amendment”) is made and entered into this __th day of June 2011 (the “Effective Date”), by and between (i) the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the “City”), and (ii) MORENO VALLEY PROPERTIES, LP, a Delaware limited partnership (the “Master Developer”), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Master Developer may be referred to herein individually as a “Party” and collectively as the “Parties.”

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the legislature of the State of California adopted Section 65864 *et seq.* of the California Government Code, which authorizes a city to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development. To implement the above-described State laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements. Both Government Code Section 65864 *et seq.* and Section 9.02.100 of the Moreno Valley Municipal Code authorize the amendment and modification of such development agreements from time to time at the mutual discretion of the parties.

B. On January 12, 2006, the Parties executed that certain Development Agreement By and Between the City of Moreno Valley and Moreno Valley Properties, LP, Relative to the Development Known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006 (“Agreement”). The Agreement pertains to a development project known as “Aquabella.”

C. In the absence of this Amendment, the Agreement applies to real property comprised of approximately six hundred eighty-five (685) acres which is previously described in the property description attached to the Agreement as Exhibit “A.”

D. Pursuant to this Amendment, Master Developer and the City desire to remove approximately 13.2 gross acres, representing less than two percent (2%) of the Project area from the coverage of the Agreement (“Removed Property”). The Removed Property was always planned to be developed independently from the Aquabella active adult community as a non-age restricted development. The Removed Property is located at the northeast corner of Cactus Avenue and Lasselle Street in the City as set forth in the Depiction attached hereto as Exhibit “A-2b.” A legal description of the Removed Property is set forth in Exhibit “A-2.”

E. The Agreement and the Project governed by the Agreement envisioned the development of approximately 2,702 age-restricted units in a gated community with common amenities to be maintained by one or more Homeowners’ Association (“Age-Restricted Project”).

The Project, as originally approved, also included the development of the Removed Property in what was defined, in the Aquabella Specific Plan, as Planning Area 2. The Removed Property and Planning Area 2 were envisioned to be developed with approximately 220 attached rental units or for sale condominiums that were not age-restricted and were therefore not to be part of the Age-Restricted Project.

F. The State of California and the City have been faced with a severe economic crisis, which has negatively impacted the pace and timing of residential development. In light of these economic conditions, the sequencing of phasing originally contemplated may have to be rescheduled so it is responsive to present market conditions. It is possible that development of the Removed Property as 220 attached, non-age restricted rental units or for sale condominiums may occur at an earlier time period than development of the remaining Age-Restricted Project.

G. Excising the Removed Property from the coverage of the Agreement would increase the likelihood that non-age-restricted rental units or for sale condominiums could be developed more quickly than what would occur if the Removed Property were not excised from the Agreement.

H. On February 23, 1999, the City adopted Resolution No. 99-13, certifying a Final Environmental Impact Report, including findings and a statement of overriding considerations and imposing mitigation measures for the Project (“FEIR”). On May 27, 2003, the City adopted Resolution No. 2003-38 certifying a Supplemental EIR for the Project (“SEIR”). Thereafter, on November 22, 2005, the City adopted Resolution No. 2004-12 approving an Addendum to the FEIR and SEIR for the Project. The record of proceedings for all of the aforementioned City actions are expressly incorporated herein by reference as if set forth in full.

I. On August 23, 2008, the City approved Tentative Tract Map No. 34950 for financing purposes. On April 15, 2011 Tract No. 34950-1 was recorded creating a separate legal parcel for the removed property.

J. On _____, 2011, the City made all of the findings and determinations relating to this Amendment which are required by Municipal Code section 9.02.110 and introduced Ordinance No. ___ for first reading. Thereafter, Ordinance No. ___ was approved on _____, 2011 thereby approving this Amendment.

K. The City finds the approval of this Amendment will not result in substantial changes to the Project within the meaning of the California Environmental Quality Act (“CEQA”) (Pub. Res. Code sections 21000 *et seq.*) and its implementing Guidelines including, but not limited to, Guideline 15162. The Removed Property will continue to be governed by Specific Plan 218 and the City’s General Plan, and the Removed Property will continue to be permitted to be developed with approximately 220 non-age-restricted, rental residential dwelling units or for sale condominiums. No change in land use designations is permitted or contemplated by this Amendment. Further, this Amendment ensures the infrastructure improvements identified in the attached revised Circulation Phasing Improvement Program set forth in the Agreement as Exhibit “B” (“Circulation Program”) will be constructed by re-affirming: (i) the Master Developer’s obligation to construct the improvements set forth in the Circulation Program and (ii) the City’s legal right to impose reasonable off-site and fair share improvement requirements on the

Removed Property when a specific development proposal for the Removed Property is filed with and processed by the City. Once the Amendment is approved, the Removed Property can be processed independently from the rest of the Project and vice-versa. Therefore, pursuant to CEQA Guideline section 15162, the City finds that executing this Amendment does not result in any substantial changes to the original Project.

L. The City Council finds that execution of this Amendment as set forth herein by the Parties: (i) is in the best interest of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide an active adult community; (v) will encourage the development of the project while providing a reasonable level of certainty to the private developer; (vi) will encourage the development of rental or for sale residential dwelling units within the City; and (vii) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above recitals, all which are expressly incorporated into this Amendment, and the mutual promises and obligations of the Parties set forth herein, the Parties agree to this Amendment as follows:

AMENDMENT TO AGREEMENT

1. Section 1 of the Agreement is hereby amended as follows with new Section 1.23 set forth below, replacing Section 1.23 in the Agreement:

1.23 “Project” means the development of the Property contemplated by the SPA and implemented through PADIPs as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to ~~six hundred eighty-five (685)~~ approximately six hundred seventy one point eight (671.8) acres of the seven hundred sixty (760) acres comprising the Specific Plan area. The ~~685~~ approximate 671.8 acres will be developed as a gated age-restricted community with common amenities to be maintained by one of more Homeowner’s Association(s). The Project contemplates a maximum of two thousand seven hundred and two (2702) ~~two thousand nine hundred twenty two (2922)~~ dwelling units and other uses as defined in the Project Approvals. ~~, with the exception of two hundred (220) dwelling units (specifically identified in the SPA) that may or may not be age-restricted.~~

2. Section 1 of the Agreement is hereby amended as follows with new Section 1.25 set forth below, along with new Exhibit “A-1” and Exhibit “A-1b” replacing the Section 1.25 set forth in the Agreement:

1.25 “Property” means the real property described on Exhibit “A-1” to this Amendment and depicted on Exhibit “A-1b” of this Amendment and made a part herein by reference.

3. Section 6 of the Agreement is hereby amended as follows with new Section 6 set forth below, replacing the Section 6 set forth in the Agreement:

6.2 Construction of Public Street and Traffic Signal Improvements – Circulation and Phasing Improvement Program. While the timing of the phasing has been changed by market forces, to the extent the Project proceeds, Master Developer agrees to construct all required public street and traffic signal improvements in accordance with the Circulation Program set forth in the Agreement. When the development of the Removed Property for the anticipated 220-unit rental or for sale condominium project is proposed, the City retains the legal right to analyze any specific traffic or other environmental impacts of any proposed development for the Removed Property and the City may condition the Removed Property to construct any improvements set forth in the Circulation Program and/or to construct or pay fair share amounts towards any other additional and necessary improvements identified in a separate traffic study prepared to analyze any impacts of any proposed development of the Removed Property. Pursuant to State law, City retains the right to impose mitigation on the Removed Property to the extent future environmental analysis discloses previously undisclosed impacts.

4. Section 12 of the Agreement is hereby amended as follows with the insertion of new section 12.3:

12.3 Termination of Agreement With Respect to the Removed Property. The Agreement is terminated with respect to the Removed Property. The Parties shall execute and record the Acknowledgement of Termination set forth as Exhibit “C” within thirty (30) calendar days following the execution and recordation of this Amendment.

5. All other provisions of the Agreement not amended by this Amendment shall remain in force and in effect with respect to the Property (and not the Removed Property) and unaltered by this Amendment.

“MASTER DEVELOPER”

“CITY”

MORENO VALLEY PROPERTIES, LLC,

CITY OF MORENO VALLEY,

a California limited liability company

a municipal corporation

By: _____

By: _____

Iddo Benzeevi, President

Richard A. Stewart, Mayor

ATTEST:

City Clerk

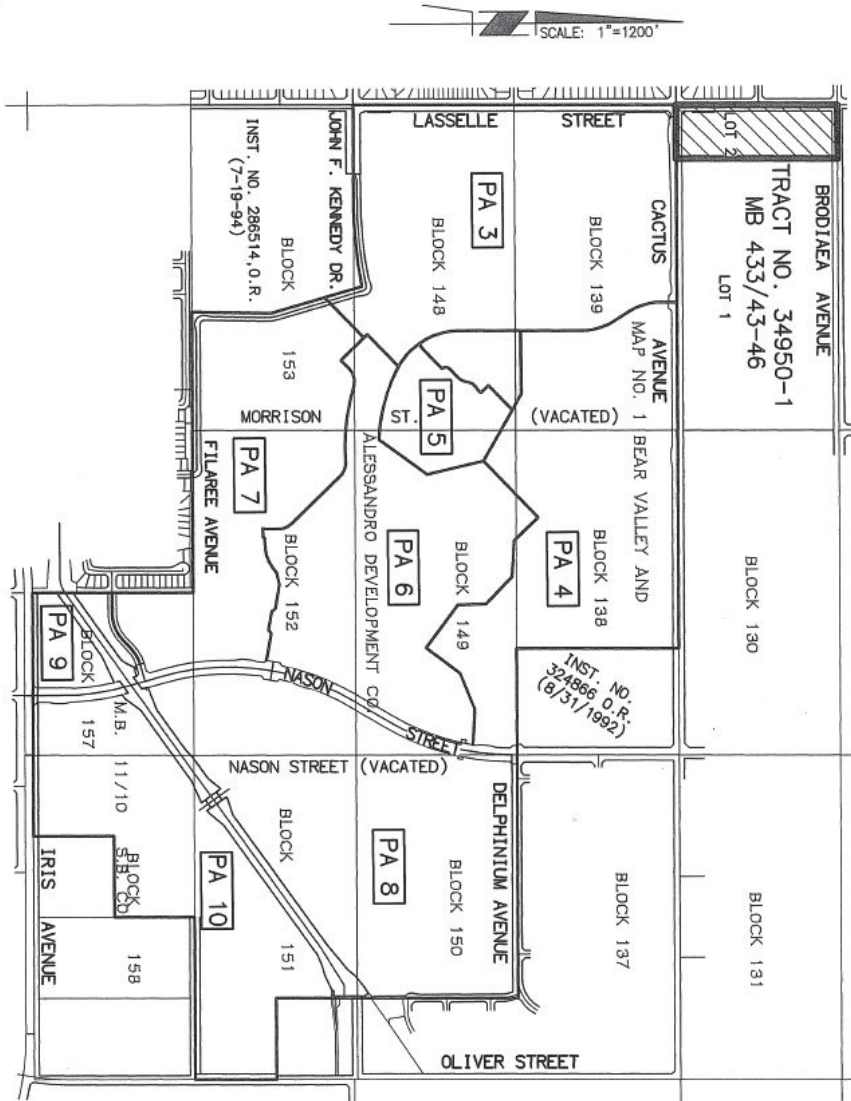
APPROVED AS TO FORM:

City Attorney

Exhibit "A-2b"

Depiction of Removed Property

EXHIBIT "A-2b"



AREA TO BE REMOVED FROM
AQUABELLA DEVELOPMENT AGREEMENT

DATE
04/28/2011

SCALE
1" = 1200'

SHEET 1 OF 1
JOB NO.
10107827-M1

RBF PLANNING ■ DESIGN ■ CONSTRUCTION
CONSULTING
40810 COUNTY CENTER DRIVE, SUITE 100
TEMECULA, CALIFORNIA 92591-6022
951.678.8042 • FAX 951.676.7240 • WWW.RBF.COM

Exhibit "A-2"

**Legal Description of the Area to be Removed from the
Aquabella Development Agreement**

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10-107827-M1

EXHIBIT "A-2"

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT

That certain parcel of land situated in the City of Moreno Valley, County of Riverside, State of California, being Lot 2 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-2b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.


 04/28/2011
Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11



Exhibit "A-1"

Legal Description of Property Covered by the Agreement

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10107827-M2

EXHIBIT "A-1"

MODIFIED AREA - AQUABELLA DEVELOPMENT AGREEMENT

Those certain parcels of land situated in the City of Moreno Valley, County of Riverside, State of California, being all of Blocks 138, 139, 148, 149, 152 and 153 of Map No. 1 of the Bear Valley and Alessandro Development Company filed in Book 11, Page 10 of Maps in the Office of the County Recorder of the County of San Bernardino, State of California (located within Sections 15, 16, 21 and 22, Township 3 South, Range 3 West, San Bernardino Meridian).

ALSO Lot 2 through 7, inclusive, of Block 150; Lots 2 through 8, inclusive of Block 151; Lots 1, 2, 7 and 8 of Block 157; and Lots 3, 4 and 5 of Block 158; as shown on said Map No. 1 of the Bear Valley and Alessandro Development Company.

ALSO Lot 1 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California

TOGETHER with those portions of the Streets and Avenues vacated by Resolution of the Board of Supervisors of the County of Riverside, a Certified Copy of which was recorded on August 11, 1966 as Instrument No. 81996, of Official Records of said Riverside County, which would pass with a conveyance of said land.


EXCEPTING from Block 138 those portions described in the deed to the County of Riverside, recorded August 31, 1992 as Instrument No. 324866 of Official Records of said Riverside County.

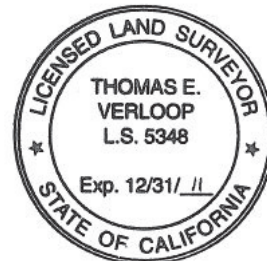
ALSO EXCEPTING from Block 148 and Block 153 those portions described in the deed to the Moreno Valley Unified School District recorded July 19, 1994 as Instrument No. 286514 of Official Records of said Riverside County.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-1b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

 04/28/2011
Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11



1 of 1

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Exhibit "A-1b"

Depiction of the Property Covered by the Agreement

EXHIBIT "A-1b"

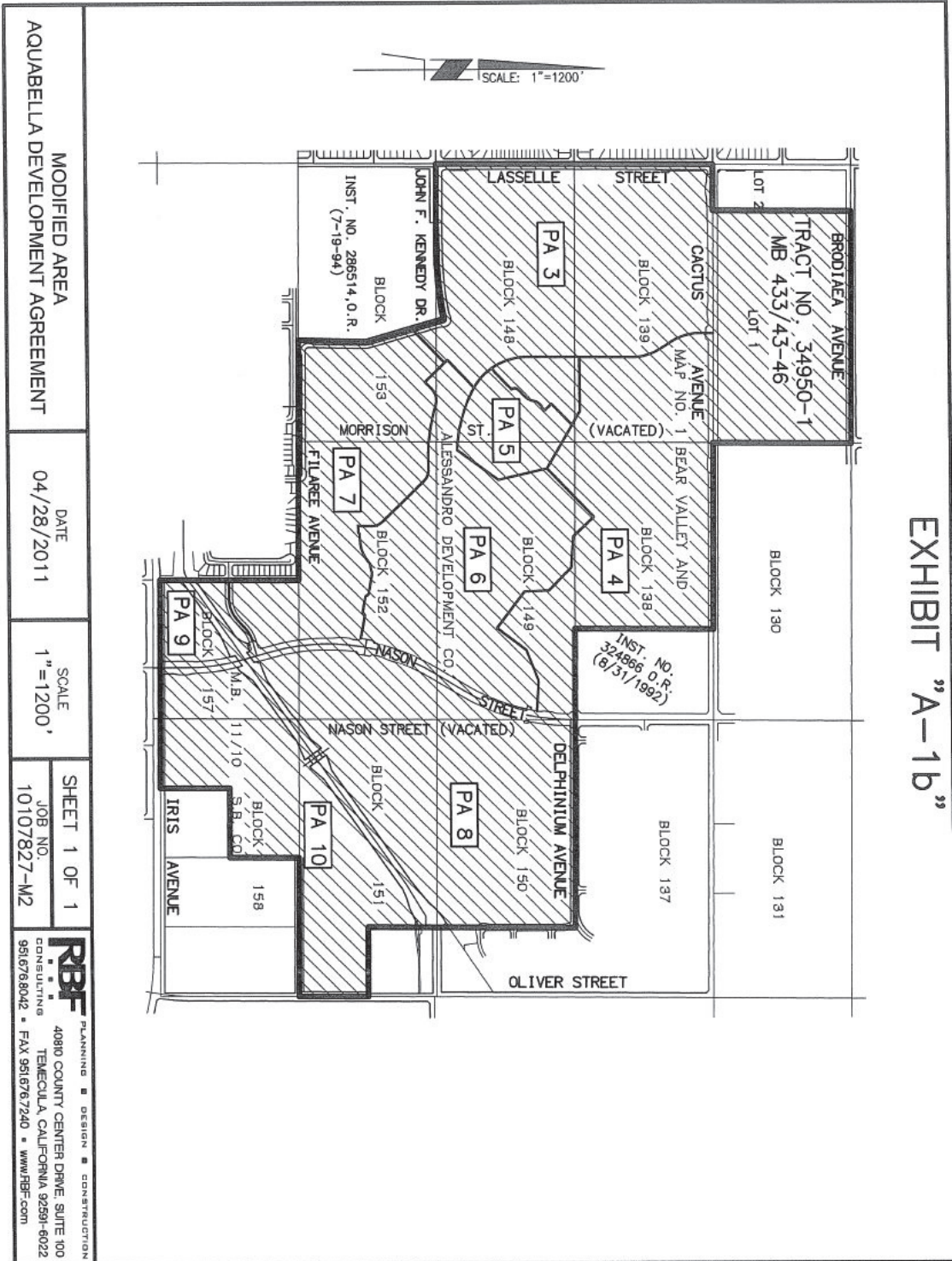


EXHIBIT “B” – (6 Pages)

AquaBella – Circulation Phasing Improvement Program

Phasing Summary

Phase	Type	Quantity	Units	Construction	Occupancy
1	Active Adult (+55) Housing Detached	351	DU	July 06 – Jan 08	Jan 07 – Feb 08
	Attached	234	DU		
2	Active Adult (+55) Housing Detached	289	DU	July 07 – July 08	Jan 08 – Aug 08
	Attached	193	DU		
3	Active Adult (+55) Housing Detached	301	DU	Feb 08 – Mar 08	Aug 08 – Apr 09
	Attached	201	DU		
4	Active Adult (+55) Housing Detached	460	DU	Sept 08 – Feb 10	Mar 09 – Mar 10
	Attached	306	DU		
5	Active Adult (+55) Housing Detached	220	DU	Aug 09 – Aug 10	Feb 10 – Oct 10
	Attached	147	DU		
5	Hotel	300	Room	Mar 11 – Apr 12	-----

Phasing Improvement Details

Location	Direction	Improvement	Phase	Footnotes
Nason St from Iris to Delphinium	NB / SB	Widen to half-width (1 lane per direction)	Phase 1	
Nason Street at Iris Avenue	I	Install traffic signal	Phase 1	
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Phase 1	
Nason Street at Iris Avenue	EB	Construct one ADDITIONAL left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one right turn lane	Phase 1	
Nason Street at Dracaea Avenue	I	Install traffic signal	Phase 1	
Lasselle Street at Margaret Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 1	
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left-turn lane	Phase 1	
Nason Street at Fir Avenue	EB	Construct one left turn lane.	Phase 1	
Nason Street at Fir Avenue	WB	Construct one left turn lane	Phase 1	
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Eucalyptus Avenue	I	Modify Traffic Signal	Phase 2	
Nason Street at Eucalyptus Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Phase 2	
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Phase 2	
Delphinium Avenue		Traffic Calming on Delphinium	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement Split-Phase Signal Timing)	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Phase 2	
Lasselle Street at Gentian Avenue		Re-striping lane configuration / Signal Modification	Phase 2	
Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Clubhouse Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	Phase 2	
Cactus Ave from Lasselle to Nason	EB / WB	Widen to half-width (1 lane per direction)	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Nason St from Cottonwood to Dracaea	NB	Construct 1 NB lane	Phase 3	
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Delphinium Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Cactus Avenue	I	Modify traffic signal	Phase 3	
Nason St from Delphinium to Cactus	SB	Construct 1 SB lane	Phase 3	
Nason St from Brodiaea to Alessandro	SB	Construct 1 SB lane	Phase 3	
Nason St from Alessandro to Cottonwood	NB / SB	Construct 1 lane per direction	Phase 3	
Cactus Ave from Nason to Oliver	WB	Construct 1 WB lane	Phase 3	

Location	Direction	Improvement	Phase	Footnotes
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Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	I	Install traffic signal	Phase 4	
Nason Street at Clubhouse Drive	NB	Construct one left turn lane	Phase 4	
Nason Street at Clubhouse Drive	SB	Construct one left turn lane	Phase 4	
Nason St from Iris to Delphinium	NB / SB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Cactus Ave from Lasselle to Nason	EB / WB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Oliver St, project frontage	NB / SB	Widen to ultimate width	Phase 4	700' Project frontage only btw J.F.K and Iris

Location	Direction	Improvement	Phase	Footnotes
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Phase 5	
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Morrison Street at Cactus Avenue	I	Install traffic signal	Phase 5	
Oliver Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) w/ signing & striping	Phase 5	
Oliver Street at Iris Avenue	I	Modify traffic signal	Phase 5	
Oliver Street at Iris Avenue	SB	Construct one right turn lane	Phase 5	
Iris Ave from Lasselle to Camino Flores		Modification of Iris Median (\$70 per LF)	Phase 5	
Iris Avenue		Coordination of traffic signals on Iris (\$3500 per intersection)	Phase 5	
Lasselle Street		Coordination of traffic signals on Lasselle (\$3500 per intersection)	Phase 5	
Lasselle Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	NB	Construct one FREE right-turn lane	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Phase 5	Or concurrent with City Project

Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Brodiaea Ave from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Phase 5	
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left-turn in/out movements from apartment access	Phase 5	
Lasselle Street at Apartment Access	I	Construct raised median to restrict left-turn out movement from apartment access	Phase 5	
Nason Street at Bay Avenue	I	Install traffic signal	Phase 5	
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 5	
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 5	
Nason Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Phase 5	
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Re-stripe shared left-through turn lane	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Phase 5	
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening & re-striping & signing for additional left-turn lane	Phase 5	
Cactus Avenue		Coordination of traffic signals on Cactus (\$3500 per intersection)	Phase 5	

Location	Direction	Improvement	Phase	Footnotes		
Nason St at SR-60 WB Ramps / Elder Ave	I	Participate in interchange improvements through payment of TUMF program fees	All			
Nason St at SR-60 EB Ramps	I	Participate in interchange improvements through payment of TUMF program fees	All			

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK.]

END OF EXHIBIT “B”

Exhibit “C”

Acknowledgement of Termination

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Clerk
P.O. Box 88005
Moreno Valley, California 92552-0805

**ACKNOWLEDGMENT OF TERMINATION OF DEVELOPMENT AGREEMENT
WITH RESPECT TO SPECIFIED PROPERTY BY AND BETWEEN THE CITY OF
MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE
DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS
THERE TO DATED JANUARY 12, 2006**

Month, Day, 2011

**ACKNOWLEDGEMENT OF TERMINATION OF DEVELOPMENT AGREEMENT
WITH RESPECT TO SPECIFIED PROPERTY KNOWN AS PLANNING AREA TWO IN
THE AQUABELLA SPECIFIC PLAN**

RECITALS

A. On _____, 2011, the City of Moreno Valley (“City”) and Moreno Valley Properties, LP (“Master Developer”) executed a First Amendment to that Certain Development Agreement By and Between the City of Moreno Valley and Moreno Valley Properties, LP relative to the development known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006. The development is commonly referred to as “Aquabella.”

B. The Amendment had the effect of removing approximately 13.2 gross acres representing less than two percent (2%) of the Project area from the coverage of the Agreement as described in the Amendment (defined as the “Removed Property”). The Removed Property is located at the northeast corner of Cactus Avenue and Lasselle Street in the City as set forth in the depiction set forth as Exhibit “A-2b” attached hereto. In the Aquabella Specific Plan, the Removed Property is described as Planning Area 2. A legal description of the Removed Property is set forth as Exhibit “A-2” attached hereto.

C. Pursuant to Section 3 of the Amendment, the Parties are required to execute and record this Acknowledgment of Termination within 30 calendar days following execution and recordation of the Amendment.

NOW, THEREFORE, in consideration of the above Recitals, and the Recitals set forth in the Amendment, all which are expressly incorporated into this Acknowledgment of Termination, the Parties agree as follows:

ACKNOWLEDGMENT OF TERMINATION

1. Termination of Agreement With Respect to the Removed Property. The Parties hereby acknowledge that the Development Agreement entered into by and between the City of Moreno Valley and Moreno Valley Properties, LP, Relative to the Development Known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006 is hereby terminated with respect to the Removed Property described in Exhibit “A-2.” Following the execution of the Amendment, the Agreement applies to that land legally described in Exhibit “A-1” and depicted in Exhibit “A-1b.”

2. Construction of Public Street and Traffic Signal Improvements -- Circulation and Phasing Improvement Program. Notwithstanding the termination of the Agreement with respect to the Removed Property, it is hereby acknowledged and agreed while the timing of the phasing has been changed by market forces, to the extent the Project proceeds, Master Developer agrees to construct all required public street and traffic signal improvements in accordance with the Circulation Program set forth in the Agreement as amended by the Amendment. When a future development plan for the Removed Property is submitted for the anticipated 220-unit rental or for sale condominium project, the City retains the legal right to analyze any specific traffic impacts of any proposed development for the Removed Property and the City may condition the

Removed Property to construct any improvements set forth in the Circulation Program and/or to construct or pay fair share amounts towards any other additional and necessary improvements identified in a separate traffic study prepared to analyze any impacts of any proposed development of the Removed Property. The Removed Property can be processed independently from the rest of the Project and vice-versa.

“MASTER DEVELOPER”

MORENO VALLEY PROPERTIES, LLC,
a California limited liability company

By: _____
Iddo Benzeevi, President

“CITY”

CITY OF MORENO VALLEY,
a municipal corporation

By: _____
Richard A. Stewart, Mayor

ATTEST:

City Clerk

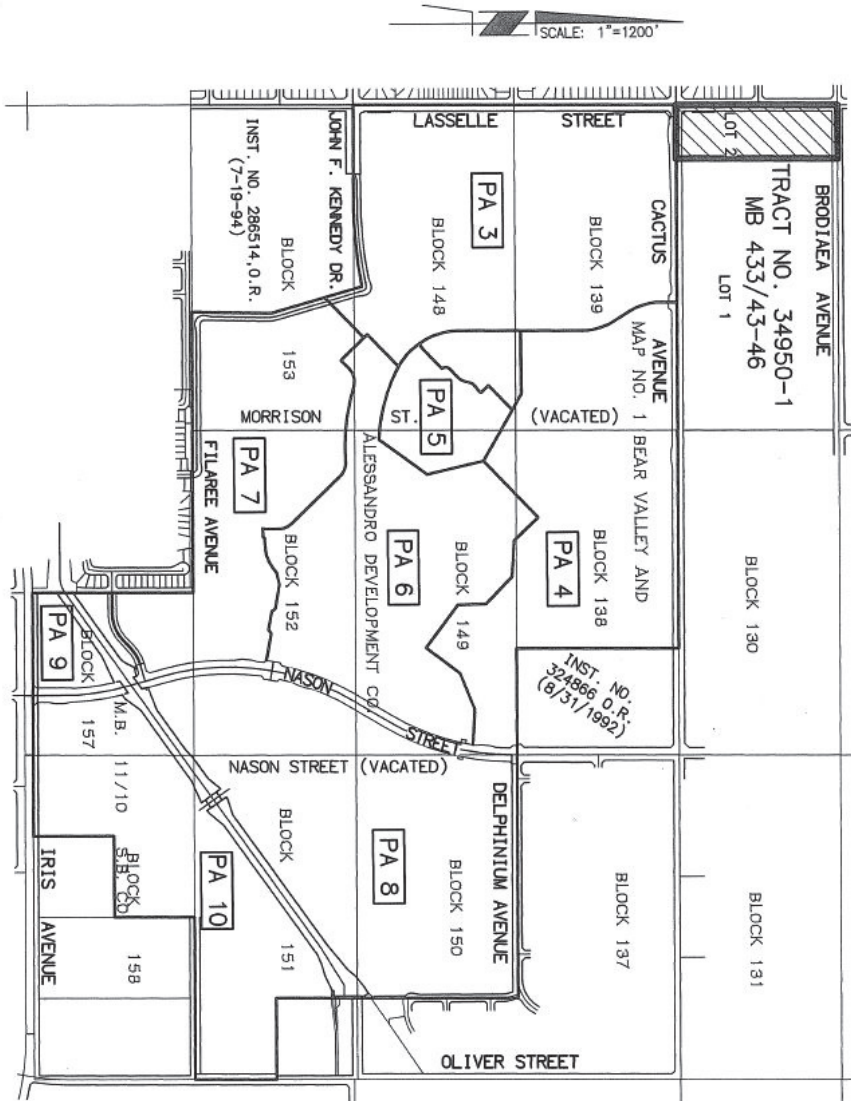
APPROVED AS TO FORM:

City Attorney

Exhibit "A-2b"

Depiction of the Removed Property

EXHIBIT "A-2b"



AREA TO BE REMOVED FROM
AQUABELLA DEVELOPMENT AGREEMENT

DATE
04/28/2011

SCALE
1"=1200'

SHEET 1 OF 1
JOB NO.
10107827-M1

RBF PLANNING ■ DESIGN ■ CONSTRUCTION
40810 COUNTY CENTER DRIVE, SUITE 100
CONSULTING TEMECULA, CALIFORNIA 92591-6022
951.678.8042 • FAX 951.676.7240 • WWW.RBF.COM

Exhibit "A-2"

Legal Description of the Removed Property

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10-107827-M1

EXHIBIT "A-2"

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT

That certain parcel of land situated in the City of Moreno Valley, County of Riverside, State of California, being Lot 2 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-2b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.


 04/28/2011
Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11



Exhibit "A-1"

Legal Description of Property Covered by the Agreement

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10107827-M2

EXHIBIT "A-1"

MODIFIED AREA - AQUABELLA DEVELOPMENT AGREEMENT

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ALSO Lot 2 through 7, inclusive, of Block 150; Lots 2 through 8, inclusive of Block 151; Lots 1, 2, 7 and 8 of Block 157; and Lots 3, 4 and 5 of Block 158; as shown on said Map No. 1 of the Bear Valley and Alessandro Development Company.

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TOGETHER with those portions of the Streets and Avenues vacated by Resolution of the Board of Supervisors of the County of Riverside, a Certified Copy of which was recorded on August 11, 1966 as Instrument No. 81996, of Official Records of said Riverside County, which would pass with a conveyance of said land.


EXCEPTING from Block 138 those portions described in the deed to the County of Riverside, recorded August 31, 1992 as Instrument No. 324866 of Official Records of said Riverside County.

ALSO EXCEPTING from Block 148 and Block 153 those portions described in the deed to the Moreno Valley Unified School District recorded July 19, 1994 as Instrument No. 286514 of Official Records of said Riverside County.

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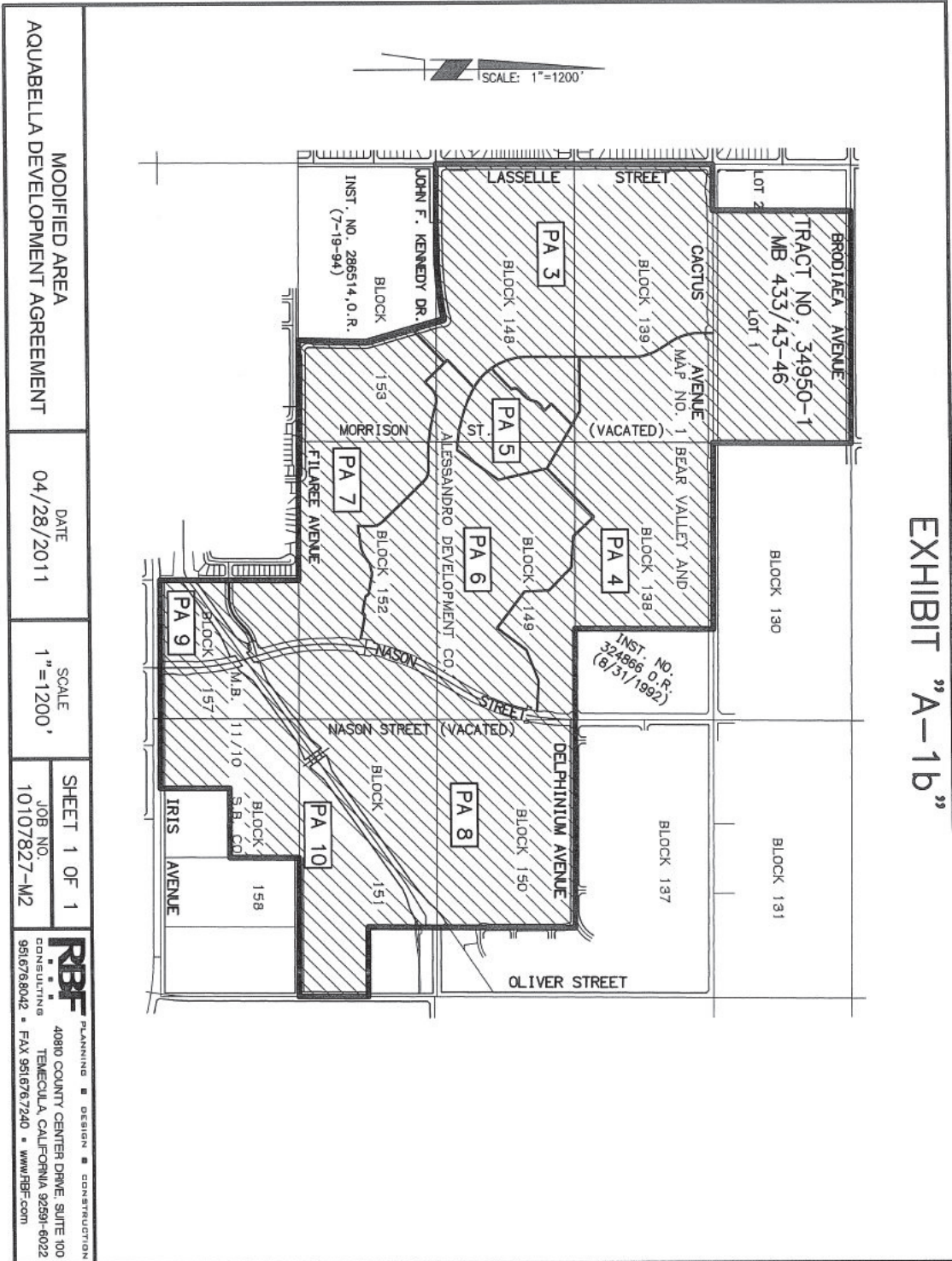
1 of 1

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Exhibit "A-1b"

Depiction of the Property Covered by the Agreement

EXHIBIT "A-1b"



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1 **2. Case Number: P11-029**
2 **Amendment to Aquabella Development Agreement**

3
4 **Case Planner: John Terell, AICP**

5
6
7 **VICE CHAIR BAKER** – Mr. John Terrell will handle this item for us.

8
9 **PLANNING OFFICIAL TERELL** – Yes this item is the first amendment to the
10 Aquabella Development Agreement. The Development Agreement was adopted
11 at the same time as the approval of the Aquabella Specific Plan which is roughly
12 located south of Alessandro, north of Iris, east of Lasselle and generally west of
13 Nason and the Development Agreement is something that is permitted under
14 State Law to allow a developer to get long term protection on the zoning and the
15 entitlements that they receive in exchange for agreeing to do certain things and
16 in this particular Development Agreement there is an extensive list of capital
17 improvements that are required as part of this Development Agreement as well
18 as the quality of the development, which is identified in the Specific Plan as well
19 as in the Development Agreement. The Development Agreement specifically
20 requires the construction of a clubhouse that has a minimum value of 25 million
21 dollars. The other was a payment that was already made which was a one
22 million dollar payment that was made to support the extension of lines; not to this
23 property but in the service area of the Moreno Valley Utilities. The first
24 amendment is quite simple. The applicant has requested to remove the parcel at
25 the northeast corner of Cactus and Lasselle. That particular parcel is the only
26 parcel in the Aquabella project that is not age restricted. It is a non-senior parcel
27 and so they are requesting to remove from the benefits and the responsibilities of
28 the Development Agreement I believe so they can sell that to some third party.
29 The list of improvements that are required under the Development Agreement
30 are not changing. They still stay the same. They are actually moved up in
31 priority to the next higher phase because this particular parcel was phase 6 and
32 now there will only be 5 phases. Your action would be a recommendation. Final
33 action will occur by the City Council. The project was noticed in the newspaper,
34 sent to all property owners within 300 feet of the project and that was not just the
35 corner of Lasselle and Cactus, it was the entire Aquabella Specific Plan and it
36 was also noticed on the property. I did receive four phone calls regarding the
37 project. Generally they were interested to know what was going to be developed
38 on the site and it is very important to note that there is no development
39 application for this site. That would be a separate future application that would
40 require its own public hearing before the Planning Commission. So with that I
41 will close my remarks and be open for questions.

42
43 **VICE CHAIR BAKER** – Alright, thank you John. Do any of the Commissioners
44 have questions of John Terell on this item?
45

ATTACHMENT 3

1 **COMMISSIONER OWINGS** – I do. I am sure I'm going to have more questions
2 as we go into this and as other Commissioners delve into it, but you say the
3 Development Agreement was signed when and what is the length or the term of
4 the Development Agreement?

5
6 **PLANNING OFFICIAL TERELL** – The Development Agreement was approved
7 January 12, 2006 and it has an initial term of 15 years with two 5 year extensions
8 possible, so it is in effect for some time and then there is certain performance
9 that has to occur to extend it beyond that term.

10
11 **COMMISSIONER OWINGS** – So were any of the improvements that you
12 mentioned like the clubhouse or anything, were they to be located on this parcel.

13
14 **PLANNING OFFICIAL TERELL** – No

15
16 **COMMISSIONER OWINGS** – So this parcel was originally in the Development
17 Agreement solely just a residential non-age restricted residential area?

18
19 **PLANNING OFFICIAL TERELL** – That's correct. There are certain
20 improvements that are in the Development Agreement that are still required in
21 the Development Agreement that would obviously be the frontage along Lasselle
22 and Cactus. If this property is developed separately in advance of the rest of the
23 Aquabella Project, then that project will most likely be responsible for those
24 improvements because they are immediately adjacent to the site, but if they do
25 not occur, then if this site is not developed for many years then the Aquabella
26 Project would be required to do it based on the phase.

27
28 **COMMISSIONER OWINGS** – When you say most likely, that leads me to believe
29 that there is a possibility they may not.

30
31 **PLANNING OFFICIAL TERELL** – The only reason they may not is if the City
32 should choose to develop those improvements and therefore there would be a
33 reduction in the benefits accruing to the project or most likely what would
34 happen...

35
36 **COMMISSIONER OWINGS** – In which case... not to interrupt you, but I suffer
37 early onset Alzheimer's, so I may forget, but in that particular case that the City
38 does those, what remedy does the City have with the developer to kind of equal
39 the scale here. If he is doing less, the City is doing more, how he compensates
40 the City for that

41
42 **PLANNING OFFICIAL TERELL** – The Development Agreement requires the
43 improvements provided by the development to exceed the amount of the credits
44 they are receiving, so that's the balance sheet.

45
46 **COMMISSIONER OWINGS** – So that could be determined at a later time?

1 **PLANNING OFFICIAL TERELL** – That’s correct

2
3 **COMMISSIONER OWINGS** - And what assurance does anyone have that that
4 will happen?

5
6 **PLANNING OFFICIAL TERELL** – It’s required by the agreement. I mean that’s
7 all I can say. It is a contractual agreement.

8
9 **COMMISSIONER OWINGS** – And you were going to go onto a second one and
10 we’ll see if your memory is better than mine.

11
12 **PLANNING OFFICIAL TERELL** – Oh well I was going to say most likely what
13 will occur is this property will be developed in advance of phase 5 of Aquabella,
14 which is really the last phase in Aquabella, which is a very large phase and
15 therefore the improvements will most likely be constructed by the developer of
16 this parcel.

17
18 **COMMISSIONER OWINGS** – In the master agreement, those developments;
19 when are they required in which phase.

20
21 **PLANNING OFFICIAL TERELL** - They are required in phase... In the existing
22 agreement it is Phase 6, but since this property is Phase 6, all those
23 improvements were moved up to Phase 5.

24
25 **COMMISSIONER OWINGS** – Isn’t that sort of unusual that development would
26 have all of those improvements after the whole project is complete

27
28 **PLANNING OFFICIAL TERELL** – Well there are five phases and as each phase
29 occurs there is more impact both onsite as well as offsite and that is why its
30 phased so as the impacts occur, the improvements are required rather than
31 requiring all the improvements up front, even before any of the impacts occur.

32
33 **COMMISSIONER OWINGS** – And that’s normal?

34
35 **PLANNING OFFICIAL TERELL** – That is normal; yes

36
37 **COMMISSIONER OWINGS** – Okay, then what does the removal of this
38 property...well first of all let me ask you, originally in the master plan, why was
39 this property not designated with an age restriction. There must have been some
40 logic for the marketing of this plan. Why was it not consistent with the bigger
41 portion of the project?

42
43 **PLANNING OFFICIAL TERELL** – Well at time there was recognition that this
44 property is close to the County Hospital, which is the largest employer in the City
45 of Moreno Valley and there is no multi-family housing in close proximity or multi-
46 family zoning at that time and therefore this was included as a recognition that at

1 least one site on this property that was near the hospital would have the potential
2 to provide workforce housing for the hospital.

3
4 **COMMISSIONER OWINGS** – So is this workforce housing still required? I mean
5 is there a need for that still? I know this was done in 2006, so since 2006 has
6 that requirement for work related housing for the hospital workers, has that been
7 filled by someone else.

8
9 **PLANNING OFFICIAL TEREILL** – It has not

10
11 **COMMISSIONER OWINGS** – So there would still the need. Are there other
12 areas of property in this area that could fulfill that need?

13
14 **PLANNING OFFICIAL TEREILL** – Well as part of the recently adopted Housing
15 Element for the City, there are a certain number of multi-family housing units that
16 are required in the City. A large portion of those that are identified in the Housing
17 Element involve rezoning property to R30, which is 30 units per acre. That is a
18 new zone that is required by the State and one of the areas that was identified
19 was the area immediately north and west of the hospital and north of this
20 property and should all that rezoning occur this property may or may not be
21 needed to meet those requirements.

22
23 **COMMISSIONER OWINGS** – So let me ask you a question. If we were to
24 approve this tonight, is there any assurance that it would still be designated... I
25 mean if someone wanted to do medical offices there instead of residences for
26 workers, it is conceivable it would come back to the Planning Commission and
27 we would probably in some later future date be asked to change the zoning of it
28 from its current zoning to something that would allow medical offices or
29 something of that nature, so there is no assurance then that that specific housing
30 need that was identified when this plan was put together would be met if we
31 make this change tonight.

32
33 **PLANNING OFFICIAL TEREILL** – The change tonight doesn't affect the land use
34 on this property. The land use was established by the Specific Plan.

35
36 **COMMISSIONER OWINGS** – But if you take it out of the master plan then it
37 could be changed. It cannot be changed if it stays in the master plan. Am I
38 correct?

39
40 **PLANNING OFFICIAL TEREILL** – Maybe it's the terminology... the Specific Plan
41 is the land use plan and...

42
43 **COMMISSIONER OWINGS** – Not the Master Plan, I mean the Development
44 Agreement

45

1 **PLANNING OFFICIAL TERELL** – With the Development Agreement; the only
2 change that taking it out of the Development Agreement because in a
3 Development Agreement the land use can change, but it requires the
4 concurrence of both the City and the property owner.

5
6 **COMMISSIONER OWINGS** – Which is only fair...?

7
8 **PLANNING OFFICIAL TERELL** – If it is outside the Development Agreement,
9 the City could if it wanted to, change the land use without the concurrence of the
10 developer.

11
12 **COMMISSIONER OWINGS** – So there could be a benefit to the City by taking it
13 out?

14
15 **PLANNING OFFICIAL TERELL** – Well I'm not saying it is a benefit, but the City
16 has more rights relative to the land use if it is outside of the Development
17 Agreement than if it is in the Development Agreement; more flexibility

18
19 **COMMISSIONER OWINGS** – To allow some of the other Commissioners to
20 question further, but could you finally just kind of persuade me or alleviate my
21 fear here. It seems as though if I'm just a little tiny developer, it's my main
22 occupation, but it would seem to me that someone in the City made this
23 agreement with this developer to put that little chunk in there to do meet the need
24 of the hospital, it wasn't probably his idea, it was probably the City's idea. Am I
25 correct in that?

26
27 **PLANNING OFFICIAL TERELL** – It was a suggestion from not myself but from
28 City Staff that it be included and the developer was amenable to that.

29
30 **COMMISSIONER OWINGS** – Right so he was amenable to it because he has
31 this bigger project he wanted to do, but the need you guys saw back 2006 still
32 exists and has not been met and so persuade me that that need could be met
33 somewhere else so at least we have some feeling that it could be met
34 somewhere else or you know some hope that it could down the line future met
35 with some other parcel or other property.

36
37 **PLANNING OFFICIAL TERELL** – Well I'm not here to convince you one way or
38 the other. I will tell you if someone came forward, either the City or the property
39 owner and wanted to change that from multi-family housing to some other use,
40 the Planning Commission and City Council would have to determine that other
41 sites already existed to meet the housing needs of the City.

42
43 **COMMISSIONER OWINGS** – Not to be argumentative, I know you are not here
44 to change my mind or persuade me, but you did recommend approval of this, so
45 you are in a sense putting your stamp of approval on it. I think that the Staff does
46 need to address that concern.

1 **PLANNING OFFICIAL TERELL** – I’m not quite sure what the concern is
2 because... The concern is there is no land use change before tonight.

3
4 **COMMISSIONER OWINGS** – Well the concern is that the City Staff in 2006 say
5 there was a need for this particular parcel to be used for the hospital workers and
6 it now no longer sees that need?

7
8 **PLANNING OFFICIAL TERELL** – Again, the land use is not changing tonight
9 and therefore the only action before the Commission is to recommend whether it
10 is in or out of the Development Agreement

11
12 **COMMISSIONER OWINGS** – But if it is in the Development Plan it is pretty
13 much assured it is going forward as it is. If it’s not in this Development
14 Agreement, there is a possibility that it might not. Am I correct?

15
16 **PLANNING OFFICIAL TERELL** – No, I’m sorry that’s not correct. The Specific
17 Plan which identifies the land use is not changing. All that is changing is it goes
18 from being in a Development Agreement which means the property owner has to
19 agree a change of land use.

20
21 **COMMISSIONER OWINGS** – John hypothetically, excuse me for cutting you off,
22 cut you are just really not getting my point, so I’ve not made it clear.
23 Hypothetically, if you take this out of this agreement, Mr. Benzeevi, the owner of
24 this could come over to you one night and ask you to change the zoning to office
25 or some sort of multiple use zoning; correct

26
27 **PLANNING OFFICIAL TERELL** – He could do that now

28
29 **COMMISSIONER OWINGS** – Even though it is in the Master Development Plan

30
31 **PLANNING OFFICIAL TERELL** – Correct because he is the property owner and
32 the property owner always has; even under the Development Agreement, has the
33 right to request a change in land use.

34
35 **COMMISSIONER OWINGS** – Would the City Planning Commission be the sole
36 authority of that or would it have to go to the Council. I would assume this
37 agreement would have to go to the Council wouldn’t it if you change it?

38
39 **PLANNING OFFICIAL TERELL** – Yes, this agreement has to go to Council and
40 any land use would have to go to Council as well.

41
42 **COMMISSIONER OWINGS** – Well thank you very much. I think really clarified it
43 for me.

44
45 **PLANNING OFFICIAL TERELL** – I’m sorry if I didn’t understand you clearly...
46

1 **COMMISSIONER OWINGS** – No, no, it's my fault. I wasn't communicating
2 clearly.

3
4 **VICE CHAIR BAKER** – Thank you

5
6 **COMMISSIONER VAN NATTA** – Okay so I'm still not clear. Maybe you can fill
7 me in. So aside from little section of land there was there any other non-age
8 restricted multiple family dwellings within the Development Agreement?

9
10 **PLANNING OFFICIAL TERELL** – No there are not

11
12 **COMMISSIONER VAN NATTA** – Okay, so conceivably by taking that out of the
13 Development Agreement and selling it to somebody or even without selling it to
14 somebody else, then the developer of Aquabella could go ahead and finish his
15 complete development without having to worry about putting in the multi-family
16 units that he had originally agreed to when he entered into this Development
17 Agreement?

18
19 **PLANNING OFFICIAL TERELL** – They are not required to put in the multi-family
20 housing but it is Phase 6. So the idea is to complete the Aquabella Development,
21 this is one of the parcels that would be developed. If it is not developed then
22 certain... within the Development Agreement if this parcel was not developed,
23 certain responsibilities would not be required and certain benefits; meaning
24 certain fee credits would not accrue to the developer, so this like most
25 development agreements is performance based. If you do develop something
26 you have certain responsibilities and certain benefits. If you don't develop, then
27 you don't have certain responsibilities and you don't get certain benefits

28
29 **COMMISSIONER VAN NATTA** – Right, but as part of the original Development
30 Agreement the whole project as a whole has a certain number of multi-family
31 units in it, which if we take this part out then he no longer has the requirement
32 when he develops it completely to put in the multiple family units.

33
34 **COMMISSIONER VAN NATTA** – He could complete the whole thing without
35 building any multi-family units

36
37 **PLANNING OFFICIAL TERELL** – That are non age-restricted; yes

38
39 **COMMISSIONER VAN NATTA** – Non-age restricted multiple family units

40
41 **PLANNING OFFICIAL TERELL** – Yes and even under the current agreement,
42 since this was the last phase, he theoretically could have developed everything
43 else without developing this parcel.

44
45 **COMMISSIONER VAN NATTA** – Just leave an undeveloped parcel there that he
46 couldn't...that if he were to develop it, it would have to be non-age restricted

1 multi-family unless there was an agreement between him and the City to change
2 it to something else.

3
4 **PLANNING OFFICIAL TERELL** – That’s correct

5
6 **COMMISSIONER VAN NATTA** – But now by taking it out and saying it is not
7 part of the Master Development, and then he doesn’t have to worry about that.

8
9 **PLANNING OFFICIAL TERELL** – Well, it’s not part of the Development
10 Agreement. It still is Highland Fairview’s property and therefore to develop it,
11 they have certain responsibilities. They don’t necessarily have the same benefits
12 as being in the agreement but and I’ll kind of defer this to the Applicant
13 Representative, but I’m assuming and the Applicant’s Representative can
14 confirm this, that they want to take this property out the Development Agreement
15 to sell it to some third party and to make it more marketable to a third party that
16 doesn’t want to be responsible for the rest of Aquabella; they are separating it out
17 so there are Aquabella’s responsibilities and rights and then this property is free
18 of those responsibilities. So it doesn’t tie this property in with the development of
19 the rest of Aquabella. It allows it to be separately developed by a third party.

20
21 **COMMISSIONER VAN NATTA** – I would like to hear more explanation about
22 why they’re doing it because it looks kind of strange to take that little corner out
23 of a development that was originally planned to be a certain way and all cohesive
24 and you know all flow together and everything like that and then you take a little
25 chunk out of the corner which is the frontage on a fairly well travelled road; yes
26 I’d like to hear a little more about that.

27
28 **PLANNING OFFICIAL TERELL** – I think the Applicant has to make that case for
29 you.

30
31 **COMMISSIONER VAN NATTA** – Alright, thank you

32
33 **VICE CHAIR BAKER** – Okay are there are more questions of Staff before we
34 have the Applicant come forward.

35
36 **COMMISSIONER OWINGS** – I was fairly certain I understood you to begin with.
37 You told me that the major contribution by the developer to the City would not
38 occur till phase 6.

39
40 **PLANNING OFFICIAL TERELL** – For this parcel

41
42 **COMMISSIONER OWINGS** – For this parcel... but the complete development,
43 under the Master Agreement, which is just nothing but a contract between the
44 City and the developer to do certain things; correct

45
46 **PLANNING OFFICIAL TERELL** – That’s correct

1 **COMMISSIONER OWINGS** – So when would... you said that on the developers
2 part that contribution would be made at the completion of Phase 6. Did I
3 misunderstand you?
4

5 **PLANNING OFFICIAL TERELL** – Possibly... this particular property is Phase 6
6 and there were certain requirements... there were certain improvements required
7 in Phase 6 and those have now been moved up to Phase 5 and if under the
8 current plan Development Agreement; if this parcel is not taken out of it, it's not
9 required to do anything until Phase 6. Every phase has major improvements that
10 are required and actually much larger than Phase 6.
11

12 **COMMISSIONER OWINGS** – So that's the part I misunderstood. I thought you
13 were leading me to believe that Phase 6 was the larger portion. I couldn't figure
14 out why they got to the end with... So could you please, if you know John and I
15 know you may not, it's been a long time, but what were the developer's
16 responsibilities at the completion of Phase 6?
17

18 **PLANNING OFFICIAL TERELL** – I couldn't point out exactly which ones, but in
19 Phase 5 there is a very long list and several those are primarily relating to what is
20 adjacent to this parcel were required in Phase 6. Phase 6 has a very short list.
21 Most of the improvements were required well in advance of Phase 6. It was a
22 short list. As I recall it was only three or four items.
23

24 **COMMISSIONER OWINGS** – Okay thank you John
25

26 **VICE CHAIR BAKER** – Okay is there anyone else?
27

28 **COMMISSIONER CROTHERS** – The phase 6 items that we're looking at right
29 here or the Phase 5, does that include the ones that were from Phase 6?
30

31 **PLANNING OFFICIAL TERELL** – Yes
32

33 **COMMISSIONER CROTHERS** – Okay thank you
34

35 **VICE CHAIR BAKER** – Anyone else? Okay, we'll bring the Applicant forward
36 and he can present... Mr. Wayne Peterson. Would you please state your name
37 and address sir.
38

39 **SPEAKER PETERSON** – Sure, Wayne Peterson with Highland Fairview and
40 we're located here in Moreno Valley. I'd be happy to address the Planning
41 Commission on this and want to thank John for responding to many of those
42 questions. It really is a very simple amendment. I can appreciate the
43 Commission's questions because it is simpler than it may appear. The only
44 change being proposed is to eliminate the small planning area from the
45 Development Agreement. All of the obligations under the Development
46 Agreement today remain with the Aquabella property without this piece, so all of

1 the obligations; all the street improvements; all the improvements within
2 Aquabella are all still in place; nothing changes whatsoever in terms of the
3 mitigations that are required; the public improvements; the private improvements;
4 all those things are all still in the plan. The only thing that changes is the fact that
5 this small piece of property is no longer protected by the Development
6 Agreement. As John said, it essentially removes the guarantee that the
7 Development Agreement provides, that the City cannot unilaterally change the
8 zoning on that property. In this particular case and it's not for a potential sale; it
9 is for a potential financing purpose that this particular piece is being removed
10 from the agreement. There is no pending sale of the property, it is still owned by
11 Highland Fairview and will continue to be owned Highland Fairview, so my goal
12 would be to try to assure the Council or Commission I'm sorry, that the proposed
13 amendment is in fact as simple as it sounds. It does not reduce in any way,
14 shape or form any of the obligations that Highland Fairview agreed to back in
15 2006 and essentially its three items. I can point those out to you in the back of
16 your package. At the end of Exhibit...

17
18 **COMMISSIONER OWINGS** – Maybe you could just give us the page number

19
20 **SPEAKER PETERSON** – It doesn't have pages in my copy of the Staff Report.
21 If you go through the Staff Report... there is Attachment 3 is the draft of the first
22 amendment to the agreement. If you go to the back of Attachment 3 there is
23 spreadsheet that looks like this...

24
25 **PLANNING OFFICIAL TERELL** – Page 199 I believe

26
27 **SPEAKER PETERSON** – Oh your Staff Report is numbered and the copy I have
28 isn't. It should be the last page of the spreadsheet that lists all of the
29 improvements that are required in Aquabella

30
31 **PLANNING OFFICIAL TERELL** – So that would be 203

32
33 **SPEAKER PETERSON** – Okay, sorry

34
35 **COMMISSIONER OWINGS** – John I'm looking at page 203 and I don't see
36 Phase 6

37
38 **PLANNING OFFICIAL TERELL** – Right, they are all in Phase 5 now

39
40 **COMMISSIONER OWINGS** – Okay, so which are the three that would have
41 been in Phase 6?

42
43 **SPEAKER PETERSON** – The last three

44
45 **COMMISSIONER OWINGS** – The last three

46

1 **SPEAKER PETERSON** – Correct... the two on the last page refer to all phases.

2
3 **COMMISSIONER VAN NATTA** – So you are referring to modify the traffic signal,
4 widening and restriping and signing for a left turn lane and coordination of traffic
5 signals.

6
7 **SPEAKER PETERSON** – Correct

8
9 **COMMISSIONER OWINGS** – And then on the back page it is the money items;
10 the TUMF fees, correct.

11
12 **COMMISSIONER VAN NATTA** – Those just aren't in that phase, those are for all
13 phases

14
15 **COMMISSIONER OWINGS** – Would those fees be reduced as a result of
16 removing this parcel?

17
18 **SPEAKER PETERSON** – As John indicated, the zoning on the property stays
19 the same; no change whatsoever in density; no change in type of land uses; its
20 multi-family residential and in the Development Agreement a key point is that
21 there is no requirement to build those units at any particular point in the overall
22 development of the community. The point is when they are developed; they are
23 subject to all of the regulations that normally apply to any residential
24 development in the City, including review by this Planning Commission and
25 potentially the City Council.

26
27 **COMMISSIONER OWINGS** - Your name again, I didn't get your last name sir

28
29 **SPEAKER PETERSON** – Peterson... Wayne Peterson

30
31 **COMMISSIONER OWINGS** – Mr. Peterson my name is Tom Owings. I would
32 like to assure you that I'm not trying to make something simple into complicated.
33 I have enough complications in my life, but there is a fiduciary function for each
34 of the Commissioners here to understand when the City; when two people enter
35 into a contract and one of them wants of modify it. We were not here. We have
36 a fiduciary function to ask the questions, so I hope you understand that were not
37 in any way trying to complicate something. So you know in looking; I think can
38 simplify it with one simple question. Wayne if you were to look at me straight in
39 the eyes and tell me that is going to be developed with multiple unit, non-aged
40 restricted units, then my concern about meeting the housing need that was
41 identified in 2006 would be alleviated. So can you tell me that the ultimate use of
42 this will be the units that were initially envisioned when this agreement was
43 agreed to by the developer and by the City.

44
45 **SPEAKER PETERSON** – No, but the key point is if it is anything different then
46 what is in the Development Agreement today and in the zoning, it would be an

1 application on the part of the property owner that would have to come through
2 the City review process.

3
4 **COMMISSIONER OWINGS** – And when you say property owner that makes me
5 believe that wouldn't be fair of Fairview Highland

6
7 **SPEAKER PETERSON** – Well I can't stand here and tell this Planning
8 Commission that the Highland Fairview is going to forever be the owner of all the
9 property it owns.

10
11 **COMMISSIONER OWINGS** – Let me ask you hypothetically; if you were in the
12 party of a master agreement like this and you were kind of thinking about and I
13 appreciate your comment about later down the line, the zoning would come
14 before the Planning Commission, but that is kind of kicking the question down the
15 line when it really our responsibility to deal with it now, so hypothetically if you
16 were a developer and you kind of decided that this project may not happen; the
17 whole project; you might start picking it apart piece by piece and so I guess I
18 have to ask you what are the likelihoods that a few years from now another
19 Planning Commission member with my curiosity might be asking you or might
20 asked to say we want to take Phase 5 out and then Phase 4 and then Phase 3;
21 so the City is bound to allow you to have this long term agreement, but piece by
22 piece it is being taken away, so I guess my question to you is this the first step in
23 that process.

24
25 **SPEAKER PETERSON** – No

26
27 **COMMISSIONER OWINGS** – It's because a little tiny guy who tried to develop
28 some housing units, you know there is generally a five year period on these
29 types of entitlements and then you get a couple of extensions here and there.
30 You guys really have a 30 year period here to which the City is bound by this
31 agreement and of course you are too, so that's my concern. So you have no
32 plans. Highland Fairview two years from now is not going to be here trying to pull
33 out parcel 5 or section 5 of this.

34
35 **SPEAKER PETERSON** – No

36
37 **COMMISSIONER OWINGS** – Okay thank you

38
39 **COMMISSIONER VAN NATTA** – Was this the only parcel in the development
40 that was not age restricted? Is now the rest of Aquabella age restricted?

41
42 **SPEAKER PETERSON** – That's correct. Well the exception and to just be
43 completely accurate; the High School site was technically part of the Specific
44 Plan. It is obviously not age restricted.

45
46 **COMMISSIONER VAN NATTA** – But all the residences that are...

1 **SPEAKER PETERSON** – Correct, all the residential property...

2
3 **COMMISSIONER VAN NATTA** - ...that are under the program now, the rest of
4 them are age restricted.

5
6 **SPEAKER PETERSON** – That is correct

7
8 **COMMISSIONER VAN NATTA** – And this was the only section that was not

9
10 **SPEAKER PETERSON** – That is correct

11
12 **COMMISSIONER PETERSON** – Okay

13
14 **VICE CHAIR BAKER** – Are there any other questions of the Representative or
15 the Applicant? Thank you very much. Now we will open this up to Public
16 Testimony. I have no Speaker Slips on this item so I will close the Public
17 Testimony on this item and we will go forth with Commissioner’s Debate.

18
19 **PLANNING OFFICIAL TERELL** – Chair Baker; just to clarify the questioning that
20 was occurring; no property owner can agree not to ever change their mind in the
21 future but in a development agreement the City is not required to approve any
22 change that the owner of that property has. They are only required to consider it,
23 so not that it will occur in this case, but we’ve got other Development Agreements
24 in town and the owner of the property has the right to request, but they don’t
25 have the right to change it; the City always has the right to review and either
26 agree or disagree. Just to clarify that; you know if you see a change in this
27 Development Agreement or say Towngate or some other project that has a
28 Development Agreement, you are not required to approve it but the owner of the
29 property can never bargain away their right to ask.

30
31 **COMMISSIONER OWINGS** – You know John I’m not trying to suggest that they
32 know because I don’t know what I’d I’m going to do with the piece of property that
33 I am stuck with in Oregon in the same situation they are, but we sure have a
34 pretty good idea when we have that much money invested in it and I think it is a
35 fair question to ask what is the plans as of today.

36
37 **PLANNING OFFICIAL TERELL** – Agreed, I just want to make sure that it was
38 clear that they could change their mind.

39
40 **COMMISSIONER VAN NATTA** – As I see this, this gives even though it has
41 been taken out of the Master Plan for Aquabella; if anything, the City now has
42 more control over what happens with the development of that piece of property
43 than we had when it was within the development and since there was no
44 guarantee that at any point that phase would have ever been reached, it would
45 have turned into multiple family units anyway, I don’t see much harm in
46 approving this because they can’t do anything other than it was slated for without

1 for without coming back to us for permission anyway. I am a great believer in
2 owners being able to do what they can with what they want to with their own
3 property as long as they are staying within the rules and there is no harm in what
4 changes they want to make and so I don't see any harm in approving it.

5
6 **COMMISSIONER OWINGS** – You know I just respectfully disagree with that
7 analysis. This is different. This is a contractual arrangement between the City
8 and a developer. This is not a question of property rights because there is
9 nobody on this dais that believes in property rights more than me, but this is
10 between a contract... you know the developer got something out of this or they
11 wouldn't have entered into the agreement, so the City got something; the
12 developer got something and now the agreement is being altered and I do not
13 believe this is a property right; this is a contractual agreement.

14
15 **COMMISSIONER VAN NATTA** – Let me just respond to that. But the City isn't
16 giving up anything that they agreed to and in a way neither is the owner and he
17 has the right to ask and if there is no harm in making the change, I don't see the
18 harm in approving it.

19
20 **COMMISSIONER OWINGS** – You know and I may agree with that final analysis,
21 but the point is how we got there has to be correct and clear in our mind. We
22 have every right to question this and it is not a matter of property rights, this is a
23 question of contractual agreement between two parties and one party wants to
24 change it.

25
26 **PLANNING OFFICIAL TEREEL** – Commissioner Owings is exactly correct,
27 that's why this item is before you because the City and the Applicant have to
28 agree in order to change this contract.

29
30 **VICE CHAIR BAKER** – Okay another other comments?

31
32 **COMMISSIONER RAMIREZ** – Having said that, I believe that we need to be
33 flexible. We need to be able to work together. Times change and things happen
34 in a five year period, so whenever this contract was proposed and put in place, a
35 lot has changed since. One thing I can agree with is our developer has a great
36 proven track record. In fact when that Skechers was built, it was built way ahead
37 of time and up to the cutting edge and as far as time frame goes, I believe that
38 the developer completed and fulfilled all their obligations way ahead of schedule,
39 so having said that, I find no harm in trusting the developer that either one day if
40 he decides to sell this particular property or they decide to develop it, the fact is
41 that this will help them and it will help us in moving the City forward. Now it is
42 better for us to not develop something than not develop it and sit there for many,
43 many years and have no one move into it. That doesn't make anybody any
44 money and that doesn't make any sense, I believe that as long as we can come
45 to an agreement to work together and be flexible, we'll be able to accomplish our
46 mission. Thank you.

1 **COMMISSIONER OWINGS** – Respectfully I would like to point out to the
2 Commissioner that this Development Agreement assures that there is a
3 possibility that we could be 30 years from now and that land would be vacant, so
4 if you want to do rapid development, you shouldn't enter into these kinds of
5 agreements.

6
7 **COMMISSIONER VAN NATTA** – And I may add to that that I feel that we have
8 to look at each one of these projects on their merit and on what was decided on
9 this particular property. We can't go into something saying I trust this developer
10 and I don't trust that developer or point to how a developer has behaved in any
11 other development that he has done. We're talking about a specific plan for this
12 specific piece of property and that's what we need to look at.

13
14 **VICE CHAIR BAKER** – Okay, any other comments? Okay, I guess we're at a
15 point where we'll ask for a motion to approve this Resolution 2011-14. Do I have
16 a motion?

17
18 **COMMISSIONER RAMIREZ** – I motion that we approve...

19
20 **VICE CHAIR BAKER** – Okay, would you do this for me Commissioner. Would
21 you read in there that resolution? Here I'll give the sheet. We just need you to
22 read into the record all the items there. Thank you.

23
24 **COMMISSIONER RAMIREZ** – I make a motion that we **APPROVE** Resolution
25 No. 2011-14 and thereby **RECOMMEND** that the City Council:

- 26
27 1. **RECOGNIZE** that P11-029 is exempt from the California
28 Environmental Quality Act as the First Amendment would not
29 Result in substantial changes to the Aquabella Development
30 Agreement necessitating additional environmental review; and,
31
32 2. **APPROVE** P11-029, a First Amendment to the Aquabella
33 Development Agreement to remove Planning Area 2, a 13.2 acre
34 Parcel at the northeast corner of Cactus Avenue and Lasselle
35 Street
36

37 **VICE CHAIR BAKER** – Do we have a second to Commissioner Ramirez's
38 motion?

39
40 **COMMISSIONER VAN NATTA** – I'll second that

41
42 **VICE CHAIR BAKER** – That is seconded by Commissioner Van Natta. Okay
43 let's poll the Commission and all those in favor?

44
45 Opposed – 0
46

1 **Motion carries 6 – 0 – 1, with one absent (Commissioner Dozier)**

2

3 **VICE CHAIR BAKER** – Thank you

4

5 **PLANNING OFFICIAL TEREEL** – This item will be forwarded to the City Council
6 for final review and action. That would tentatively occur on June 14th and that's
7 all at this time.

8

9

10

11

12

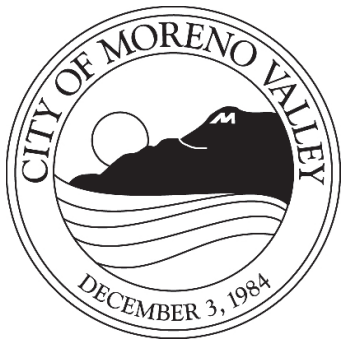
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Notice of PUBLIC HEARING

This may affect your property. Please read. Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

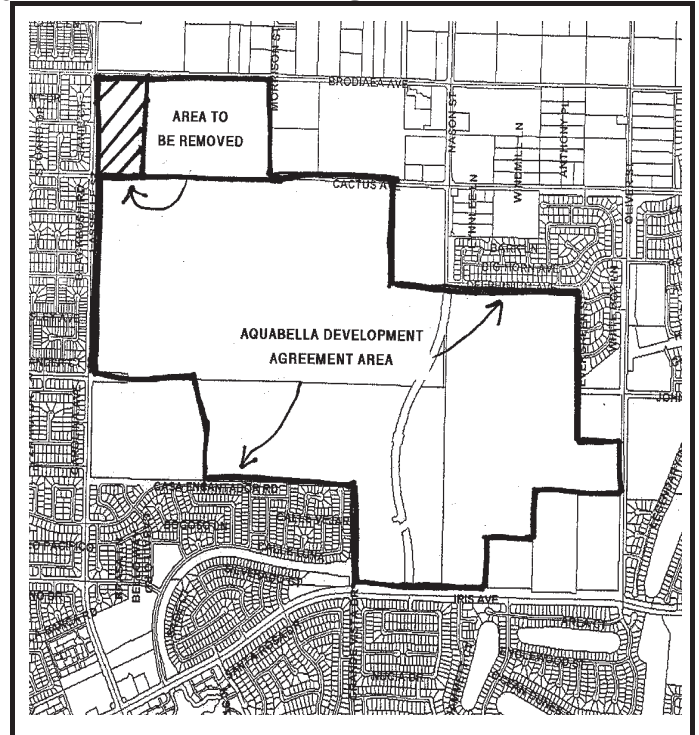
CASE : P11-029
APPLICANT: Highland Fairview
OWNER: Moreno Valley Properties
REPRESENTATIVE: Wayne Peterson
LOCATION: Northeast Corner of Lasselle Street & Cactus Avenue
PROPOSAL: First Amendment to the Aquabella Development Agreement to remove Planning Area 2
ENVIRONMENTAL DETERMINATION: Exempt
COUNCIL DISTRICT: 3
STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.



LOCATION N ↑

PLANNING COMMISSION HEARING

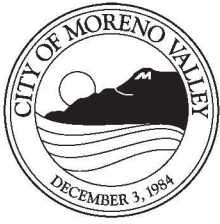
City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: June 14, 2011 at 6:30 PM

CONTACT PLANNER: John C. Terrell AICP
PHONE: (951) 413-3238

ATTACHMENT 4

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

Report to City Council

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

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

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING TO CONSIDER APPROVING THE CONTINUANCE OF CURRENT MORENO VALLEY COMMUNITY SERVICES DISTRICT ANNUAL PARCEL CHARGES PROPOSED FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board") conduct a Public Hearing to *approve and adopt the following proposed resolutions:*

Resolution No. CSD 2011-09	(Zone A)
Resolution No. CSD 2011-10	(Zone B)
Resolution No. CSD 2011-11	(Zone C)
Resolution No. CSD 2011-12	(Zone D)
Resolution No. CSD 2011-13	(Zone E)
Resolution No. CSD 2011-14	(Zone E-1A)
Resolution No. CSD 2011-15	(Zone E-3A)
Resolution No. CSD 2011-16	(Zone E-4A)
Resolution No. CSD 2011-17	(Zone M)
Resolution No. CSD 2011-18	(Zone S)

Approval of the proposed resolutions will continue the currently approved annual parcel charges and the proposed amount for each charge in fiscal year (FY) 2011/12. Parcel charges help to fund parks and community services, residential street lighting, arterial street lighting, maintenance of parkway landscaping, extensive parkway landscaping, internal parkway landscaping in certain areas, medians, and certain improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard, as described in the Preliminary Annual Levy Report on file in the office of the City Clerk.

ADVISORY COMMITTEE RECOMMENDATION

N/A.

BACKGROUND

The CSD was formed simultaneously with City incorporation to provide a variety of benefit services. Zones within the CSD were established to allocate costs to those parcels that receive proportional benefit from the services provided. Each of the zones represents either a different service or degree of service to particular properties within each zone.

The CSD Board conducted the Public Meeting on May 24, 2011, to provide the first opportunity for the public to address the CSD Board on the annual CSD charges.

Proposition 218

Proposition 218, approved in the November 1996 election as a constitutional amendment, specifically addresses the ability of public agencies to collect taxes, fees, charges, and/or assessments. The City of Moreno Valley has reviewed Proposition 218 with respect to the CSD charge collection process. Based upon this review, it has been determined that the CSD charges as currently collected are in compliance with Proposition 218. Any future charge increases, other than an inflation adjustment that has been approved during a prior mail ballot proceeding, shall require a ballot, which will be conducted as outlined in Proposition 218 and in compliance with the Policy for Conducting Mail Ballot Proceedings as originally adopted by the City Council and the CSD Board on January 22, 2002, and as most recently amended on April 26, 2011.

DISCUSSION

The following section lists the zones and summarizes the services provided by the CSD to each zone, along with the current FY 2010/11 and proposed FY 2011/ 12 annual charges. No charge increases for the following zones are proposed for FY 2011/12, unless adjusted through the mail ballot proceeding process or a previously authorized inflation adjustment implemented to achieve full-cost recovery. The inflation adjustment for FY 2011/12 is 1.34% and is based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index (CPI), as published by the Department of Labor's Bureau of Labor Statistics.

Zone A is authorized to provide park and community services citywide. All properties within the City boundaries are levied this charge to aid with current programs. The proposed FY 2011/12 charge is \$87.50 per dwelling unit (residential), nonresidential parcels (commercial and industrial) and undeveloped parcels. (The current FY 2010/10 charge is \$87.50.) The proposed FY 2011/12 levy for Zone A is approximately \$4,964,837.50.

Zone B is authorized to provide residential street lighting services to specific residential areas within the zone. The funds collected pay for the monthly energy and maintenance charges to

operate residential streetlights. The charge is \$23.00 per parcel for those properties which were annexed into the zone prior to 1999. Property owners that balloted after 1999 for Zone B services authorized an annual inflation adjustment, and will be charged \$24.74 per parcel. There are also 65 parcels located south of Ironwood Avenue, east of Nason Street, with reduced streetlight services that pay \$6.00 per parcel. The proposed FY 2011/12 levy for Zone B is approximately \$935,414.24.

For 2010/11, to continue residential streetlight services, the General Fund will have contributed up to \$675,000 of which \$51,700 is a loan and \$623,300 is a gift, to fund the revenue shortfall. For 2011/12, to continue the current level of residential streetlight services, Zone B shall continue to require an additional \$675,000 from the City's General Fund, all of which will be a gift unless services are reduced or additional funding is provided by the property owners.

Zone C is authorized to provide arterial street lighting and intersection lighting on major roadways throughout the City. All properties within the City are levied this charge except those located within the boundaries of the Edgemont Community Services District, which contribute to an independent District for street light services. For FY 2011/12, the proposed charge for each parcel in the CSD is \$9.00. (The current FY 2011/12 charge is \$9.00.) The proposed FY 2011/12 levy for Zone C is approximately \$428,200.

For 2011/12, unless services are reduced or additional funding is provided by the property owners Zone C shall require additional funding of approximately \$130,000 to continue the current level of arterial streetlight services. If the City's General Fund provides any funds to meet the revenue shortfall, such contribution shall be considered a gift.

Zone D is authorized to provide parkway landscape maintenance services to the perimeters and/or entry statements of designated residential tract developments. A listing of the current FY 2010/11 charges per parcel for each tract and the proposed charges for FY 2011/12 are included in the Zone D Resolution. A majority of affected property owners, of certain tracts, authorized an inflation adjustment. For FY 2011/12, the CPI adjustment shall be applied to certain tracts as noted on the Zone D Resolution.

The CSD is in the process of conducting a mail ballot proceeding for an increase to the proposed charges to recover costs for the following tracts: 19862, 19912, 20941, 21737, 22371 and 31591. Tracts not approving the proposed increase shall receive a reduced service level of landscape maintenance in accordance with the Zone D Policy guidelines. The proposed FY 2011/12 levy for all Zone D tracts is approximately \$1,272,898.50, which does not include the proposed increase for those Zone D tracts that are currently in the process of balloting.

Zone E is authorized to provide extensive parkway landscape maintenance of landscaped areas adjacent to ten (10) major residential/commercial developments. For FY 2011/12, the CPI charge adjustment shall be applied to each Zone E subzone if previously approved. The proposed annual charges for the subzones are included in the Zone E Resolution.

The CSD is in the process of conducting a mail ballot proceeding for an increase to the proposed charges to recover costs for the following Zone E subzones: E-1 (TownGate), E-2 (Hidden Springs), and E-4 (Moreno Valley Ranch East). Zone E subzones not approving the proposed increase shall receive a reduced service level of landscape maintenance in accordance with the Zone E Policy guidelines. The proposed FY 2011/12 levy for all Zone E subzones is approximately \$2,375,583.64, which does not include the proposed increase for those Zone E subzones that are currently in the process of balloting.

Zone E-1A is authorized to provide internal parkway landscape maintenance to the Renaissance Park development. The proposed Zone E-1A charge for FY 2011/12 is \$78.40 per parcel. (Current FY 2010/11 charge is \$77.38.) The total FY 2011/12 levy for Zone E-1A is approximately \$43,668.80.

Zone E-3A is authorized to provide internal parkway landscape maintenance to those tracts associated with the Lasselle Powerline Parkway area. The proposed Zone E-3A charge for FY 2011/12 is \$68.10 per parcel. (Current FY 2010/11 charge is \$67.20.)

The CSD is in the process of conducting a mail ballot proceeding for an increase to the Zone E-3A charge to cover increased costs of providing landscape maintenance services. If the proposed increase is not approved, E-3A shall receive a reduced service level of landscape maintenance in accordance with the Zone E Policy guidelines. The total FY 2011/12 levy for Zone E-3A is approximately \$32,007.00, which does not include the proposed increase for Zone E-3A.

Zone E-4A is authorized to provide internal parkway landscape maintenance to the Daybreak development. The proposed Zone E-4A charge for FY 2011/12 is \$110.46. (Current FY 2010/11 charge is \$109.00.) The total FY 2011/12 levy for Zone E-4A is approximately \$10,935.54.

Zone M is authorized to provide maintenance for improved medians constructed as a condition of approval for commercial/industrial/multifamily developments. Charges for this zone are calculated by determining the proportional obligation for the total median maintenance and administrative costs attributable to the improved median area associated with the affected commercial/industrial/multifamily properties. The current FY 2010/11 charges and the proposed FY 2011/12 annual charges for Zone M are included in the Zone M Resolution. The total FY 2011/12 levy for Zone M is approximately \$226,888.74.

Zone S is authorized to provide maintenance services to certain improvements along Sunnymead Boulevard between Frederick Street and Perris Boulevard. Charges for this zone are calculated by determining the proportional financial obligation, based on front linear footage, of the properties adjacent to the improvements. The Zone S charge for 2011/12 is \$2.837520 per front linear footage, per year, which includes an inflation factor. The total FY 2011/12 levy for Zone S is approximately \$54,007.74. (Current FY 2010/11 charge is \$2.80 per front liner footage).

ALTERNATIVES

1. By conducting a Public Hearing, the CSD Board shall allow for the approval and adoption of the proposed resolutions. *Although not required under Proposition 218, City policy has been to continue holding a Public Hearing. By conducting the Public Hearing on June 14, 2011, property owners shall be given an opportunity to address the CSD Board regarding the continuation of the CSD annual charges for the associated benefit services. Approving CSD Zones D, E, E-1A, E-3A, E-4A and S charges as proposed by staff shall authorize the CSD to continue providing maintenance at the applicable service levels. Approving the proposed charge for CSD Zones A, B, C and M will partially fund park and community services (Zone A), residential street lighting services (Zone B), arterial street lighting services (Zone C) and improved median maintenance (Zone M). The County of Riverside requires that resolutions be approved annually to authorize collection of the annual CSD parcel charges on the property tax bills. Approval of these resolutions will satisfy the County requirement.*
2. By not approving and adopting the proposed resolutions, the charges may not be able to be levied by the County of Riverside. *Even though a Public Hearing is not required under Proposition 218 for the continuation of the CSD annual charges, City policy has been to continue holding a Public Hearing to allow the public to address the CSD Board. By not adopting the resolutions, the County may challenge the CSD's ability to place the CSD charges on the County property tax bill.*

FISCAL IMPACT

Property owners pay the CSD annual charges as a part of their property tax bill. Charges, including CPI adjustments, have been approved by the affected property owners through prior proceedings or are part of a current mail ballot proceeding. The annual inflation factor is based on the percentage change in the CPI for the prior calendar year. For FY 2011/12, the CPI adjustment is 1.34%.

CSD Zones D, E, E-1A, E-3A, E-4A and S annual charges are based on full-cost recovery and program operations that have no effect on the General Fund. Zones A, B, C, and M charges reduce any General Fund support required to provide services for these programs. **The funds collected through the CSD charges for Zones A, B, C, D, E, E-1A, E-3A, E-4A, M and S are restricted funds, which may only be used to pay for costs within each respective CSD Zone.**

Approving charges less than those proposed by staff may require a decrease to both the level and quality of service from that provided during FY 2010/11. The service levels may be adjusted according to the approved funding level.

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS

CSD landscape maintenance services help enhance community image, neighborhood pride and cleanliness. Residential properties, which have landscaped parkways and/or medians, as maintained by the CSD, help to foster a pleasant environment and neighborhood atmosphere. Proper placement of plant materials helps in the prevention of graffiti.

REVENUE DIVERSIFICATION AND PRESERVATION

The CSD annual charges comply with the City’s goal of revenue diversification and preservation and are based upon actual costs, which include maintenance and administration. The CSD annual charges support the preservation of the current services provided by the CSD.

PUBLIC FACILITIES

Providing services for parks, streetlights, landscaping, and medians allows for construction and maintenance of public facilities. The CSD maintenance of these public facilities ensures proper development and preservation of capital resources.

SUMMARY

The actions before the CSD Board are to conduct the Public Hearing, and to approve and adopt the resolutions for the continuation of the currently approved CSD parcel charges within each of the existing zones as submitted in the Preliminary Annual Levy Report. Since the adoption of Proposition 218 state legislation, public hearings to consider charges or fees already in place are not mandated; such hearings were required under state statutes before the adoption of Proposition 218. City policy has been to continue the past practice as a courtesy to the public.

The County requires resolutions be approved annually to establish the authority to collect the annual CSD parcel charges on the property tax bills. Approval of the resolutions will satisfy the County requirement. The resolutions also include information in compliance with Proposition 218.

NOTIFICATION

On April 18, 2011, the CSD mailed individual notices to property owners of 48,229 parcels.

Newspaper advertising was published on May 6, 2011, for the May 24, 2011 Public Meeting and June 14, 2011 Public Hearing. Additionally, the June 14, 2011 Public Hearing notification was published on May 27, 2011 and again on June 8, 2011.

ATTACHMENTS

- Attachment 1 Resolution for Zone A
- Attachment 2 Resolution for Zone B
- Attachment 3 Resolution for Zone C
- Attachment 4 Resolution for Zone D
- Attachment 5 Resolution for Zone E
- Attachment 6 Resolution for Zone E-1A

Attachment 7 Resolution for Zone E-3A
 Attachment 8 Resolution for Zone E-4A
 Attachment 9 Resolution for Zone M
 Attachment 10 Resolution for Zone S

Prepared by:
 Sharon Sharp
 Senior 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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RESOLUTION NO. CSD 2011-09

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE A (PARKS AND COMMUNITY SERVICES) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides improvements and maintenance for parks and community services within the CSD and provides funding for such services, in part, through CSD Zone A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone A (Parks and Community Services) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation and application of charge as previously approved by the property owners for each per dwelling unit, nonresidential parcel or per undeveloped parcel within CSD Zone A is a necessary and equitable charge to fund, in part, the furnishing of parks and community services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of eighty-seven dollars and fifty cents (\$87.50) to defray in part the costs of furnishing parks and community services within the CSD is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. That the CSD Board adopted CSD Resolution 97-01, finding that the existing Zone A parcel charges are exempt from the provision of Proposition 218 as long as they are not increased and are therefore not subject to voter ratification at this time.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-10

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE B (RESIDENTIAL STREET LIGHTING) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides improvements and maintenance for residential street lighting services within the CSD and provides funding for such services, in part, through CSD Zone B; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. and following of the provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone B (Residential Street Lighting) services be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Index (“CPI”) adjustment, and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone B is a necessary and equitable charge to fund, in part, the residential street lighting services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The charge is hereby approved to be levied at the existing and previously approved respective rates of twenty-three dollars (\$23.00), twenty-four dollars and seventy-four cents (\$24.74), and six dollars (\$6.00) as applicable.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone B, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone B is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-11

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE C (ARTERIAL STREET LIGHTING AND INTERSECTION LIGHTING) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides improvements and maintenance for intersection and arterial street lighting services within the CSD and provides funding for such services, in part, through CSD Zone C; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone C (Arterial Street Lighting and Intersection Lighting) services be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone C is a necessary and equitable charge to fund, in part, the arterial and intersection street lighting services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared that identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of nine dollars (\$9.00) to defray in part the costs of furnishing arterial and intersection street lighting services within the CSD is hereby approved and adopted.

2. The herein approved service charge is hereby confirmed for each parcel of real property within CSD Zone C, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. That the CSD Board adopted CSD Resolution 97-01, finding that the existing Zone C parcel charges are exempt from the provision of Proposition 218 as long as they are not increased and therefore are not subject to voter ratification at this time.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-12

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE D (PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides or will provide parkway landscape improvement and maintenance services within the CSD and provides funding for such services, in part, through CSD Zone D; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone D (Parkway Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Adjustment (“CPI”) adjustment (if applicable), and application of charge as previously approved by the property owners for each assessable parcel or unit of real property within CSD Zone D is a necessary and equitable charge to fund, in part, the parkway landscape services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the maximum calculated rates set forth below, which includes previously approved CPI adjustments, to defray in part the costs of furnishing parkway landscape services to the following tracts within the CSD is hereby approved and adopted as follows:

**Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges**

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
12305	Standard	\$57.00	
12902	Standard	\$74.28	
14387/12268	Standard	\$57.00	
16769	Standard	\$62.92	
18283	Standard	\$57.00	
19141	Standard	\$77.38	
19142	Standard	\$57.00	
19233	Standard	\$57.00	
19474	Standard	\$57.00	
19496	Standard	\$66.02	
19529	Standard	\$72.22	
19533	Standard	\$57.00	
19541	Standard	\$95.96	
19675	Standard	\$82.54	
19862	Standard	\$152.82	\$252.00
19912	Standard	\$85.62	\$129.00
20120	Standard	\$97.00	
20197	Standard	\$57.00	
20941	Standard	\$106.38	\$166.00
21345	Standard	\$117.72	
21597	Standard	\$479.32	
21737	Standard	\$216.90	\$431.00
21806	Standard	\$71.20	
22180	Standard	\$250.30	

**Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges**

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
22371	Standard	\$295.32	\$497.00
22999	Standard	\$67.00	
27251-1	Standard	\$471.22	
30967	Standard	\$473.64	
31129	Standard	\$83.58	
31268	Standard	\$186.86	
31269	Standard	\$221.84	
31305	Standard	\$502.64	
31424	Standard	\$221.84	
31591	Standard	\$468.90	\$628.00
31618	Standard	\$368.86	
32005	Standard	\$113.50	
32625	Standard	\$1,013.40	
32715	Standard	\$925.22	
33436	Standard	\$42.56	
33637	Standard	\$300.96	
33962	Standard	\$500.60	
4-Custom Homes	Standard	\$574.58	
10191/18468	Street Tree Program	\$71.20	
11848	Reduced	\$86.66	
12773	Reduced	\$82.54	
13576/19080/19081	Street Tree Program	\$33.00	
13585	Reduced	\$57.00	
15387	Reduced	\$57.00	
15433	Reduced	\$92.86	
16768	Reduced	\$66.02	
16770	Reduced	\$57.00	
17033	Reduced	\$178.62	
17176	Reduced	\$57.00	
17334	Reduced	\$349.62	
17387	Reduced	\$57.00	
17457	Reduced	\$81.50	
17867	Reduced	\$57.00	
18512/21322	Reduced	\$83.08	
18784/20906	Reduced	\$179.36	

**Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges**

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
18930	Reduced	\$79.44	
19032	Street Tree	\$131.74	
19143	Reduced	\$57.00	
19208	Reduced	\$74.98	
19210	Reduced	\$70.16	
19363	Reduced	\$57.00	
19434	Reduced	\$57.00	
19500	Reduced	\$75.30	
19509	Reduced	\$57.00	
19518/18372	Reduced	\$57.00	
19551	Reduced	\$97.28	
19685	Reduced	\$72.22	
19799	Street Tree	\$275.84	
19852	Reduced	\$69.92	
19937	Reduced	\$110.50	
19957	Street Tree	\$69.92	
20030	Reduced	\$103.28	
20032	Reduced	\$57.00	
20072	Reduced	\$90.18	
20272	Reduced	\$121.70	
20301	Reduced	\$57.00	
20404	Reduced	\$106.40	
20525	Reduced	\$57.00	
20552	Reduced	\$57.00	
20660	Reduced	\$108.44	
20715	Reduced	\$95.24	
20718	Reduced	\$143.52	
20859	Reduced	\$66.88	
20869	Reduced	\$57.00	
21113	Reduced	\$57.00	
21332	Reduced	\$99.04	
21333	Reduced	\$214.84	
21616	Reduced	\$382.84	
22093	Reduced	\$139.84	
22276	Reduced	\$199.24	
22277	Reduced	\$272.62	

**Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges**

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
22889	Reduced	\$191.92	
23046	Reduced	\$183.00	
24721	Reduced	\$57.00	
27526	Reduced	\$165.20	
28882	Reduced	\$106.38	
29038	Reduced	\$61.88	
30027	Reduced	\$203.68	
31257	Reduced	\$1,083.52	
31269-1	Reduced	\$304.62	
31284	Reduced	\$128.80	
32018	Reduced	\$70.16	

In the event that Tracts: 19862, 19912, 20941, 21737, 22371 or 31591 do not individually approve the maximum balloted charge by the majority of the property owners in the separate mail ballot proceedings, currently scheduled to be concluded at the public hearing on June 28, 2011, the charges hereby approved will be the FY 2011/12 Noticed/Maximum Parcel Charges prior to the results of mail ballot proceedings, as identified above.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone D, as set forth in the report on said charge filed with the Secretary of the District, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any service charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone D is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SECRETARY

(SEAL)

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RESOLUTION NO. CSD 2011-13

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides or will provide extensive landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E and the various subzones thereof; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E (Extensive Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index (“CPI”) adjustments, and application of charge as previously approved by the property owners for each assessable parcel of real property within the various subzones of Zone E of the CSD is a necessary and equitable charge to fund, in part, the extensive landscape maintenance services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the maximum calculated rates set forth below, which includes previously approved CPI adjustments, to defray in part the costs of furnishing extensive landscape maintenance services within the CSD is hereby approved and adopted as follows:

**Zone E (Extensive Landscape Maintenance)
FY 2011/12 Proposed Charges**

Zone E	Specific Plan or Major Development	Landscape Maintenance Service Level	Charge Category	FY 2011/12 Noticed/Maximum Annual Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
E-1	TownGate	Standard	Per parcel	\$128.04	\$152.00
			Per acre for nonresidential/undeveloped parcels	\$512.16	\$608.00
			Per condo unit		
			Tract 34299	\$57.78	\$69.00
E-1A	Renaissance Park	Reduced	Per parcel	\$78.40	
E-2	Hidden Springs	Standard	Per parcel	\$403.78	\$518.00
			Per Equivalent Dwelling Unit for undeveloped parcels	\$403.78	\$518.00
E-3	Moreno Valley Ranch - West	Reduced	Per parcel	\$128.04	
			Per acre for nonresidential/undeveloped parcels	\$512.16	
			Per condo unit		
			Tract 32142	\$56.74	
			Tract 32143	\$54.68	
			Tract 32144	\$54.68	
			Tract 32145	\$31.98	
			Tract 32146	\$30.94	
E-3A	Lasselle Powerline Parkway	Standard	Per parcel	\$68.10	\$108.00
E-4	Moreno Valley Ranch - East	Standard	Per parcel	\$110.00	\$240.00
			Per acre for nonresidential/undeveloped parcels	\$440.00	\$960.00
E-4A	Daybreak	Standard	Per parcel	\$110.46	
E-7	Centerpointe	Standard	Per acre	\$688.90	
E-8	Promontory Park	Standard	Per condo unit	\$190.50	
			Per parcel	\$538.10	
E-12	Stoneridge Ranch	Standard	Per parcel	\$402.30	
E-14	Mahogany Fields	Standard	Per parcel	\$281.70	
E-15	Celebration	Standard	Per parcel	\$337.46	
E-16	Shadow Mountain	Standard	Per parcel	\$297.18	

2. The herein approved charges are hereby confirmed for each parcel of real property within the various subzones of CSD Zone E, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the service charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SECRETARY

(SEAL)

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RESOLUTION NO. CSD 2011-14

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-1A (RENAISSANCE PARK – INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides or will provide Renaissance Park walls/internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-1A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 and following of the provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-1A (Renaissance Park Internal Parkway Landscape Maintenance) so collected on the tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Index (“CPI”) adjustment, and application of charge as previously approved by the property owner for each assessable parcel of real property, within CSD Zone E-1A is a necessary and equitable charge to fund, in part, the internal parkway landscape maintenance services for Renaissance Park by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of seventy-eight dollars and forty cents (\$78.40), which includes previously approved CPI adjustments, to defray in part the cost of furnishing Renaissance Park internal parkway landscape maintenance services within the CSD, is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-1A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E-1A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-15

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-3A (LASSELLE POWERLINE PARKWAY INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides or will provide Lasselle Powerline Parkway walls/internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-3A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-3A (Lasselle Powerline Parkway Internal Parkway Landscape Maintenance) be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including a Consumer Price Index (“CPI”) adjustment, and application of charge as previously approved by the property owner for each assessable parcel of real property within CSD Zone E-3A is a necessary and equitable charge to fund, in part, walls/internal parkway landscape maintenance services for the Lasselle Powerline Parkway by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property that is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of the public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of sixty-eight dollars and thirty cents (\$68.30), which includes previously approved CPI adjustments for CSD Zone E-3A (Lasselle Powerline Parkway) to defray in part the costs of furnishing internal parkway landscape maintenance services within the CSD is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-3A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone E-3A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-16

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-4A (DAYBREAK DEVELOPMENT – INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides or will provide internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-4A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-4A (Daybreak Development - Internal Parkway Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index (“CPI”) adjustments, and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone E-4A is a necessary and equitable charge to fund, in part, internal parkway landscape maintenance services for the Daybreak Development by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of one hundred ten dollars and forty-six cents (\$110.46), which includes previously approved CPI adjustments for Zone E-4A (Daybreak Development) to defray in part the costs of internal parkway landscape maintenance services within the CSD hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-4A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any service charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E-4A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-17

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE M (COMMERCIAL/ INDUSTRIAL/MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District (“CSD”) provides or will provide commercial/industrial/multifamily improved median maintenance services within the CSD and provides funding for such services, in part, through CSD Zone M; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors CSD (“CSD Board”), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for CSD Zone M (Commercial/industrial/multifamily improved median maintenance) be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index (“CPI”) adjustments, and application of charge as previously approved by the property owners for each assessable commercial/industrial/multifamily property within CSD Zone M is a necessary and equitable charge to fund, in part, the improved median maintenance services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge is calculated by determining the proportional obligation for the total median maintenance and administrative costs attributable to the improved median area associated with the affected commercial/industrial/multifamily properties, which includes previously approved CPI adjustments, to defray in part the costs of furnishing commercial/industrial/multifamily improved median maintenance services within the CSD, is hereby approved and adopted as follows:

**Zone M
(Commercial/Industrial/Multifamily Median Maintenance)
FY 2011/12 Proposed Charges**

Assessor Parcel Number (APN)	FY 2011/12 Noticed/Maximum Parcel Charges (1)
297-120-002	\$994.74
297-120-003	\$719.94
297-120-011	\$1,501.92
297-120-012	\$1,501.92
291-191-024	\$347.06
297-130-046	\$2,075.24
297-130-064	\$855.28
297-140-049	\$1,167.24
297-140-050	\$1,200.30
297-141-001	\$222.60
297-141-002	\$222.60
297-141-003	\$222.60
297-141-004	\$222.60
297-141-005	\$222.60
297-141-006	\$222.60
297-140-052	\$1,055.68
297-170-004	\$3,687.72
482-700-001	\$393.54
482-700-005	\$393.54
484-020-023	\$6,038.76
484-020-024	\$7,380.60
297-130-039	\$798.00
297-130-041	\$1,957.00
297-130-042	\$1,610.00
297-170-067	\$14,825.26

Assessor Parcel Number (APN)	FY 2011/12 Noticed/Maximum Parcel Charges (1)
297-170-069	\$10,998.10
297-170-071	\$4,977.90
297-100-066	\$789.54
297-100-074	\$224.64
297-100-075	\$150.98
297-120-016	\$5,265.04
297-150-055	\$6,089.36
486-250-021	\$8,258.64
486-250-024	\$7,973.02
486-250-025	\$285.60
312-250-046	\$3,739.36
482-540-030	\$409.04
484-020-026	\$2,852.02
479-070-050	\$1,636.20
312-270-036	\$2,677.46
316-210-074	\$1,909.94
312-020-017	\$1,613.48
312-020-018	\$1,538.06
312-020-020	\$600.14
312-360-001	\$1,438.98
312-360-002	\$677.20
312-360-003	\$463.64
312-360-004	\$1,625.12
312-360-005	\$1,261.96
312-360-006	\$2,043.12
312-360-007	\$798.26
312-360-008	\$752.58
312-360-009	\$835.96
312-360-010	\$845.08
312-360-011	\$678.36
485-220-030	\$2,045.28
485-220-031	\$306.76
486-070-004	\$3,021.44
486-070-012	\$263.56
486-070-013	\$261.16
486-070-011	\$3,021.44
485-081-035	\$320.20
484-030-015	\$1,600.76
478-070-029	\$7,655.38
486-240-009	\$9,962.10

Assessor Parcel Number (APN)	FY 2011/12 Noticed/Maximum Parcel Charges (1)
484-030-020	\$628.02
484-030-022	\$628.02
488-090-031	\$2,133.04
488-090-032	\$125.90
488-090-033	\$1,434.74
488-090-037	\$385.38
488-090-038	\$356.76
488-090-039	\$333.88
488-090-040	\$381.56
488-090-043	\$112.54
488-090-047	\$364.38
488-090-048	\$291.88
488-090-049	\$70.56
488-090-050	\$137.34
488-090-051	\$873.80
488-090-052	\$59.12
488-090-053	\$49.56
488-090-054	\$259.46
488-090-055	\$150.70
488-090-056	\$110.64
488-090-057	\$202.20
488-090-064	\$175.52
488-090-071	\$1,013.08
488-090-073	\$148.80
488-090-074	\$465.50
488-090-076	\$272.80
488-090-082	\$99.18
488-090-083	\$360.58
488-090-084	\$11.42
488-090-085	\$356.74
474-120-037	\$3,222.86
484-242-020	\$3,026.62
488-350-041	\$33,016.04
488-350-047	\$2,822.34
488-350-035	\$6,973.86
486-280-041	\$9,906.66
292-230-006	\$220.00
292-230-055	\$374.94
263-111-046	\$2,355.18

(1) The applied parcel charge may be less than the noticed amount based on either estimated or actual costs.

2. The herein approved charge calculation is hereby confirmed for each parcel of real property within CSD Zone M, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone M is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SECRETARY

(SEAL)

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RESOLUTION NO. CSD 2011-18

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE S (SUNNYMEAD BOULEVARD MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") shall provide maintenance for improvements under construction along Sunnymead Boulevard from Frederick Street to Perris Boulevard; and,

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and,

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone S (Sunnymead Boulevard Maintenance) along from Frederick Street to Perris Boulevard be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI"), and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone S is a necessary and equitable charge to fund, in part, the furnishing of ongoing maintenance for improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held a said hearing, at which time all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and,

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of \$2.837520 per front linear footage, per year, which includes an inflation factor, to defray in part the costs of ongoing maintenance for improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard within the CSD is hereby approved and adopted.

2. The herein approved parcel charges calculated is hereby confirmed for each said parcel of real property within CSD Zone S, as set forth in the report on said charge filed with the CSD Secretary, as such may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone S is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passages of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charge calculation to the Auditor of the County of Riverside and to the Tax Collector of said County, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

APPROVED AS TO FORM:

City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the ____ day of _____, _____ by the following vote:

AYES:

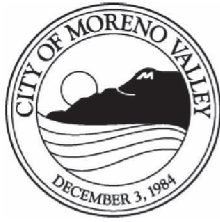
NOES:

ABSENT:

ABSTAIN:

SECRETARY

(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

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR (FY) 2011/2012 ANNUAL RATES

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice;
2. Adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."

ADVISORY COMMITTEE RECOMMENDATION

Not Applicable

BACKGROUND

The 1972 Federal Clean Water Act requires public agencies to obtain permits to discharge urban storm water runoff from municipally owned drainage facilities, including streets, highways, storm drains and flood control channels. This Act also requires local

agencies to clean urban runoff to the maximum extent practicable (MEP), which has not been defined by the federal or state government.

On October 25, 2002, the Santa Ana Regional Water Quality Control Board (SARWQCB) adopted new requirements the City must implement to remain in compliance. The requirements include a higher-level effort to divert pollutants from entering the drainage system. The service levels require site inspection, discharge monitoring, remedial cleanup efforts, and a higher level of maintenance of the streets and storm drain system before discharging water into the larger storm water collection system.

On June 10, 2003, the City Council approved the “NPDES Regulatory Rate Schedule for New Residential Development.” The “NPDES Regulatory Rate Schedule for New Residential Development” was designed to fund NPDES administration and maintenance of water quality ponds and bioswales associated with new single-family residential subdivisions. On January 27, 2004, the City Council authorized the collection of the NPDES regulatory rates for new residential development consisting of single-family dwellings.

On January 10, 2006, the City Council approved the “NPDES Regulatory Rate Schedule for New Common Interest, Commercial, Industrial and Quasi-Public Use Development.” The “NPDES Regulatory Rate Schedule for New Common Interest, Commercial, Industrial and Quasi-Public Use Development” was designed to fund NPDES public education, administration and monitoring of site design, source control and treatment control best management practices (BMPs) associated with new common interest, commercial, industrial and quasi-public use development.

On January 29, 2010, the SARWQCB issued a new NPDES permit. The new permit continues the 2002 mandates for the higher-level effort to divert pollutants and service levels.

The City Council conducted the Public Meeting on May 24, 2011, to provide an opportunity for the public to address the City Council on the proposed FY 2011/2012 annual NPDES regulatory rates.

Proposition 218

Proposition 218, approved in the November 1996 election as a constitutional amendment, specifically addresses the ability of public agencies to collect taxes, fees, charges, and/or assessments as an incidence of property ownership. The City of Moreno Valley has reviewed Proposition 218 with respect to the NPDES regulatory rate collection process. Based upon this review, it has been determined that the NPDES regulatory rate as currently collected, is in compliance with Proposition 218. Conducting the Public Hearing allows property owners an opportunity to address the City Council regarding the continuation of the “NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development.”

DISCUSSION

The NPDES regulatory rates are necessary to fund the costs of the storm water management services for the discharge of storm water runoff into municipally owned drainage facilities for pollution control from benefiting parcels.

Proposed Regulatory Rates

The proposed rates shall be levied against each assessable benefiting parcel of real property that is required to comply with the City's NPDES Storm Water Management Program. The Consumer Price Index (CPI) for Los Angeles, Riverside, and Orange Counties from Feb. 2009 – Feb. 2010 was +1.4%. Due to that small increase, staff recommended at that time no adjustment to the annual rates occur. From Feb. 2010 – Feb. 2011, the CPI was +2.4%. Due to this increase, staff recommends that we combine the CPI from Feb. 2009 – Feb. 2010 and Feb. 2010 – Feb. 2011 for a total adjustment of the annual rates of +3.8% (1.4% + 2.4%). This increase is associated with utility cost increases and maintaining program service levels.

The following tables outline the services provided by each level of service, the current annual rates and the proposed annual rates.

Table 1 reflects the annual rates for New Residential Development.

TABLE 1

NPDES Regulatory Rate for New Residential Development			
Service Level		Current Maximum Annual Rate FY 2010/2011	Proposed Maximum Annual Rate FY 2011/2012 (rounded to the nearest whole dollar)
LEVEL I	NPDES Administration and overhead.	\$35.00/Parcel	\$36.00/Parcel
LEVEL II	Water Quality Pond/Basin Maintenance.	\$69.00/Parcel	\$72.00/Parcel
LEVEL II-A	Sand Filter Maintenance.	\$31.00/Parcel	\$32.00/Parcel
LEVEL III	Water Quality Pond/Basin Remediation/Reconstruction.	\$60.00/Parcel	\$62.00/Parcel
LEVEL IV	Water Quality System Retrofit.	\$138.00/Parcel	\$143.00/Parcel

Table 2 reflects the annual rates for New Common Interest, Commercial, Industrial and Quasi-Public Use Development.

TABLE 2

NPDES Regulatory Rate for New Common Interest, Commercial, Industrial and Quasi-Public Use Development			
Service Level		Current Maximum Annual Rate FY 2010/2011	Proposed Maximum Annual Rate FY 2011/2012 (rounded to the nearest whole dollar)
LEVEL I	NPDES Administration and overhead.	\$35.00/Parcel	\$36.00/Parcel
LEVEL II	Storm water and non-storm water runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site storm water compliance site activities; review site-specific technical reports and treatment control BMP maintenance records.	\$170.00/Parcel	\$176.00/Parcel

ALTERNATIVES

1. Approve that the City Council conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice and adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."
2. Do not approve that the City Council conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice and adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the

Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll.” *By not conducting the Public Hearing and adopting the resolution, the County of Riverside (“County”) may challenge our ability to place the NPDES rates on the County property tax bill.*

FISCAL IMPACT

Regulatory rate increases (including increases due to inflation) have been approved by the benefiting property owners through the mail ballot proceeding. The inflation factor is based on the percentage change in the Los Angeles-Riverside-Orange County CPI for the prior calendar year. For FY 2009/2010, the percentage change was +1.4%. For FY 2010/2011 the percentage change was +2.4%. Over the two year period the combined percentage change is +3.8%.

For Fiscal Year 2011/2012 the maximum annual regulatory rate per parcel for single-family residential development is \$283 (includes Levels I, II, II-A and IV combined from Table 1). The Level III rate is levied when a water quality pond/basin is taken out of service for remediation/reconstruction thus replaces the Level II rate. Since the Level III rate is lower than the Level II rate the maximum rate for residential development cannot be greater than the summation of Levels I, II, II-A and IV. The maximum annual regulatory rate for new common interest, commercial, industrial and quasi-public use development is \$212 (includes Levels I and II combined from Table 2).

Approving annual rates less than that proposed by staff may require a decrease in both the level and quality of service from that provided and approved by benefiting property owners in the previous year. The service level provided would be adjusted according to the approved funding level.

The NPDES Regulatory Rate levy collected from property owners supports current NPDES programs as identified herein. Funds collected from the NPDES Regulatory Rate levy are restricted for use only within the Storm Water Management Program.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

The proposed “NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development” provides a revenue source to fund the federally mandated requirements of the NPDES Storm Water Management Program for these types of development.

Public Facilities and Capital Projects

The revenue collected from the proposed “NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development” will ensure that all site designs, source controls and treatment controls are properly implemented and maintained.

SUMMARY

The action before City Council is to conduct the Public Hearing, and to adopt the resolution authorizing and approving the levy of the annual NPDES regulatory rates, on certain benefiting properties within the City as submitted in the NPDES Special Levy Report. While state law, after adoption of Proposition 218, does not mandate public hearings to consider charges, rates or fees already in place, such hearings were required under state statutes before adoption of Proposition 218. City policy has been to continue the past practice as a courtesy to the public.

The County collects the rates each year on the property tax bill. The County requires an annual resolution be approved to establish the authority to collect the annual NPDES rate on the tax bill. Approval of the resolution will satisfy the County requirement. The resolution also includes information on compliance with Proposition 218.

NOTIFICATION

- Publication of Agenda

- Newspaper advertising was published on May 4, 2011, with information about the May 24, 2011, Public Meeting and the June 14, 2011, Public Hearing. Additionally, the June 14, 2011, Public Hearing notification was published on May 19, 2011, and again on May 26, 2011.

ATTACHMENTS/EXHIBITS

Attachment “1” – Proposed Resolution

Prepared By
 Phuong Hunter
 Associate Environmental Engineer

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

Concurred By
 Kent Wegelin
 Storm Water Program Manager

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

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

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RESOLUTION NO. 2011-56

A RESOLUTION OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AND APPROVING THE LEVY OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT ON THE COUNTY OF RIVERSIDE PROPERTY TAX ROLL

WHEREAS, as part of the 1972 Federal Clean Water Act, the federal government mandated that public agencies comply with the NPDES program to obtain Permits to discharge storm water runoff into municipally owned drainage facilities; and,

WHEREAS, on January 29, 2010, the Santa Ana Regional Water Quality Control Board issued new requirements that cities must address, regarding the water pollution contained in storm water runoff to remain in compliance with federal mandates; and,

WHEREAS, the City Council introduced Ordinance No. 708, on January 10, 2006, to repeal and reenact Chapter 3.50 of Title 3 of the City of Moreno Valley Municipal Code by relating to the establishment and collection of the NPDES regulatory rate for new residential and common interest, commercial, industrial, and quasi-public use development based on the approved NPDES regulatory rate and authorization of subsequent rate adjustments by resolution; and,

WHEREAS, Sections 5473 through 5473.8 of the California Health and Safety Code provides that such services may be funded, in whole or in part, by rates which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the City; and,

WHEREAS, the City Council, has determined, and hereby does determine, that it is in the interest of the City to have the NPDES regulatory rate on new residential, common interest, commercial, industrial, and quasi-public use development be so collected on the County of Riverside property tax roll; and,

WHEREAS, the City Council has determined that levying a regulatory rate against each assessable parcel of real property that is required to comply with the NPDES Permit program, as hereinafter established, is necessary to fund the costs of the storm water management services for the discharge of storm water runoff into municipally owned drainage facilities for pollution control from these land uses; and,

WHEREAS, the City Council heretofore caused a report to be prepared that identified each parcel of real property, which is subject to the regulatory rate, and has caused notice of said report and of the public hearing thereon to be duly given; and,

WHEREAS, the City Council held a Public Hearing on June 14, 2011, at which time all persons wishing to be heard were heard, and at which hearing the City Council heard and considered all objections and protests, if any; and,

WHEREAS, on June 14, 2011, the City Council reviewed and considered the NPDES regulatory rate for new residential and common interest, commercial, industrial, and quasi-public use development to fund the federally mandated NPDES program; and,

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

1. The City Council shall authorize collection of the NPDES regulatory rate on the County of Riverside tax bill for federally mandated NPDES requirements to address the discharge of storm water runoff into municipally owned drainage facilities.
2. The maximum rate to be collected for fiscal year (FY) 2011/2012 shall be \$283.00 per parcel for new residential development, which may be subject to an annual adjustment, if necessary, based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the Department of Labor's Bureau of Labor Statistics.
3. The maximum rate to be collected for FY 2011/2012 shall be \$212.00 per parcel for new common interest, commercial, industrial, and quasi-public-use development, which may be subject to an annual adjustment, if necessary, based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the Department of Labor's Bureau of Labor Statistics.
4. The NPDES regulatory rate, as herein confirmed, shall be collected on the tax roll at the same time and by the same persons, and in the same manner as, together with and not separately from, general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties, as provided for in Sections 5473 through 5473.8 of the California Health and Safety Code.
5. The City Council made a finding that collection of the NPDES regulatory rate is in compliance with Proposition 218.
6. The effective date of this Resolution shall be June 14, 2011.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

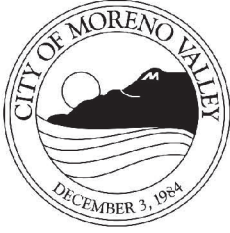
APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

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



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

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE CITY OF MORENO VALLEY FOR FISCAL YEAR 2011-12

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to receive public comments on the City's appropriations limit for Fiscal Year 2011-12; and
2. Adopt Resolution No. 2011-57 establishing the appropriations limit at \$89,463,807 for the City of Moreno Valley for Fiscal Year 2011-12.

BACKGROUND

On November 6, 1979, California voters approved the Gann Spending Limitation Initiative (Proposition 4) establishing Article XIII B of the State Constitution. Article XIII B sets limits on the amount of tax revenues that the State and most local governments can appropriate within a given fiscal year. Its basic provisions are as follows:

- Each year, the State and local governments must adopt a resolution establishing an appropriations limit, also known as the "Gann Limit". Fiscal Year 1984-85 appropriations serve as the base for this limit, with adjustments being made annually to reflect increases in population, the cost of living, and financial responsibility transfers.

- Only tax proceeds are subject to the limit. Charges for services, regulatory fees, grants, loans, donations and other non-tax proceeds are not subject to the limit. Exemptions are also made for voter-approved debt, debt that existed prior to January 1, 1979, and for the cost of compliance with court or Federal government mandates.
- All tax revenues received in excess of the appropriations limit must be refunded to taxpayers within a two-year period.
- The voters may approve an increase in the appropriations limit. For the increase to remain in effect, however, it must be re-approved by voters at four-year intervals.

On June 5, 1990, California voters approved the Traffic Congestion Relief and Spending Limitation Act (Proposition 111), which made various amendments to Article XIII B of the State Constitution. The major changes, which became effective July 1, 1990, are as follows:

- The change in the cost of living is defined to be either the change in California per capita personal income or the change in assessed valuation due to the addition of non-residential new construction. Previously, the change in the cost of living was defined as the lesser of the change in the U.S. Consumer Price Index or the change in California per capita personal income.
- The change in population is defined as either a change in the City's population or a change in the County's population, whichever is greater.
- "Qualified capital outlay projects" were added to the items exempted from the appropriations limit. Qualified capital outlay projects must have a useful life of ten or more years and a cost that equals or exceeds \$100,000.
- Tax revenues received in excess of the appropriations limit must be refunded to taxpayers only if the limit is exceeded over a two-year period.
- The annual calculation of the appropriations limit must be reviewed as part of the City's annual financial audit.

DISCUSSION

The information used to calculate the City's Fiscal Year 2011-12 appropriations limit is presented in Exhibit A, Proceeds of Tax Calculation and Exhibit B, Appropriations (Gann) Limit Calculation. The City's appropriations limit for Fiscal Year 2009-10 was \$84,193,306. The change factor allowed by Proposition 111 due to population and cost of living changes is 1.0626. This results in a Fiscal Year 2011-12 appropriations limit of \$89,463,807.

As previously indicated, Proposition 111 provides several options for calculating increases in the appropriations limit. With respect to the change in population, the increase in County population was used since it was greater than the City's (+3.54% vs. +3.66%).

With respect to the change in the cost-of-living criterion, the change in California per capita personal income (+2.51%) was used, as the change in non-residential assessed valuation information is not yet available from the County.

The City's total projected revenue proceeds from the General Fund are \$71,600,310. Of this amount, \$54,120,708 is identified as coming from tax proceeds, while \$17,479,602 is identified as coming from non-tax proceeds. Exhibit A provides a breakdown of budgeted revenues and their classification as tax proceeds or non-tax proceeds.

The Fiscal Year 2011-12 Preliminary Base Operating Budget contains appropriations subject to the limitation of \$54,120,708. This amount is \$35,343,099 below the City's legal appropriations limit of \$89,463,807.

ALTERNATIVES

The following alternatives are available to the City Council:

1. Adopt Resolution No. 2011-57 establishing the City's Fiscal Year 2011-12 appropriations limit at \$89,463,807;
2. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

There is no fiscal impact. The City is safely within its legal appropriations limit for Fiscal Year 2011-12.

CITY COUNCIL GOALS

None applicable

SUMMARY

Each year the City is required to adopt a resolution establishing a limit on its appropriations of tax proceeds. The Traffic Congestion Relief and Spending Limitation Act (Proposition 111), approved by the voters on June 5, 1990, changed some of the factors used in the calculation of this limit. For Fiscal Year 2011-12, the City's appropriations limit is calculated to be \$89,463,807. The City's Preliminary Base Operating Budget contains appropriations subject to the limit totaling \$54,120,708. Therefore, the portion of the Fiscal Year 2011-12 Preliminary Base Operating Budget subject to the limit is \$35,343,099 less than the City's Fiscal Year 2011-12 appropriations limit.

NOTIFICATION

This agenda item on the Fiscal Year 2011-12 Appropriations ("Gann") Limit was properly noticed as a Public Hearing.

ATTACHMENTS/EXHIBITS

- Attachment 1- Resolution No. 2011-57
- Exhibit A - Proceeds of Tax Calculation
- Exhibit B - Appropriations (Gann) Limit Calculation
- Exhibit C - Summary of Annual Appropriation (Gann) Limits

Prepared By:
 Brooke McKinney
 Treasury Operations Division Manager

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:

RESOLUTION NO. 2011-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-12

WHEREAS, Article XIIB of the California Constitution and Section 7910 of the California Government Code require that each year the City of Moreno Valley shall by resolution, establish an appropriations limit for the City for the following fiscal year; and

WHEREAS, the City Council has received the Preliminary Base Operating Budget for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said budget contains the estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the City; and

WHEREAS, the City's Financial & Administrative Services Department has heretofore prepared and submitted data and documentation required for and to be used in the determination of certain matters and for the establishment of an appropriations limit for the City for Fiscal Year 2011-12 and such data and documentation has been available to the public for at least fifteen days prior to adoption of this Resolution; and

WHEREAS, the City Council has considered pertinent data and documentation and made such determinations as may be required by law, and has adopted this Resolution at a regularly scheduled meeting of the City Council; and

WHEREAS, the appropriations limit for the City of Moreno Valley for Fiscal Year 2011-12 is hereby established at \$89,463,807, and the total annual appropriations subject to such limitation for Fiscal Year 2011-12 is estimated to be \$54,120,708.

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

1. That \$89,463,807 is hereby established as the appropriations limit for the City of Moreno Valley for Fiscal Year 2011-12.
2. The City Council hereby adopts the findings and methods of calculations set forth in Exhibit A, the Proceeds of Tax Calculation, Exhibit B, the Appropriations (Gann) Limit Calculation, and Exhibit C, the Summary of Annual Appropriation (Gann) Limits. To the extent permitted by applicable law, the City of Moreno Valley reserves the right to change or revise any gross factors associated with the calculation of the limit established pursuant to Article XIIB of the California Constitution if such changes or revisions would result in a more advantageous appropriation limit in the present or future.

Attachment 1

1

Resolution No. 2011-57

Date Adopted:

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor of the County of Riverside.
4. Within fifteen days after the adoption of this Resolution, the City Clerk shall certify to the adoption thereof and, as so certified, cause a copy to be posted in at least three public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment 1
2

Resolution No. 2011-57
Date Adopted:

RESOLUTION JURAT

Attachment 1
3

Resolution No. 2011-57
Date Adopted:

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**CITY OF MORENO VALLEY
APPROPRIATIONS (GANN) LIMIT
PROCEEDS OF TAX CALCULATION
GENERAL FUND FY 11/12**

REVENUE SOURCE	BUDGETED PROCEEDS OF TAX	BUDGETED NON-PROCEEDS OF TAX	TOTAL REVENUE
<u>Taxes</u>			
Property (1)	\$ 22,086,000		\$ 22,086,000
Sales (2)	10,949,760		10,949,760
Motor Vehicle In-Lieu	400,000		400,000
Business Gross Receipts	1,100,000		1,100,000
Utility Users	15,700,000		15,700,000
Other Taxes	1,025,000		1,025,000
<u>Fees</u>			
Franchise		5,030,000	5,030,000
Development Fees		2,832,750	2,832,750
Other Fees, Permits & Licenses		3,490,904	3,490,904
Fines & Forfeitures		1,000,000	1,000,000
Administrative Charges		2,270,000	2,270,000
Intergovernmental		247,000	247,000
Miscellaneous		1,685,396	1,685,396
Total	\$ 51,260,760	\$ 16,556,050	\$ 67,816,810
% of Total	75.59	24.41	100.00
Allocation of Interest	2,859,948	923,552	3,783,500
Adjusted Total	\$ 54,120,708	\$ 17,479,602	\$ 71,600,310

Revenues are based on FY 2011/12 Proposed Budget

Notes:

- (1) Includes Property Tax In-Lieu of Vehicle License Fees In-Lieu
(2) Includes Property Tax In-Lieu of Sales Tax

EXHIBIT B

**CITY OF MORENO VALLEY
 APPROPRIATIONS (GANN) LIMITS
 LIMIT CALCULATION
 GENERAL FUND FY 11/12**

APPROPRIATIONS SUBJECT TO THE LIMIT

FY 2011/12 Total Revenue *	\$ 71,600,310
Less: Non-Proceeds of Tax	<u>17,479,602</u>
A) Total Appropriations Subject to the Limit	\$ 54,120,708

APPROPRIATIONS LIMIT

B) FY 2010/11 Appropriations Limit	\$ 84,193,306
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C) Change Factor **	<u>% Increase</u>	<u>Factor</u>
Cost of Living Adjustment - CPI	2.51	1.0251
Population Adjustment - PA	3.66	1.0366
Change Factor (CPI x PA)		<u><u>1.0626</u></u>

D) Increase in Appropriations Limit	5,270,501
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E) FY 2011/12 Appropriations Limit (B x C)	<u><u>\$ 89,463,807</u></u>
--	-----------------------------

REMAINING APPROPRIATIONS CAPACITY

(E - A)	<u><u>\$ 35,343,099</u></u>
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Remaining Capacity as a Percent of the FY 2011/12 Appropriations Limit	<u><u>39.51</u></u>
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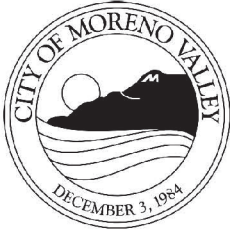
* Revenues based upon FY 2011/12 Proposed Budget

** State Department of Finance
 Percent of Change in California Per Capita Income
 Percent of Change in City of Moreno Valley Population

CITY OF MORENO VALLEY
 SUMMARY OF ANNUAL APPROPRIATION (GANN) LIMITS
 GENERAL FUND AND COMMUNITY SERVICES DISTRICT

FISCAL YEAR	COST OF LIVING CHANGE		POPULATION CHANGE	GENERAL FUND				COMMUNITY SERVICES DISTRICT			
	CHANGE			APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY	APPROPRIATIONS LIMIT	APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY			
1984/85	-		-	\$1,489,525	\$6,510,475	\$1,000,000	\$225,224	\$774,776			
1985/86	3.74%		-	\$5,801,524	\$2,497,676	\$1,037,400	\$366,257	\$671,143			
1986/87	2.30%		13.34%	\$7,182,998	\$3,556,625	\$1,730,616	\$571,404	\$1,159,212			
1987/88	3.40%		21.27%	\$8,186,487	\$5,233,382	\$2,162,519	\$514,685	\$1,647,834			
1988/89	3.93%		13.98%	\$9,117,625	\$6,779,473	\$2,561,707	\$595,770	\$1,965,937			
1989/90	4.98%		11.53%	\$10,193,243	\$8,419,746	\$2,999,354	\$973,431	\$2,025,923			
1990/91	4.21%		12.34%	\$12,168,319	\$9,621,817	\$3,511,329	\$1,447,368	\$2,063,961			
1991/92	4.14%		9.53%	\$12,702,824	\$12,481,301	\$4,058,248	\$1,068,016	\$2,990,232			
1992/93	-0.64%		4.74%	\$21,751,950	\$4,457,169	\$4,223,419	\$1,127,115	\$3,096,304			
1993/94	2.72%		3.69%	\$22,167,783	\$5,747,550	\$4,498,364	\$1,090,166	\$3,408,198			
1994/95	0.71%		2.56%	\$22,191,470	\$6,642,277	\$4,646,360	\$839,650	\$3,806,710			
1995/96	4.72%		2.66%	\$21,770,020	\$9,229,141	\$4,995,302	\$1,018,520	\$3,976,782			
1996/97	4.67%		1.91%	\$22,117,750	\$10,949,055	\$5,328,489	\$952,480	\$4,376,009			
1997/98	4.67%		0.19%	\$22,635,500	\$12,041,658	\$5,587,986	\$952,480	\$4,635,506			
1998/99	4.15%		4.44%	\$23,919,000	\$13,799,345	\$6,078,052	\$1,796,366	\$5,077,552			
1999/00	4.53%		2.29%	\$26,298,904	\$14,029,550	\$6,498,653	\$1,796,366	\$4,702,287			
2000/01	4.91%		3.36%	\$27,701,784	\$16,026,359	\$7,046,489	\$1,831,589	\$5,214,900			
2001/02	7.82%		5.68%	\$30,910,955	\$18,912,891	\$8,028,770	\$2,074,425	\$5,954,345			
2002/03	-1.27%		3.88%	\$34,456,312	\$16,643,024	\$8,234,307	\$2,244,708	\$5,989,599			
2003/04	2.31%		3.72%	\$37,805,936	\$16,420,679	\$8,738,247	\$2,465,590	\$6,272,657			
2004/05	3.28%		4.17%	\$42,094,636	\$16,247,779	\$9,401,480	\$2,727,571	\$6,673,909			
2005/06	5.26%		6.59%	\$48,100,800	\$17,359,390	\$10,548,461	\$3,016,336	\$7,532,125			
2006/07	3.96%		5.59%	\$59,592,475	\$12,263,176	\$11,579,046	\$3,987,532	\$7,591,514			
2007/08	4.42%		3.38%	\$72,653,027	\$4,915,148	\$12,499,580	\$4,615,504	\$7,884,076			
2008/09	4.29%		2.79%	\$68,506,576	\$14,646,508	\$13,399,550	\$4,685,689	\$8,713,861			
2010	0.62%		1.83%	\$56,124,960	\$29,073,690	\$13,729,179	\$4,108,012	\$9,621,167			
2011	-2.54%		1.40%	\$50,777,288	\$33,416,018	\$13,567,175	\$3,059,579	\$10,507,596			
2012	2.51%		3.66%	\$54,120,708	\$35,343,099	\$14,416,480	\$3,146,478	\$11,270,002			

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APPROVALS	
BUDGET OFFICER	<i>cof</i>
CITY ATTORNEY	<i>RAH</i>
CITY MANAGER	<i>MCS</i>

Report to City Council

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

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS (“GANN”) LIMIT FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT FOR FISCAL YEAR 2011-12

RECOMMENDED ACTION

Staff recommends that the Board:

1. Conduct a Public Hearing to receive public comments on the Moreno Valley Community Services District’s appropriations limit for Fiscal Year 2011-12; and
2. Adopt Resolution No. CSD 2011-19 establishing the appropriations limit at \$14,416,480 for the Moreno Valley Community Services District for Fiscal Year 2011-12.

BACKGROUND

On November 6, 1979, California voters approved the Gann Spending Limitation Initiative (Proposition 4) establishing Article XIII B of the State Constitution. Article XIII B sets limits on the amount of tax revenues that the State and most local governments can appropriate within a given fiscal year. Its basic provisions are as follows:

- Each year, the State and local governments must adopt a resolution establishing an appropriations limit, also known as the “Gann Limit”. Fiscal Year 1984-85

appropriations serve as the base for this limit, with adjustments being made annually to reflect increases in population, the cost of living, and financial responsibility transfers.

- Only tax proceeds are subject to the limit. Charges for services, regulatory fees, grants, loans, donations and other non-tax proceeds are not subject to the limit. Exemptions are also made for voter-approved debt, debt that existed prior to January 1, 1979, and for the cost of compliance with court or Federal government mandates.
- All tax revenues received in excess of the appropriations limit must be refunded to taxpayers within a two-year period.
- The voters may approve an increase in the appropriations limit. For the increase to remain in effect, however, it must be re-approved by voters at four-year intervals.

On June 5, 1990, California voters approved the Traffic Congestion Relief and Spending Limitation Act (Proposition 111), which made various amendments to Article XIII B of the State Constitution. The major changes, which became effective July 1, 1990, are as follows:

- The change in the cost of living is defined to be either the change in California per capita personal income or the change in assessed valuation due to the addition of non-residential new construction. Previously, the change in the cost of living was defined as the lesser of the change in the U.S. Consumer Price Index or the change in California per capita personal income.
- The change in population is defined as either a change in the City's population or a change in the County's population, whichever is greater.
- "Qualified capital outlay projects" were added to the items exempted from the appropriations limit. Qualified capital outlay projects must have a useful life of ten or more years and a cost that equals or exceeds \$100,000.
- Tax revenues received in excess of the appropriations limit must be refunded to taxpayers only if the limit is exceeded over a two-year period.
- The annual calculation of the appropriations limit must be reviewed as part of the City's annual financial audit.

DISCUSSION

The information used to calculate the Fiscal Year 2011-12 appropriations limit for the Moreno Valley Community Services District (District) is presented in Exhibit A, Proceeds

of Tax Calculation and Exhibit B, Appropriations (Gann) Limit Calculation. The District's appropriations limit for Fiscal Year 2010-11 was \$13,567,175. The change factor allowed by Proposition 111 due to population and cost of living changes is 1.0626. This results in a Fiscal Year 2011-12 appropriations limit of \$14,416,480.

As previously indicated, Proposition 111 provides several options for calculating increases in the appropriations limit. With respect to the change in population, the increase in County population was used since it was greater than the City's (+3.54% vs. +3.66%).

With respect to the change in the cost-of-living criterion, the change in California per capita personal income (+2.51%) was used, as the change in non-residential assessed valuation information is not yet available from the County.

The total projected revenue proceeds from the District are \$16,236,807. Of this amount, \$3,146,478 is identified as coming from tax proceeds, while \$13,090,329 is identified as coming from non-tax proceeds. Exhibit A provides a breakdown of budgeted revenues and their classification as tax proceeds or non-tax proceeds.

The Fiscal Year 2011-12 Preliminary Base Operating Budget contains appropriations subject to the limitation of \$3,146,478. This amount is \$11,270,002 below the District's legal appropriations limit of \$14,416,480.

ALTERNATIVES

The following alternatives are available to the Board:

1. Adopt Resolution No. CSD 2011-19 establishing the District's Fiscal Year 2011-12 appropriations limit at \$14,416,480.
2. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

There is no fiscal impact. The District is safely within its legal appropriations limit for Fiscal Year 2011-12.

CITY COUNCIL GOALS

None applicable

SUMMARY

Each year the Moreno Valley Community Services District (District) is required to adopt a resolution establishing a limit on its appropriations of tax proceeds. The Traffic Congestion Relief and Spending Limitation Act (Proposition 111), approved by the voters on June 5, 1990, changed some of the factors used in the calculation of this limit. For Fiscal Year 2011-12, the District's appropriations limit is calculated to be \$14,416,480. The District's Preliminary Base Operating Budget contains appropriations subject to the limit totaling \$3,146,478. Therefore, the portion of the Fiscal Year 2011-12 Preliminary Base Operating Budget subject to the limit is \$11,270,002 less than the District's Fiscal Year 2011-12 appropriations limit.

NOTIFICATION

This agenda item on the Fiscal Year 2011-12 Appropriations ("Gann") Limit was properly noticed as a Public Hearing.

ATTACHMENTS/EXHIBITS

Attachment 1- Resolution No. CSD 2011-19
 Exhibit A - Proceeds of Tax Calculation
 Exhibit B – Appropriations (Gann) Limit Calculation
 Exhibit C - Summary of Annual Appropriation (Gann) Limits

Prepared By:
 Brooke McKinney
 Treasury Operations Division Manager

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:

RESOLUTION NO. CSD 2011-19

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-12

WHEREAS, Article XIII B of the California Constitution and Section 7910 of the California Government Code require that each year the Moreno Valley Community Services District (District) shall by resolution, establish an appropriations limit for the District for the following fiscal year; and

WHEREAS, the City Council, acting in its capacity as the Board of Directors of the District, has received the Preliminary Base Operating Budget for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said budget contains the estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the District; and

WHEREAS, the District's Financial & Administrative Services Department has heretofore prepared and submitted data and documentation required for and to be used in the determination of certain matters and for the establishment of an appropriations limit for the District for Fiscal Year 2011-12 and such data and documentation has been available to the public for at least fifteen days prior to adoption of this Resolution; and

WHEREAS, the City Council, acting in its capacity as the Board of Directors of the District, has considered pertinent data and documentation and made such determinations as may be required by law, and has adopted this Resolution at a regularly scheduled meeting of the Board of Directors of the District; and

WHEREAS, the appropriations limit for the Moreno Valley Community Services District for Fiscal Year 2011-12 is hereby established at \$14,416,480, and the total annual appropriations subject to such limitation for Fiscal Year 2011-12 is estimated to be \$3,146,478.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. That \$14,416,480 is hereby established as the appropriations limit for the Moreno Valley Community Services District for Fiscal Year 2011-12.
2. The District's Board of Directors hereby adopts the findings and methods of calculations set forth in Exhibit A, the Proceeds of Tax Calculation, Exhibit B, the Appropriation (Gann) Limit Calculation, and Exhibit C, the Summary of Annual Appropriation (Gann) Limits. To the extent permitted by applicable law, the

Attachment 1

1

Resolution No. CSD 2011-__

Date Adopted:

District reserves the right to change or revise any gross factors associated with the calculation of the limit established pursuant to Article XIII B of the California Constitution if such changes or revisions would result in a more advantageous appropriations limit in the present or future.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk, acting in the capacity of Secretary of the Moreno Valley Community Services District, shall file a copy of this Resolution with the Auditor of the County of Riverside.
4. Within fifteen days after the adoption of this Resolution, the City Clerk, acting in the capacity of Secretary of the Moreno Valley Community Services District, shall certify to the adoption thereof and, as so certified, cause a copy to be posted in at least three public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

Attachment 1
2

Resolution No. CSD 2011-____
Date Adopted:

RESOLUTION JURAT

Attachment 1

3

Resolution No. CSD 2011-__
Date Adopted:

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**CITY OF MORENO VALLEY
APPROPRIATIONS (GANN) LIMIT
PROCEEDS OF TAX CALCULATION
COMMUNITY SERVICES DISTRICT FY 11/12**

REVENUE SOURCE	BUDGETED PROCEEDS OF TAX	BUDGETED NON-PROCEEDS OF TAX	TOTAL REVENUE
<u>Taxes</u>			
Zone A - Parks & Recreation	\$ 1,695,100		\$ 1,695,100
Zone B - Residential Lights	94,200		94,200
Zone C - Arterial Lights	97,800		97,800
Zone L - Library Services	1,244,800		1,244,800
<u>Fees</u>			
Zone A - Parks & Recreation		5,734,800	5,734,800
Zone B - Residential Lights		933,352	933,352
Zone C - Arterial Lights		431,186	431,186
Zone D - Standard Landscaping		1,138,180	1,138,180
Zone E - Extensive Landscaping		2,444,438	2,444,438
Zone L - Library Services		73,600	73,600
Zone M - Median Fund		182,031	182,031
<u>Miscellaneous</u>			
Zone A - Parks & Recreation		495,600	495,600
Zone E - Extensive Landscaping		3,800	3,800
<u>Transfers In</u>			
Zone A - Parks & Recreation		307,500	307,500
Zone B - Residential Lights		675,000	675,000
Zone L - Library Services		506,800	506,800
Zone M - Median Fund		103,400	103,400
Total	\$ 3,131,900	\$ 13,029,687	\$ 16,161,587
% of Total	19.38	80.62	100.00
Allocation of Interest *	14,578	60,642	75,220
Adjusted Total	\$ 3,146,478	\$ 13,090,329	\$ 16,236,807

Interest consists of the following:

Zone A - \$0
Zone B - \$0
Zone C - \$4,500
Zone D - \$720
Zone E - \$70,000
Zone L - \$0
Zone M - \$0

Revenues are based upon FY 2011/12 Proposed Budget

EXHIBIT B

**CITY OF MORENO VALLEY
 APPROPRIATIONS (GANN) LIMITS
 LIMIT CALCULATION
 COMMUNITY SERVICES DISTRICT FY 11/12**

APPROPRIATIONS SUBJECT TO THE LIMIT

FY 2011/12 Total Revenue *	\$ 16,236,807
Less: Non-Proceeds of Tax	<u>13,090,329</u>
A) Total Appropriations Subject to the Limit	\$ 3,146,478

APPROPRIATIONS LIMIT

B) FY 2010/11 Appropriations Limit	13,567,175
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C) Change Factor **	<u>% Increase</u>	<u>Factor</u>
Cost of Living Adjustment - CPI	2.51	1.0251
Population Adjustment - PA	3.66	<u>1.0366</u>
Change Factor (CPI x PA)		<u><u>1.0626</u></u>

D) Increase in Appropriations Limit	849,305
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E) FY 2011/12 Appropriations Limit (B x C)	<u>\$ 14,416,480</u>
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REMAINING APPROPRIATIONS CAPACITY

(E - A)	<u>\$ 11,270,002</u>
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Remaining Capacity as a Percent of the FY 2011/12 Appropriations Limit	<u><u>78.17</u></u>
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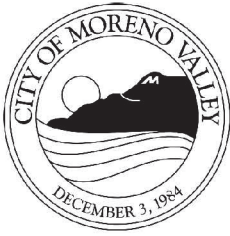
* Revenues based upon FY 2011/12 Proposed Budget

** State Department of Finance
 Percent of Change in California Per Capita Income
 Percent of Change in City of Moreno Valley Population

CITY OF MORENO VALLEY
 SUMMARY OF ANNUAL APPROPRIATION (GANN) LIMITS
 GENERAL FUND AND COMMUNITY SERVICES DISTRICT

FISCAL YEAR	COST OF LIVING CHANGE		POPULATION CHANGE	GENERAL FUND				COMMUNITY SERVICES DISTRICT			
	CHANGE			APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY	APPROPRIATIONS LIMIT	APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY			
1984/85	-		-	\$1,489,525	\$6,510,475	\$1,000,000	\$225,224	\$774,776			
1985/86	3.74%		-	\$5,801,524	\$2,497,676	\$1,037,400	\$366,257	\$671,143			
1986/87	2.30%		13.34%	\$7,182,998	\$3,556,625	\$1,730,616	\$571,404	\$1,159,212			
1987/88	3.40%		21.27%	\$8,186,487	\$5,233,382	\$2,162,519	\$514,685	\$1,647,834			
1988/89	3.93%		13.98%	\$9,117,625	\$6,779,473	\$2,561,707	\$595,770	\$1,965,937			
1989/90	4.98%		11.53%	\$10,193,243	\$8,419,746	\$2,999,354	\$973,431	\$2,025,923			
1990/91	4.21%		12.34%	\$12,168,319	\$9,621,817	\$3,511,329	\$1,447,368	\$2,063,961			
1991/92	4.14%		9.53%	\$12,702,824	\$12,481,301	\$4,058,248	\$1,068,016	\$2,990,232			
1992/93	-0.64%		4.74%	\$21,751,950	\$4,457,169	\$4,223,419	\$1,127,115	\$3,096,304			
1993/94	2.72%		3.69%	\$22,167,783	\$5,747,550	\$4,498,364	\$1,090,166	\$3,408,198			
1994/95	0.71%		2.56%	\$22,191,470	\$6,642,277	\$4,646,360	\$839,650	\$3,806,710			
1995/96	4.72%		2.66%	\$21,770,020	\$9,229,141	\$4,995,302	\$1,018,520	\$3,976,782			
1996/97	4.67%		1.91%	\$22,117,750	\$10,949,055	\$5,328,489	\$952,480	\$4,376,009			
1997/98	4.67%		0.19%	\$22,635,500	\$12,041,658	\$5,587,986	\$952,480	\$4,635,506			
1998/99	4.15%		4.44%	\$23,919,000	\$13,799,345	\$6,078,052	\$1,000,500	\$5,077,552			
1999/00	4.53%		2.29%	\$26,298,904	\$14,029,550	\$6,498,653	\$1,796,366	\$4,702,287			
2000/01	4.91%		3.36%	\$27,701,784	\$16,026,359	\$7,046,489	\$1,831,589	\$5,214,900			
2001/02	7.82%		5.68%	\$30,910,955	\$18,912,891	\$8,028,770	\$2,074,425	\$5,954,345			
2002/03	-1.27%		3.88%	\$34,456,312	\$16,643,024	\$8,234,307	\$2,244,708	\$5,989,599			
2003/04	2.31%		3.72%	\$37,805,936	\$16,420,679	\$8,738,247	\$2,465,590	\$6,272,657			
2004/05	3.28%		4.17%	\$42,094,636	\$16,247,779	\$9,401,480	\$2,727,571	\$6,673,909			
2005/06	5.26%		6.59%	\$48,100,800	\$17,359,390	\$10,548,461	\$3,016,336	\$7,532,125			
2006/07	3.96%		5.59%	\$59,592,475	\$12,263,176	\$11,579,046	\$3,987,532	\$7,591,514			
2007/08	4.42%		3.38%	\$72,653,027	\$4,915,148	\$12,499,580	\$4,615,504	\$7,884,076			
2008/09	4.29%		2.79%	\$68,506,576	\$14,646,508	\$13,399,550	\$4,685,689	\$8,713,861			
2010	0.62%		1.83%	\$56,124,960	\$29,073,690	\$13,729,179	\$4,108,012	\$9,621,167			
2011	-2.54%		1.40%	\$50,777,288	\$33,416,018	\$13,567,175	\$3,059,579	\$10,507,596			
2012	2.51%		3.66%	\$54,120,708	\$35,343,099	\$14,416,480	\$3,146,478	\$11,270,002			

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rat</i>
CITY MANAGER	<i>MCS</i>

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: June 14, 2011

TITLE: A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE MUNICIPAL CODE (PA10-0035) TO IMPLEMENT NEW DESIGN STANDARDS TO COMPLY WITH THE 2010 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. RECOGNIZE that PA10-0035 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and
2. Introduce Ordinance No 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4)

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, at its May 12, 2011, meeting approved Planning Commission Resolution 2011-11, recommending by a 6-0 vote that the City Council recognize that PA10-0035 (Municipal Code Amendment) qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 (Minor Alterations in Land Use Limitation) as defined by Section 15378.

During the Planning Commission Hearing, the Commission voted to approve the item with no questions or discussion.

BACKGROUND

The proposed changes are required to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit covering The City of Moreno Valley. Compliance is required by July 29, 2011. The MS4 permit requires that the City promote green infrastructure/Low Impact Development (LID) techniques for all new and redevelopment projects. The City is currently regulated under the 2002 NPDES MS4 permit which is now expired and has been superseded by the new 2010 NPDES MS4 permit, effective January 29, 2010.

Low Impact Development (LID) is used to describe the land planning and engineering design approach to managing stormwater runoff by reducing and/or retaining runoff. LID emphasizes conservation and the use of on-site natural features to protect water quality. Various design techniques including the use of permeable surfaces, increased landscape areas, and limited hardscape areas help to promote on-site water retention and infiltration to clean the water of contaminants prior to the water being discharged from the site into storm drains and flood control channels. Hardscape areas increase the runoff and the amount of water that needs to be cleaned for water quality purposes.

DISCUSSION

This proposed amendment would modify various provisions of the Municipal Code Sections 9.03 Residential Development, 9.08, Grading 9.11, Parking, Pedestrian and Loading Requirements, 9.16, Design Guidelines, and 9.17 Landscape Requirements providing new design standards promoting green infrastructure/low impact development (LID) techniques. The proposed site design requirements and preferences are intended to reduce the runoff and the costs associated with cleaning runoff. Additionally, all projects are required to include “Best Management Practices” (BMPs) which provide measures designed to prevent or reduce the discharge of pollutants directly or indirectly into regulated waters of the United States.

The following are the proposed changes to the Municipal Code, Title 9 for Planning and Zoning.

9.03.040 Residential Development

CURRENT STANDARDS	PROPOSED CHANGES
Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of	Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of

<p>private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials except for necessary walks and fences.</p>	<p>private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials <u>to include water efficient native plants</u>, except for necessary walks and fences. <u>Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with permeable surfaces where feasible to reduce runoff.</u></p>
<p>6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.</p>	<p>6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community <u>& Economic Development Director</u> may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.</p>
<p>Section G</p> <p>4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.</p>	<p>Section G</p> <p>4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. <u>Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.</u></p>
<p>Section G</p> <p>12. Trash enclosures shall be designed to be compatible with the project's</p>	<p>Section G</p> <p>12. <u>Trash enclosures shall include solid roofs and be designed to be</u></p>

architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.	<u>compatible with the project's architecture.</u>
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9.08.080 Grading

CURRENT STANDARDS	PROPOSED CHANGES
Section A. Lots slope toward, rather than away from the street; unless otherwise approved by the city engineer.	Section A. Lots slope <u>to landscape areas or permeable surfaces</u> unless otherwise approved by the city engineer;

9.11 Parking, Pedestrian and Loading Requirements

9.11.010 Purpose and intent.

CURRENT	PROPOSED
Section E. Implement general plan circulation and energy conservation policies:(Ord. 359 (part), 1992)	Section E. Implement general plan circulation and energy conservation policies; <u>and</u> (Ord. 359 (part), 1992)
New	<u>Section F.</u> <u>Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.</u>

9.11.040 Off-street parking requirements

CURRENT	PROPOSED
Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the minimum off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-	Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the <u>required</u> off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-

public uses	public uses. <u>Parking provided above the amount of required off-street parking must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:</u>
911.040 A-12 Table The table states the minimum requirement for parking based on the use.	<u>The table will state the “required” parking based on the use.</u>

9.11.060 Off-street bicycle parking requirements

CURRENT	PROPOSED
Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition	Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. <u>Pervious pavement is recommended.</u>

9.11.080 Design standards.

CURRENT	PROPOSED
New	<u>25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Permeable surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.</u>
Section B 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be a minimum of nine feet in width eighteen (18) feet in depth (see Figure 9.11.080-5).	<u>Section B</u> 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine (9) feet in width <u>and sixteen (16) feet in depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be</u> eighteen (18) feet <u>of paved in depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be</u>

	<u>included in the required landscape setback).</u> (see Figure 9.11.080-5).
Figure 9.11.080-5	Figure 9.11.080-5 modified to reflect 16 feet Nonparallel Parking Spaces
Figure 9.11.080-6	<u>Figure 9.11.080-6 Parking Space Striping Requirements</u> <u>modified to reflect both 16 feet and 18 feet in depth parking spaces labeled as 911.080-6A and 9.11.080-6B</u>
Section C 1. Drainage. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.	Section C 1. Drainage. <u>Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading.</u> All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.
Figure 9.11.080-6	<u>Figure 9.11.080-6, Parking Space Striping Requirements-- modified to reflect parking space dimension requirements.</u>
Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer.	Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. <u>Every effort should be made to use permeable surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.</u>

9.11.100 Circulation-Pedestrian

CURRENT	PROPOSED
<p>Section A.</p> <p>Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation.</p>	<p>Section A.</p> <p>Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. <u>The use of permeable paving surfaces is recommended where feasible.</u></p>

9.16 Design Guidelines

9.16.010 Introduction and scope of guidelines.

CURRENT	PROPOSED
<p>Section A. —</p> <p>The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commissions and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.</p>	<p><u>Section A.</u></p> <p><u>The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.</u></p>

9.16.110 Objectives, generally.

CURRENT	PROPOSED
<p>Section C.</p> <p>6. Providing for conservation of</p>	<p>Section C.</p> <p>6. Providing for conservation of</p>

natural resources through building orientation, site amenities and architectural treatment,	natural resources through building orientation, site amenities and architectural treatment, <u>including water quality features integrated into the site design such as water retention and absorption areas and the use of permeable surfaces to reduce water run off;</u>
7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.	7. Working in concert with the city's landscape <u>requirements.</u> guidelines as adopted by Ordinance No. 247.

9.16.120 General guidelines.

CURRENT	PROPOSED
Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view.	Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. <u>Roof drains shall be integrated into the building design for aesthetics and shall convey water to landscape areas for water quality.</u>
7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.	7. Working in concert with the city's landscape <u>requirements.</u> guidelines as adopted by Ordinance No. 247.

9.16.130 Single-family residential.

CURRENT	PROPOSED
Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for	Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for

storage/yard access.	storage/yard access. <u>Permeable surfaces are required for such areas within required setbacks.</u>
11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements.	11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. <u>Permeable surfaces are recommended where feasible.</u>

9.16.140 Multifamily residential shall be deleted in its entirety.

The multifamily residential design guidelines were incorporated into section 9.03.040 of the Municipal Code which was approved September 22, 2009.

9.16.150 Commercial (retail, office, mixed use).

CURRENT	PROPOSED
<p>Section B.</p> <p>28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be located inside the exterior walls of a structure.</p>	<p>Section B.</p> <p>28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and <u>drain into a landscape area for water quality, retention and absorption to reduce water run off.</u></p>

9.16.160 Business park/industrial.

CURRENT	PROPOSED
<p>Section B.</p> <p>14. Courtyards for resting, gathering and eating by employees shall be provided (Ord. 359 (Attach. 2 (part)), 1992)</p>	<p>Section B.</p> <p>14. Courtyards for resting, gathering and eating by employees shall be provided. <u>Permeable surfaces are recommended where feasible.</u> (Ord.</p>

	359 (Attach. 2 (part)), 1992)
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9.16.220 Roadway Circulation.

CURRENT	PROPOSED
<p>Section E.</p> <p>Combinations of collective private driveways, cluster parking areas and off-street parking bays are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)</p>	<p>Section E.</p> <p>Combinations of collective private driveways, cluster parking areas and off-street parking bays <u>(including pervious paving where feasible)</u> are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)</p>

9.16.235 Hillside Development.

CURRENT	PROPOSED
<p>Section A</p> <p>2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.</p>	<p>Section A</p> <p>2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. <u>Permeable surfaces are recommended where feasible.</u></p>

9.17 Landscape and Water Efficiency Requirements

9.17.050 Parking and drive-through landscape areas.

CURRENT	PROPOSED
<p>Opening paragraph:</p> <p>Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and</p>	<p>Opening paragraph:</p> <p>Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, <u>promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces,</u> and to enhance</p>

<p>ambient temperatures through the use of canopy trees. The following standards apply:</p>	<p>the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:</p>
<p>3. Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director. Openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality.</p>	<p>3. <u>Curb cut</u> openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. <u>Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.</u></p>

9.17.070 Single family residential development.

CURRENT	PROPOSED
<p>6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback.</p>	<p>6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. <u>Pervious pavement/surfaces are recommended to reduce water runoff.</u></p>

917.080 Multifamily residential development.

CURRENT	PROPOSED
<p>Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of</p>	<p>Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of</p>

plant materials, except for necessary walks and fences/walls.	plant materials, except for necessary walks and fences/walls. <u>The use of permeable surfaces is recommended for walks and patios to reduce water runoff.</u>
---	--

9.17.090 Commercial, industrial, public and quasi-public development.

CURRENT	PROPOSED
<p>Section C.</p> <p>In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.</p>	<p>Section C.</p> <p>In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the <u>use of permeable surface areas that reduce water run off.</u> Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.</p>

917.110 Erosion control/slope planting.

CURRENT	PROPOSED
<p>5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability.</p>	<p>5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, <u>draining to landscape or permeable surface areas that allow for water retention and absorption.</u></p>

917.150 Water efficiency requirements.

CURRENT	PROPOSED
New	<u>11. Direct all runoff from roofs and hardscape areas to landscaping areas.</u>

New	<u>12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.</u>
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ALTERNATIVES

1. Approve the proposal as submitted.
2. Approve the proposal with modifications to address City Council concerns.
3. Refer the proposal back to the Planning Commission.
4. Deny the proposal.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

The proposed amendments to the City of Moreno Valley Municipal Code would provide a comprehensive document promoting green infrastructure/Low Impact Development (LID) techniques for all projects to reduce on-site water retention and infiltration to clean the water of contaminants prior to the water being discharged form the site into storm drains and flood control channels, in compliance with the adopted 2010 NPDES MS4 permit covering the City.

NOTIFICATION

Notice of the City Council public hearing of the public notice, appeared in the *Press Enterprise* newspaper on June 3, 2011.

ATTACHMENTS/EXHIBITS

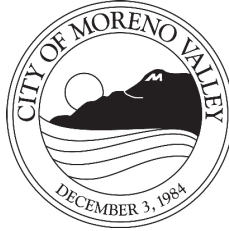
1. Public Hearing Notice
2. Ordinance for Municipal Code Amendment
3. Municipal Code Revisions for Title 9 w/strike out and additions underlined/bolded in blue.
4. Landscape Standards pages with additions bolded in blue.
5. Planning Commission Staff Report dated May 12, 2011
6. Planning Commission Minutes for May 12, 2011

Prepared By:
 Julia Descoteaux
 Associate Planner

Department Head Approval:
 Barry Foster
 Community & Economic
 Development Director

Concurred By:
 John Terell
 Planning Official

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



NOTICE OF CITY COUNCIL PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE AMENDMENT TO THE MUNICIPAL CODE PROVISIONS TO IMPLEMENT NEW DESIGN STANDARDS PROMOTING GREEN INFRASTRUCTURE/LID TECHNIQUES TO COMPLY WITH THE 2010 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT WHICH IS DESIGNED TO MINIMIZE IMPACTS FROM NEW DEVELOPMENT AS WELL AS REDEVELOPMENT PROJECTS DISCHARGING URBAN WATERS TO WATERS OF THE U.S. THE RESIDENTIAL DEVELOPMENT, GRADING, PARKING, PEDESTRIAN AND LOADING REQUIREMENTS, DESIGN GUIDELINES, AND LANDSCAPE REQUIREMENTS SECTIONS HAVE BEEN REVISED.

The proposed amendment (PA10-0035) would change the various Moreno Valley Municipal Code provisions to minimize the impacts and convey surface drainage into landscape areas for water quality, retention and absorption.

The Municipal Code Amendment (PA10-0035) proposes changes to the following sections:

- 9.03 Residential Development
- 9.08 Grading
- 9.11 Parking, Pedestrian and Loading Requirements
- 9.16 Design Guidelines
- 9.17 Landscape Requirements and Landscape Standards

The City Council may consider any appropriate modifications or alternatives to the amendment or the environmental determination. The amendment is proposed to be exempt under California Environmental Quality Act Guidelines Section 15061 as defined by Section 15378.

Any person interested in the proposed project may contact Julia Descoteaux, Associate Planner at (951) 413-3209 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday) or may telephone (951) 413-3206 for further information.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council on or before the following meeting date:

**Tuesday, June 14, 2011
6:30 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805**

ATTACHMENT 1

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ORDINANCE NO. 826

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING SECTIONS 9.03 RESIDENTIAL DEVELOPMENT, 9.08 GRADING, 9.11 PARKING, PEDESTRIAN AND LOADING, 9.16 DESIGN GUIDELINES AND 9.17, LANDSCAPE REQUIREMENTS AND LANDSCAPE STANDARDS

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

SECTION 1. FINDINGS:

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

SECTION 2 FINDINGS:

2.1 With respect to the proposed Municipal Code Amendment, and based upon substantial evidence presented to the City Council during the public hearing on June 14, 2011, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan – The proposed amendment is consistent with the General Plan and its goals, objectives, policies and programs.

FACT: All of the proposed changes are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan. The amendment provides an update to the existing code to ensure compliance with the new National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit which was effective January 29, 2010, with compliance by July 29, 2011. The updates include sections pertaining to residential development, grading, parking pedestrian and loading requirements, design guidelines and the landscape requirements.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed changes do not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per section 15305, as a Class 5 Categorical Exemption. No land use changes on specific parcels of land are included in the proposed Municipal Code Amendment.

ATTACHMENT 2

3. Conformance with Intent of Zoning Regulations – The proposed amendment is consistent with the purposes and intent of Title 9 of the Municipal Code.

FACT: The proposed amendment meets all applicable Municipal Code requirements. As proposed, the amendment is consistent with the purposes and intent of Title 9.

SECTION 3 MUNICIPAL CODE AMENDMENT:

3.1 Title 9 of the City of Moreno Valley Municipal Code is hereby revised as follows:

3.2 Section 9.03.040 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended with the following:

“9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac × 0.10 du/ac plus 5 ac × 0.20 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	Standards
Under 40,000 s.f.	R2 district standards

Lot Size	Standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

B. Hillside Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The Community & Economic Development Director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac × 0.25 du/ac plus 5 ac × 0.10 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The

ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	Standards
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

6. Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:

Slope Class	Standards
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large padded building areas.

Slope Class	Standards
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

C. Slope Calculations. For the purposes of this section, the following method will be used to determine slope.

1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).

2. a. For the purpose of determining the amount and location of land falling into each slope category, the applicant shall submit to the community development department, at the time of application, a base topographic map of the subject site prepared and signed by a registered civil engineer or licensed land surveyor. Such a map shall have a scale of not less than one inch to two hundred (200) feet and a contour interval of not more than ten (10) feet.

b. This base topographic map shall include all adjoining properties within three hundred (300) feet of the site boundaries. Slope bands in the range of less than ten (10) percent, ten (10) to fifteen (15) percent, fifteen (15) to twenty-five (25) percent, and greater than twenty-five (25) percent shall be delineated on the topographic map. The map shall be accompanied by a tabulation of the land area in each slope category specified in acres. The exact method for computing the percent slope and area by percent slope category is to be sufficiently described and presented so that a review can readily be made.

3. Slope Mapping Method.

a. The percent slope of any particular piece of land shall be plotted on the map as described in this subsection.

b. In preparing a slope map, those portions of ravines, ridges and terraces of less

area generally sloping at twenty-five (25) percent slope or greater, shall be regarded as part of the bordering twenty-five (25) percent slope or greater band.

**Figure 9.03.040-2
Residential Yard Descriptions**

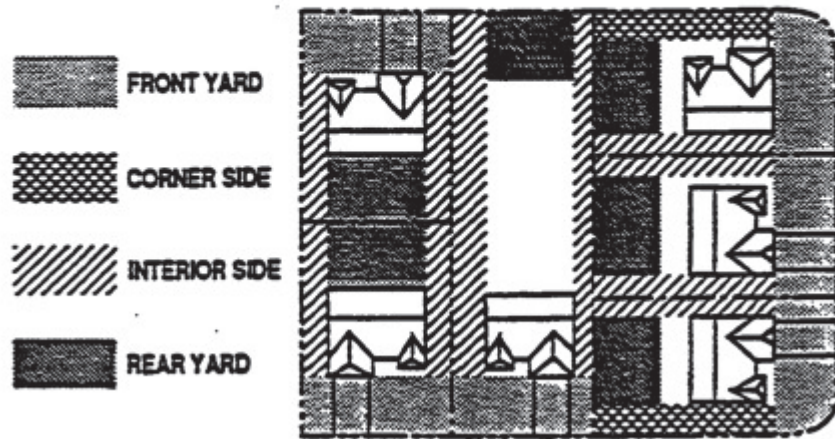


Table 9.03.040-6

**Residential Site Development Standards
Single-Family Standards**

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages	Not applicable					10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	50
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%

Requirement	R1	R2	RA2	R3	R5	RS10
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term “DUs” means dwelling units.

** The term “K” means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040.6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.

2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.

3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.

Table 9.03.040-7

Residential Site Development Standards

Multifamily Standards

Requirement	R10	R15	R20	R30
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in feet	200	200	200	200
4. Minimum lot depth in feet	175	175	175	175
5. Minimum front yard setback, in feet	20	25	30	30
6. Minimum side yard setback, in feet				
Interior side yard	10	10	10	10 feet plus 2 feet for every 5 feet in height over 30 feet
Street side yard	20	20	20	20
Requirement	R10	R15	R20	R30
7. Minimum rear yard setback, in ft.	15	20	25	10 feet plus 2 feet for every 5 feet in height over 30 feet
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in feet	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

Note to Residential Site Development Standards Table 9.03.040-7.

1. Minimum dwelling sizes in multiple-family projects shall be as follows:
 - a. One bedroom: four hundred fifty (450) square feet;
 - b. Two bedroom: eight hundred (800) square feet;
 - c. Three bedroom: one thousand (1,000) square feet.

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

- a. Front porches;
- b. Automatic garage door openers;
- c. Electronic security systems;

5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

7. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

F. Special Multiple-Family Residential Development Standards.

1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials to include water efficient native plants, except for necessary walks and fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with pervious surfaces where feasible to reduce runoff.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community & Economic Development Director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.

9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.

2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.

5. Open parking areas should be clustered and treated as landscaped plazas and courts.

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.

7. No more than four units for a two-story structure should be served by one entry.

8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.
10. Individual units should have a porch or porch-like space at the front door.
11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.
12. Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.
13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.
14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.
15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.
16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.
17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.
18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.
19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.
20. Multiple-family projects warrant special design considerations, including:
 - a. Intimate, shaded outdoor seating areas;
 - b. A network of pathways, providing interesting walking experiences;
 - c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;
 - d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;
 - e. Security;

- f. Direct ambulance access (senior housing projects);
- g. Parking close to units;
- h. Elevators (senior housing projects).

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.

23. Multifamily projects shall be designed for the needs of the intended residents. For example, children’s needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.

24. Architectural features should be used to increase privacy from nearby units and common or public spaces.

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. (Ord. 808 §§ 2.2—2.2.3, 2010; Ord. 797 §§ 2.4, 2.4.2—4, 2009; Ord. 773 § 3, 2008; Ord. 757 §§ 2.7, 2.72, 2008; Ord. 757

§§ 2.7, 2.7.2, 2008; Ord. 726 § 4.3, 2006; Ord. 698 § 3.1(c), 2005; Ord. 694 § 1.1 (part), 2005; Ord. 616 §§ 2.2.1, 2.2.2, 2003; Ord. 604 § 2.3, 2002; Ord. 520 § 1.9, 1997; Ord. 475 § 1.4, (part), 1995; Ord. 468 §§ 1.4, 1.5, 1995; Ord. 461 § 1.1, 1995; Ord. 386 § 1.13, 1993; Ord. 359 (part), 1992)”

3.3 Section 9.08.080 Grading of Chapter 9 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

“9.08.080 Grading.

Whenever a development approval is given for a project requiring grading, or other preparation of the soil, the city may impose

conditions of the approval of the development relating to grading. Such conditions are considered in issuance of any future grading permit and are complied with in addition to

the other provisions of the building code. Such conditions may require, but are not limited to, the following:

A. Lots slope to landscape areas or pervious surfaces unless otherwise approved by the City Engineer;

B. An erosion control plan, prepared by a registered civil engineer, is submitted to and approved by the public works department prior to grading plan approval. The plan addresses methods of control (such as desilting basins, checkdams, sandbagging), and interim storm drain construction, if necessary;

C. Dust control measures are identified;

D. Cut and fill slopes are not constructed steeper than two to one (2:1);

E. All cut or fill slopes over three feet in depth are landscaped prior to the issuance of a certificate of occupancy or building final, and as soon as practicable after completion of final grading;

F. Slopes are designed to minimize scaring of the land by terracing, reducing slope gradients, adding topsoil, building retaining walls, special slope planting or other means. Man-made slopes conform to patterns of the natural terrain. "Landforming" is applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height, and accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping;

G. All dwelling units are located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the public works director and the community development director;

H. Crib walls, or an equivalent, are used to enhance a cut slope's capability to be landscaped and irrigated;

I. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings are protected to the greatest extent feasible in the siting of individual lots and building pads. These features are identified on the grading plan with appropriate protection and relocation notes;

J. The quantity of soil import and export may be limited. Albeit, all excess excavated material is removed or otherwise relocated to become an integral part of the site development;

K. Streets permitting trucks or equipment travel are designated;

L. Hours of operation are limited;

M. Such other conditions deemed necessary to protect the public health, safety or welfare while still providing for orderly development of the property in

accordance with the provisions of the project approval. (Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.11, 2003; Ord. 359 (part), 1992)”

3.4 Section 9.11 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

“9.11.010 Purpose and intent.

The purpose of this chapter is to ensure the adequate provision of parking, loading and bicycle facilities proportionate to the needs created by the various land uses within the city. In providing adequate parking, loading and bicycle facilities, it is the intent of this chapter to:

- A. Progressively alleviate or prevent on-site and off-site traffic congestion and hazards;
- B. Ensure the maneuverability of emergency and service vehicles;
- C. Provide safe, accessible, convenient, attractive and well-maintained off-street parking areas;
- D. Protect residential neighborhoods from the adverse effects of vehicular noise and traffic by uses in adjacent nonresidential districts; and
- E. Implement general plan circulation and energy conservation policies; and
- F. Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.”

“9.11.040 Off-street parking requirements.

A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:

Table 9.11.040A-12

Off-Street Parking Requirements

Use	Requirement	Covered Parking	Notes
Residential Uses			

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Ordinance No.
Date Adopted: June 28, 2011

Use	Requirement	Covered Parking	Notes
Single-family	2/unit	Within an enclosed garage	
Second units	2/unit	Carport or garage	
Duplex	2/unit	Within an enclosed garage	
3 or more units Studio 1 bedroom 2 bedrooms 3+ bedrooms	1.25/unit 1.5/unit 2.0/unit 2.5/unit	1 covered/unit 1 covered/unit 1 covered/unit 2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Senior housing			
Studio 1 bedroom 2+ bedrooms	1.0/unit 1.25/unit 1.5/unit	1 covered/unit 1 covered/unit 1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.
Residential care homes	Parking requirements shall be determined by the community development director subject to an approved parking study.		

**Table 9.11.040B-12
Off-Street Parking Requirements**

Commercial Uses	Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public.
		2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like)
Automobile washing and waxing establishments:		
Self-serve	2 spaces + 2/washing stall	
Automated	10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand alone use.
Hotel, motel	1/guest room	
Kennels	2 spaces per 1,000 sq. ft.	2 spaces per 1,000 sq. ft. of indoor animal enclosure.
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space for every 2 work stations	
School, private		
Business and trade	10 spaces + 24/classroom	
College	10 spaces + 30/classroom	

Commercial Uses	Requirement	Notes
Elementary/junior high	10 spaces + 2/classroom	Special design requirements shall apply for bus loading and parent drop-off points.
Senior high	10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum
Medical and health services:		
Convalescent and nursing homes	1/3 beds	
Homeless shelter	1/4 beds	
Hospitals	1/bed	
Residential care facilities	(See Residential Uses, Section 9.11.040 Table 9.11.040A-12)	
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	

Recreation:		
Arcades	1/75 sq. ft. of gross floor area	
Bowling and billiards	5/alley + 2/billiard table	
Commercial stables	1/5 horse capacity for boarding on-site	
Golf course	6/hole	
Golf driving range	1/tee	
Golf, miniature	3/hole	
Health club	1/100 sq. ft. of gross floor area	
Parks—Public and private	To be determined by the approval authority based upon an approved parking study	
Skating rink	1/100 sq. ft. of gross floor area	
Tennis, handball and racquetball facilities	3/court	
Theaters	1/3 fixed seats	

Table 9.11.040C-12

Off-Street Parking Requirements

Use	Requirement	Notes
Industrial Uses		
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to the loading parking stall already provided at the dock door.
Research and development	1/350 sq. ft. of gross floor area	
Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	

Table 9.11.040D-12

Off-Street Parking Requirements

Use	Requirement	Notes
Public and Quasi-Public Uses		
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal

requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.

2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.

3. Accessible parking spaces for other uses shall be provided at the following rates:

Number of Automobile Spaces Provided	Number of Accessible Spaces Provided
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot

loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection (B)(7) would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.

9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein. (Ord. 808 § 2.5.2, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 670 § 3.1 (part), 2004; Ord. 557 §§ 2.2, 2.3, 2000; Ord. 520 § 1.14, 1997; Ord. 475 § 1.4 (part), 1995; Ord. 405 §§ 1.8, 1.13, 1993; Ord. 402 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)”

“9.11.060 Off-street bicycle parking requirements.

A. Type of Facilities.

1. Class 1 Facilities. Class 1 bicycle facilities required pursuant to the provisions of this chapter are intended for long-term parking, and shall be protected against theft of the entire bicycle and of its components and accessories.

2. Class 2 Facilities. Class 2 facilities are intended for short-term parking, and shall include a stationary object to which the owner or operator can lock the frame and both wheels with a user-provided lock. The facility shall be designed so as to protect the lock from physical assault.

3. Class 3 Facilities. Class 3 facilities are also intended for short-term parking, and shall include a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable (or chain) and lock.

B. Number of Parking Spaces Required. Bicycle parking spaces shall be provided in all commercial, office and industrial districts equal to five percent of the required automobile parking spaces, with a minimum of two bicycle parking stalls required for any one use. Single-family and multiple-family residences, senior housing complexes, mobilehome parks and model home complexes are exempt from this section.

C. Class Requirements. All required bicycle parking spaces shall include a Class 2 or 3 facility, except elementary and junior high schools, which shall include an enclosed Class 1 facility.

D. General Requirements.

1. All bicycle spaces shall be located as close as possible to the entrance(s) of the use that they are intended to serve, but situated as not to obstruct primary pedestrian circulation.

2. All bicycle facilities shall be located in highly visible areas to minimize theft and vandalism.

3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. Pervious pavement is recommended.

4. A minimum aisle width of five feet shall be provided between and adjacent to rows of bicycle spaces for access and pedestrian pathways.

5. Bicycle parking areas shall be separated from automobile parking areas by a physical barrier of sufficient identification and distance to protect parked bicycles from damage by cars. (Ord. 670 § 3.1 (part), 2004; Ord. 557 § 2.4, 2000; Ord. 406 § 1.3, 1993; Ord. 359 (part), 1992)”

“9.11.070 Adjustments to off-street parking requirements.

Adjustments to off-street parking for uses included in this chapter may be granted if, in the opinion of the Community & Economic Development Director, the proposed modification to the required number of parking or loading spaces is warranted. Requests for parking adjustments shall be reviewed and approved by the community development director based on the following requirements:

A. Parking Studies. The number of spaces required by this chapter, as noted in Section 9.11.040(A) of this chapter, for provisions of off-street parking and loading

spaces may be adjusted by the approval authority if it is demonstrated by a parking study, prepared by a registered traffic engineer or qualified parking study consultant, that the proposed use would have a parking or loading space demand other than the requirements of this chapter.

B. Shared Parking.

1. Shared parking is encouraged to avoid the creation of unused parking spaces and their potential harmful effects such as increased construction and maintenance costs, heat and glare, and water run off requiring treatment of pollutants. A reduction in minimum parking requirements for individual uses may be granted by the Community & Economic Development Director where joint use of parking facilities or other factors will mitigate peak parking demand.

2. Requests for parking reductions resulting from joint usage shall be supported by information prepared by a registered traffic engineer. The investigation used to generate the required information shall generally follow the format described below.

Shared parking requests shall be analyzed as follows:

a. Initial project review involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review will also consist of data gathering regarding proximity to transit facilities, general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs;

b. Adjustments for peak parking factor includes calculating the number of off-street parking spaces required for each land use within the area proposed for joint parking use based upon the requirements of Section 9.11.040 of this chapter. Other elements to be considered include seasonal adjustment for parking demand and a determination of the mode of transit used in reaching or departing the area being considered;

c. Analysis of hourly accumulation involves an estimation of hourly parking accumulations for each land use during a typical week day or weekend day; and

d. Estimate of shared parking merges the hourly parking demand estimate to calculate the overall parking required to be provided within the area being considered for shared parking facilities.

3. Up to fifty (50) percent of the parking facilities required by this chapter may be utilized as shared parking facilities subject to the requirements of this section. Except that, a church or an auditorium which is part of a public or private school may adjust the required parking by up to one hundred (100) percent of the parking facilities required by this chapter.

4. In granting parking reductions for shared use of parking facilities, the approval authority shall make one or more of the following findings:

a. The traffic engineering report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of their substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities;

b. The traffic engineering report indicates that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities;

c. The traffic engineering report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple-trip purposes to the area in question.

5. As a condition of approval to the granting of a reduction in required parking, the city may require the granting of reciprocal access and parking agreements with surrounding properties.

C. Transportation Management Plans.

1. The number of required parking spaces may be decreased by up to twenty (20) percent of the required employee parking subject to the approval of a transportation management plan supplied by the applicant. Such a plan may include, but is not limited to car pooling, van pools, and staggered work hours.

2. In evaluating the request, the approval authority shall consider, among other factors:

a. Projected effectiveness of car pool, van pool, staggered work hours, or similar transportation management programs;

b. Proximity to public transportation facilities which could be reasonably expected to serve a significant portion of employees or customers;

c. Evidence of the likelihood that employees or customers will utilize regular transportation alternatives to individual use of automobiles, including transportation management plans prepared pursuant to South Coast Air Quality Management District Rule XV.

D. Off-Site Parking Facilities. Required parking for a development may be provided off the site in certain instances. Requests for off-site parking facilities shall meet the following requirements:

1. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination, the approval authority shall consider the following:

a. Proximity of the off-site parking facilities;

b. Ease of pedestrian access to the off-site parking facility;

c. The type of use which the off-site parking is intended to serve, recognizing that such facilities are generally not appropriate for high-turnover uses; and

d. The need for locating parking facilities off-site, and the resulting urban design benefits of off-site parking, if any.

2. As a condition of granting approval to the development of off-site parking facilities, the applicant and other involved parties shall be required to sign and record a reciprocal parking agreement ensuring the continued availability of the off-street parking facilities for the use they are intended to serve. (Ord. 694 § 1.1 (part), 2005; Ord. 557 § 2.5, 2000; Ord. 475 § 1.4 (part), 1995; Ord. 359 (part), 1992)”

“9.11.080 Design standards.

A. General Parking Design Standards.

1. Parking lot design shall take into consideration the appropriate integration of commercial uses. Parking facilities shall be designed to eliminate obstacles to pedestrian movement, consider spatial relationships between commercial uses and associated parking, and where appropriate, parking design will dictate the types of uses that may feasibly be established to ensure that adequate parking is available within a reasonable distance to the use it serves.

2. Special plazas, motor courts or turnarounds are encouraged to identify entrance areas.

3. Project access and circulation shall allow for both vehicles and pedestrians by separating autos and foot traffic, by creating pedestrian entrances to projects and by using enhanced paving treatments, bollards or pergolas to identify pedestrian pathways through parking areas and along buildings.

4. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points should be consolidated to take advantage of planned or existing median breaks.

5. The city may require reciprocal parking and access agreements between individual and adjacent commercial parcels.

6. To discourage excessive speeds within parking areas, the maximum length of straight aisles shall not exceed three hundred (300) feet unless otherwise approved by the community development director.

7. Parking rows shall not be longer than one hundred eighty (180) feet, allowing for easier movement within the parking lot and preventing long queues within aisles unless otherwise approved by the community development director.

8. Drive aisles should make a loop around the structures and avoid dead end parking. In the case of straight drive aisles, provide at least ten (10) feet of setback between the last parking stall and the property line.

9. Parking areas shall be screened from streets through a combination of mounded landscaping, low profile walls and/or grading separations.
10. Parking areas shall not be used for loading or unloading.
11. Internal roadways should be designed so that direct access is available to all structures visible from a particular parking area.
12. Parking areas should use sound walls, screen walls and landscaping to minimize auto noise, glare and increased ambient temperature.
13. Landscaping, signs and walls shall be limited to thirty-six (36) inches in height, measured from top of curb within twenty-five (25) feet of any driveway entrance to protect visibility. Any trees located in these areas shall have trunks not exceeding eight inches in diameter and shall have a minimum branching height of six feet.
14. Trash enclosures shall not impair visibility.
15. Auto headlights in parking areas shall be screened so that they do not shine into adjacent properties or public rights-of-way.
16. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.
17. Driveways shall be designed so entering vehicles do not interfere with the existing vehicles. Main driveways shall employ entry medians whenever possible.
18. The first parking stall perpendicular to a driveway or first aisle juncture shall be at least sixty (60) feet back from the property line, providing sufficient queuing for exiting vehicles unless otherwise approved by the city engineer.
19. In commercial developments, parking aisles should be oriented perpendicular to the major tenant's front entrance, to facilitate pedestrian movement.
20. Dead-end parking aisles which exceed eight standard parking stalls in length, and serving greater than sixteen (16) standard stalls for dual lanes, shall provide turnaround facilities (i.e., hammerhead, cul-de-sac, etc.) adequate to accommodate emergency vehicles.
21. Consideration shall be given to service vehicles (i.e., tractor trailers) when designing landscape and hardscape areas.
22. Bicycle and motorcycle parking shall be provided as required by this code.
23. All projects generating vehicular traffic shall participate in the traffic signal mitigation program as adopted by the city of Moreno Valley.
24. Transportation management programs may be requested of projects generating significant vehicular traffic. These programs may include transportation

system strategies or transportation demand strategies targeted to reduce the project's impact on roads, air quality, and energy consumption. System strategies deal with physical improvements to the road or facility network, such as street widening, restriping, bus turnout improvements or consolidation of driveways. Demand strategies deal with the behavior of those using the road system and include carpooling, subsidized transit passes, bicycle racks, showers for employee use located within the facility, transit centers, and flexible work shifts.

25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Pervious surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.

B. Dimensions of Parking Spaces.

1. Covered Spaces. Parking spaces within an enclosed garage shall have an unobstructed, clear area dimension of ten (10) feet by twenty (20) feet for each required parking space provided. All other covered spaces shall each be nine feet in width and eighteen (18) feet in depth. The parking area shall be clear of any obstructions and the measurements shall not include the exterior walls or structural supports.

2. Parallel Space. Each parallel parking space shall have a minimum dimension of eight feet wide by twenty-two (22) feet long. However, if a parallel space does not abut another parallel space, and access is adequate to that space, the length may be reduced to twenty (20) feet (see Figure 9.11.080-4).

3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine feet in width and sixteen (16) feet in depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be eighteen (18) feet of paved depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback). (see Figure 9.11.080-5).

4. Trailer parking stalls shall have a minimum dimension of fourteen (14) feet wide by fifty (50) feet in depth.

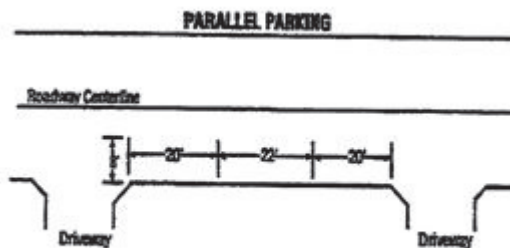


Figure 9.11.080-4

Dimensions of Parallel Parking Spaces

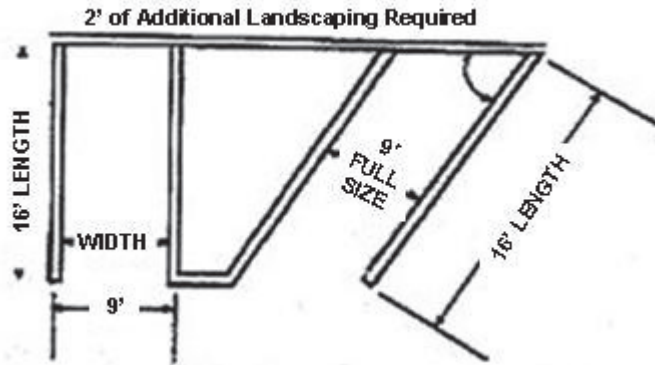


Figure 9.11.080-5

Nonparallel Parking Spaces

5. Tandem Space. Each tandem space shall be a minimum of nine feet in width and twenty-two (22) feet in depth.

C. Standard Improvements.

1. Drainage. Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.

2. Safety Features.

a. Additional requirements and guidelines for parking facility safety, including design, internal layout, acceptable turning radii, pavement slope, vehicular and pedestrian circulation and other design features may be adopted by the city traffic engineer when determined to be appropriate.

b. Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility. To the extent possible, the parking facility shall be designed so that primary pedestrian access to and from building entrances is along, rather than across, parking aisles.

c. Parking lots shall be designed to minimize conflicts between vehicles and pedestrians and shall also endeavor to minimize speeding and through traffic.

- d. Drive aisles and parking lot drives shall not exceed five percent slope.
- e. Streets should intersect others on outside rather than inside horizontal curves.
- f. Streets should intersect at as near to a right angle as possible. They should be no more than fifteen (15) degrees skew.
- g. Intersections should be offset a minimum of one hundred fifty (150) feet.
- h. Deceleration lanes should be a minimum of two hundred ten (210) feet long and ten (10) to twelve (12) feet wide, composed of a minimum sixty (60) foot transition and one hundred fifty (150) foot turn lane.
- i. Internal streets and drive lanes should have a minimum radius of two hundred fifty (250) feet (twenty-five (25) mph design speed).
- j. Where feasible, bus turnouts and bus stops shall be located on the far side of intersections to reduce conflicts between buses and through traffic.

3. Striping and Identification.

- a. All automobile parking spaces shall be clearly outlined with white double lines on the surface of the parking facility as shown in Figure 9.11.080-6 (three-inch line – six-inch space – three-inch line for a total of twelve (12) inches) or as otherwise specified by the Building Official.
- b. Fire lanes, if required, shall be installed to the specifications of the city of Moreno Valley fire chief, including red curbing and posting with signs.
- c. Stop signs and painted stop bars shall be installed in parking areas where drive lanes intersect and at egress points to streets or alleys.
- d. Within parking facilities, the city traffic engineer may require all aisles, approach lanes and maneuvering areas to be clearly marked with directional arrows on the pavement surface to facilitate vehicular movement. In addition to directional arrows, the city traffic engineer may require installation of signs to ensure safe and efficient vehicular movement.

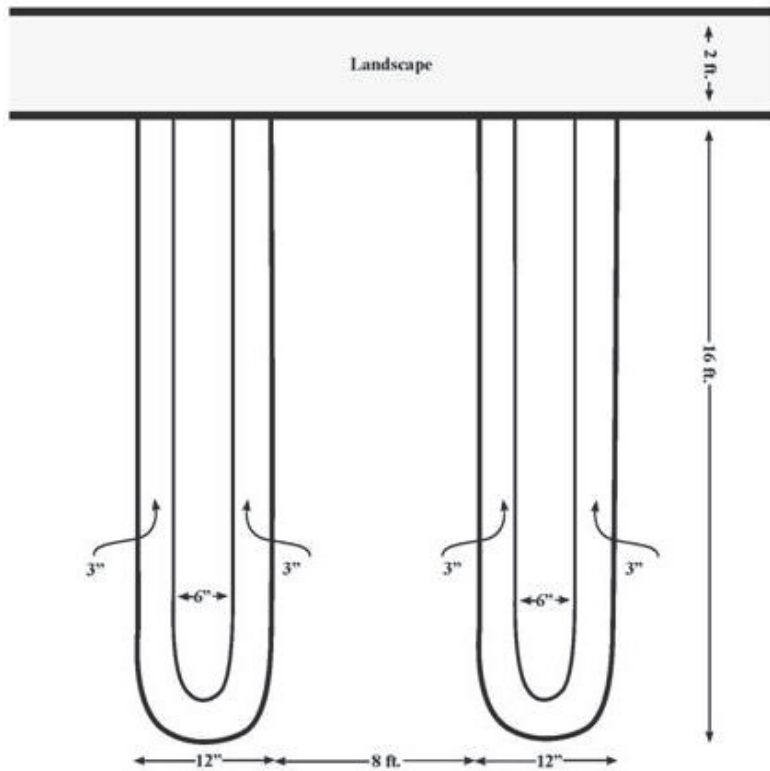


Figure 9.11.080-6A

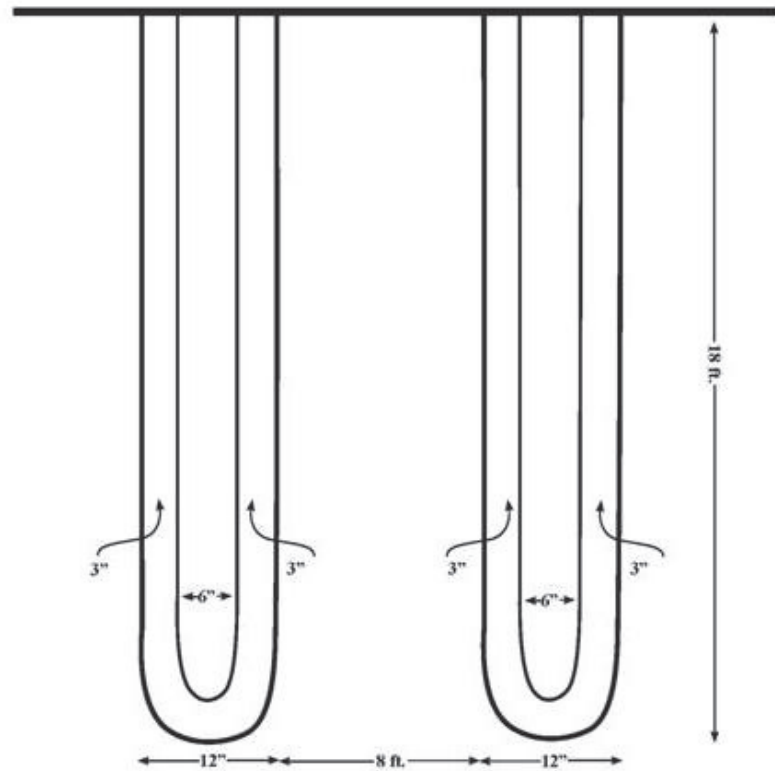


Figure 9.11.080-6B

Parking Space Striping Requirements

* Ends of parking stall striping shall be curved or squared off.

D. Accessible Parking Design Standards. The following design standards for accessible parking are intended to be consistent with the state or federal requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title:

1. All accessible parking spaces shall be striped and marked according to applicable state regulations.

2. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign, of a construction and material approved by the building official, displaying the international symbol of accessibility. The sign shall have a minimum size of seventy (70) square inches, and shall be centered at

the interior end of the parking space at a maximum height of eighty (80) inches from the bottom of the sign to the finished grade of the parking space.

3. At each entrance to a parking facility containing one or more parking spaces for the handicapped, a sign with a minimum size of seventeen (17) inches by twenty-two (22) inches shall be posted, stating clearly and conspicuously in letters with a minimum height of one inch the following:

Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.

4. Parking spaces reserved for persons with disabilities shall have, in addition to the requirements of subsections (D)(1), (2) and (3) of this section, a surface identification in blue paint of at least three square feet in size, duplicating the international symbol of accessibility.

5. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

6. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine foot parking area and a five foot loading area. Said space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

7. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

8. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of

- * Ramps shall include a curb-cut type design
- * Loading area width: van accessible = 8 feet; all other accessible spaces = 5 feet

E. Surfacing.

1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. Every effort should be made to use pervious surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.

2. Temporary parking facilities shall be provided with surfaces which prevent dust, as approved by the city engineer.

F. Location of Parking.

1. All parking spaces required by this chapter shall be provided on the same site as the use requiring the parking spaces, except as authorized in Section 9.11.070, Adjustments to Off-Street Parking Requirements of this chapter.

2. All automobile spaces required for residential uses shall be located a maximum of two hundred fifty (250) feet from the units they are serving. Distances shall be measured from the nearest point of the building to the parking space(s) serving that building.

3. All car pool parking spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve.

G. Landscape and Screening Requirements. Parking lot screening and landscaping shall conform to the requirements of Chapter 9.17 of this title.

H. Access.

1. Parking Access from Streets.

a. Access to parking spaces, other than four or fewer spaces serving a residential use, shall not require backing onto a public or private street or onto a private drive other than a drive designed exclusively to provide access to parking spaces.

b. Commercial developments should orient traffic onto major arterials and not onto local streets or collectors.

c. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points shall be consolidated to take advantage of planned or existing median breaks.

2. Driveway and Aisle Widths and Clearances. For purposes of this section, a driveway shall be defined as an access leading from a public street or right-of-way or a private street to a parking area, or from one parking area to another, but shall not be defined to include any ramp, aisle, or maneuvering area. A ramp is defined as an access driveway from one parking level to another. All driveways and ramps shall comply with the following standards:

a. Driveways and aisles for single-family detached structures shall not be less than sixteen (16) feet in width, and shall be maintained free and clear of all obstructions. Driveways which serve single-family development shall be defined as the paved area leading from a public street or right-of-way or a private street to the designated parking area, and shall not be wider than such designated parking area; and

b. Driveways for single-family attached, multiple-family, and nonresidential uses shall be as shown in Table 9.11.080-13 of this section, except when for health and safety purposes wider dimensions are required for emergency vehicle access.

**Table 9.11.080-13
Driveway and Aisle Dimensions for Single-Family Attached, Multiple-Family, and Nonresidential Uses**

Width, excluding flares or curb radius	
Minimum (one-way)	20 feet
Minimum (two-way)	24 feet
Maximum	36 feet
Right Turn Radius ¹	
Minimum	15 feet
Maximum	50 feet
Minimum Spacing ²	
From side property line	10 feet
From street corner	25 feet
Angle ³	75°

¹ On side of driveway exposed to entry or exit by right-turning vehicle to driveways with curb radius.

² Measured along the street side property line from throat to the side property line, or to a line passing through the intersection.

³ Minimum acute angle measured from the edge of pavement.

3. The following criteria and dimensions may be modified by the City Engineer:

Table 9.11.080-14

Street Classification	Distance from a Driveway to an Intersection	Spacing Between Adjacent Driveways
Expressway 134' ROW	Restricted* **	1/2 mile
Divided Major/Modified Major	Limited access* **	Limited access
Divided Arterial	Minimum 450 feet	Minimum 450 feet
134' ROW/120' ROW		One driveway per parcel
Divided Arterial	Limited Access* **	Minimum 250 feet
110' ROW	Minimum 350 feet	
Arterial/Minor Arterial/ Industrial Collector		
100'/88'/78' ROW	Limited access* **	Minimum 150 feet
	Minimum 250 feet	
	Full Access 350 feet	
Collector/66' ROW	Minimum 200 feet* ***	Minimum 100 feet or one driveway per parcel
Local Street	Minimum 100 feet* ***	Minimum 100 feet or one driveway per parcel

* Access may be limited to the minimum movements necessary to safely expedite traffic.

** Access may be restricted by medians.

*** For residential development.

4. Ramps.

a. One-way ramps shall have a minimum width of fourteen (14) feet, unless a larger dimension is required for emergency vehicle access.

b. Two-way ramps shall have a minimum width of twenty (20) feet.

5. Gated Entries. Requests for gated entries shall be submitted to the city traffic engineer and shall be subject to review and approval by the city traffic engineer and planning official, based on an analysis of the following issues:

a. Type and operation of gate;

b. Adequacy of vehicle stacking area;

c. Effect of gated entry on parking usage and distribution on the site;

d. Effect of gated entry on parking for surrounding or adjacent areas;

e. Emergency vehicle access. (Ord. 808 § 2.5.3, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 643 § 2.6, 2003; Ord. 616 § 2.2.22, 2003; Ord. 604 §§ 2.15—2.18, 2002;

Ord. 557 § 2.6, 2000; Ord. 475 § 1.4 (part), 1995; Ord. 406 § 1.4, 1993; Ord. 405 §§ 1.14, 1.15, 1993; Ord. 402 §§ 1.3, 1.4, 1993; Ord. 359 (part), 1992”

“9.11.100 Circulation—Pedestrian.

A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. The use of pervious paving surfaces is recommended where feasible.

B. Pedestrian walkways shall be connected with public sidewalks, connecting buildings and activity areas within centers. Pedestrian walkways shall be provided to connect adjacent properties when appropriate.

C. Pedestrian walks through open spaces and accessways to buildings should be used to shorten walking distances.

D. Pedestrian walkways, corridors, plazas and other similar areas shall be highly visible and well lit.

E. Amenities including, but not limited to, enhanced paving, street furniture and raised planters should be provided to enhance the pedestrian experience.

F. Handicapped ramps shall be incorporated into all curb and sidewalk designs and shall meet the standards set forth in Title 24 of the California Access Code. (Ord. 808 § 2.5.4, 2010)”

3.6 Title 9.16 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended with the following:

“9.16.010 Introduction and scope of guidelines.

A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City’s policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

B. The design guidelines reflect the Moreno Valley general plan design policies and objectives, functioning as a tool for the general public, project developers, city staff and reviewing boards and commissions.

C. These guidelines will help apply the city’s design standards to new development and to remodels, upgrading design citywide and implementing the general plan’s policies.

D. Several design philosophies prevail throughout the guidelines. These include compatibility, sensitivity, human scale, variety, function and aesthetics. When

combined and tailored for specific uses, these philosophies should yield high quality products that are consistent with the general plan's intent, practical and pleasing to the eye. (Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)"

“9.16.110 Objectives, generally.

A. Project design and layout shape the overall character of a project and how that project fits into its surroundings. New development should harmonize with the character of the adjacent area, implementing the general plan's design policies.

B. The Moreno Valley general plan stresses variety in building design and compatibility with surrounding and planned land uses. Architectural treatment can address both, providing varied and sensitive building massing, consistent detailing and compatible building materials and styles. The following guidelines should help to achieve the level of quality, variety and compatibility of architectural design that the general plan requires.

C. Site design and architectural guidelines have several objectives; among these are:

1. Orienting buildings, parking and public spaces to enhance the streetscape, to add variety and to provide for pedestrian spaces and circulation;

2. Translating design principles into architecture and site planning applications;

3. Awakenning an interest in urban design and form for Moreno Valley by requiring projects to be reviewed in their context;

4. Reminding project developers of design considerations not usually covered by zoning development standards or design review;

5. Using site planning techniques and architecture to provide for human scale;

6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, including water quality features integrated into the site design such as water retention and absorption areas and the use of pervious surfaces to reduce water run off;

7. Working in concert with the city's landscape requirements.

D. Site design and architecture guidelines are separated into five categories:

1. General;

2. Single-family residential;

3. Multifamily residential;

4. Commercial (retail, office and mixed use);
5. Industrial. (Ord. 359 (Attach. 2 (part)), 1992)”

“9.16.120 General guidelines.

- A. General guidelines apply to all uses and projects citywide.
 1. The setback from streets and adjacent properties should relate to the scale of the proposed structure. Larger structures require more setback area for a balance of scale and compatibility with adjacent uses.
 2. Tall buildings should be made less imposing by stepping upper floors back from the first floor facade plane.
 3. Gateway treatments range in scale, identifying an entrance to the city, subcommunity, development project or a single building. Gateways, including enriched paving, raised medians, signs and other features as appropriate, create a sense of entry and should be included in all developments.
 4. New developments should respect the view of existing developments. Large developments should maintain view corridors which are oriented toward an existing or proposed amenity such as a park, open space or natural feature.
 5. Trash enclosures, loading areas, mechanical equipment and outdoor storage areas shall be screened from public view. Enclosures shall be compatible with the project architecture and shall not detract from the overall design theme.
 6. New residential flag lots shall be permitted only in hillside subdivisions and only when no other alternatives are available.
 7. Natural drainage courses should be retained in their natural state.
 8. Building mass and scale should be in proper proportion to the site, open spaces, street location and surrounding developments.
 9. All exterior wall elevations of buildings and screen walls shall have architectural treatments enhancing the building appearance. Uniform materials and consistent style should be evident in all exterior elevations of a building. Secondary materials should be used to highlight building features and to provide visual interest.
 10. Building massing should be varied to provide interesting form, proportion and scale. Monolithic forms are discouraged; massing variety should be three dimensional.
 11. Building design and siting should be compatible with surrounding land uses and with the climate and physical setting of Southern California.

12. Building architecture should be compatible with surrounding existing or planned architectural character. Within commercial centers, materials, textures, colors and architectural detailing shall be compatible with the center's specified design theme.

13. Shadow patterns created by architectural elements such as overhangs, projections and recesses of stories, balconies, reveals and awnings are encouraged, adding to building interest and aiding in climate control.

14. Multi-story buildings should be detailed to reduce their vertical appearance as much as possible. This can be done by articulating the separate floor levels with horizontal bands, by increasing the level of detail on lower floors, by progressively lessening building mass on upper floors and by using heavier materials on lower floor facades.

15. Building entries should be articulated through massing treatment and should incorporate detailed design elements.

16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. Roof drains shall be integrated into the building design and convey water to landscape areas for aesthetics and water quality.

17. Base walls and other large expanses should be light colored. Soft tones ranging from white to very light pastels are encouraged. Natural light colors, such as off-whites, beige and sand, are also acceptable.

18. Building accent elements, like doors, window framing, chimneys, trim, railing, awnings and light fixtures, should contrast with the main building color, producing added interest and a lively streetscape. Care should be taken not to use too many bright colors or too many different types of details to avoid an overwhelming or cluttered building.

19. The use of simple color schemes using no more than three colors is recommended.

20. All paint products, awning fabric or other color elements should be durable and fade resistant and shall be recommended by the manufacturer for the proposed use and location.

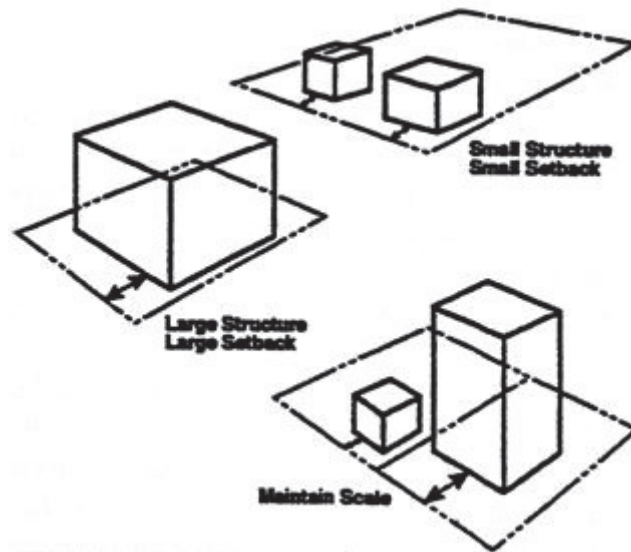
21. The use of bright colors such as fluorescent, hot or "day glo" colors is strongly discouraged.

22. Using building materials in their natural state is strongly recommended.

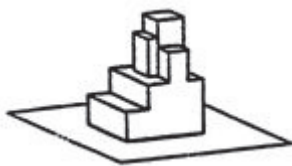
23. Bricks should be left unpainted.

24. Colors should be used to express identity and individuality within a cohesive and attractive framework.

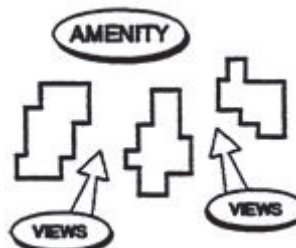
25. To facilitate compatibility in massing and scale, two-story buildings adjacent to one-story buildings should contain a one-story element or intermediate roof treatment or have an appropriate setback from the one-story building. (Ord. 604 § 2.21, 2002; Ord. 456 §§ 1.1, 1.2, 1995; Ord. 359 (Attach. 2 (part)), 1992)



Setbacks in Scale with Building Bulk



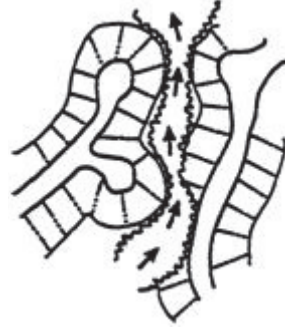
**Taller Buildings
Stepping Back from Street**



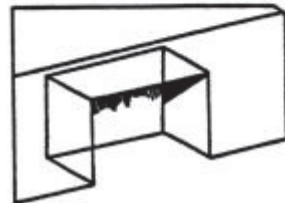
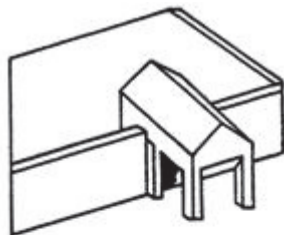
Preserve New Corridors



Discourage Flag Lots



**Drainage Course Retained
in Natural State**



Articulated Building Entries



Detailed Design Elements for Building Entries”

“9.16.130 Single-family residential.

A. These guidelines deal with single-family residential (R1, R2, RA-2, R3, R5) areas as well as areas designated hillside residential (HR) and rural residential (RR). They strive to improve the quality of life for single-family housing residents, to ensure attractive single-family neighborhoods and to offer solutions to recurring design problems.

1. R1: provides for and protects the rural lifestyle by having large residential lots and the keeping of large animals.

2. R2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivisions, and to allow residential developments in a rural atmosphere.

3. RA-2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivision, and for the keeping of animals that have historically characterized these areas.

4. R3: provides for a transition between rural and urban density development areas and provides for suburban lifestyle on residential lots larger than those commonly found in suburban subdivisions.

5. R5: provides for single-family detached housing on common-sized suburban lots.

6. Hillside residential (HR): balances the preservation of hillside areas with the development of view-oriented residential uses. These include large lot residential, and single-family residential on lots larger than twenty thousand (20,000) square feet.

7. Rural residential (RR): provides for the protection of the rural lifestyles, as well as protects natural resources and hillsides in the rural portions of the city. Within the rural residential area large residential lots are appropriate and the keeping of large animals shall be permitted.

Table 9.16.130A

Designation	Maximum Density
Hillside Residential	Depends on slope
Rural Residential	Depends on slope
R1	1 unit/acre
R2	2 units/acre
RA-2	2 units/acre
R3	3 units/acre
R5	5 units/acre”

B. General Guidelines.

1. A combination of a wall and bermed landscaping shall be provided adjacent to the rear or side yards of lots at neighborhood entries.

2. Residential units should be provided with a minimum five feet variation in their front and side yard setbacks along the streetscape.

3. Residential units shall be articulated and detailed to provide visual interest and scale by using a minimum of three of the following design elements.

- a. Provide projecting and/or recessed entries and windows.
- b. Include projecting or recessed balconies.
- c. Front porch with a minimum depth of five feet.
- d. Dormer windows.
- e. Minimum eighteen (18”) inch roof overhangs with detailed rafter tails.
- f. Offset building planes a minimum of two feet.
- g. Stepping back a portion of the second story.

h. Use of different building materials with varying textures and colors.

4. All units shall be designed with four sided architecture using the details from the front elevation.

5. Increased setbacks shall be provided on lots that are sited at corners or have rear yards bordering an arterial roadway.

6. Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks. Rear yards shall be designed with minimum of 15 feet of flat areas adjacent to the structure.

7. Residential projects should maximize the feeling of openness by curving streets, varying front and side yard setbacks and, if possible, orienting roads to open space areas and views.

8. Small lot single-family subdivisions should utilize innovative design techniques to provide more usable and private exterior area.

9. Residential mechanical equipment, including but not limited to air-conditioning units, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.

10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. Pervious surfaces are required for such areas within required setbacks.

11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. Pervious surfaces are recommended where feasible.

12. Mailboxes, if required to be clustered, shall be designed to be compatible with surrounding homes, while conforming to Post Office guidelines.

13. Property lines shall be located on the tops of slopes.

14. Natural topographic variations should be retained to divide residential developments into distinct neighborhood areas.

15. Within individual residential projects, a variety of floor plans and elevations should be offered as follows:

Table 9.16.130B

Number of Units	Minimum # of Footprints*	Minimum # of Elevations/ Footprints
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46

Ordinance No.
Date Adopted: June 28, 2011

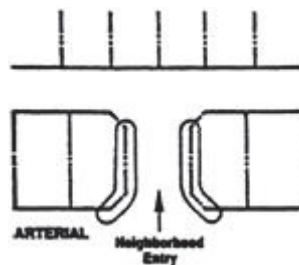
Number of Units	Minimum # of Footprints*	Minimum # of Elevations/ Footprints
5-9	1	2
10-24	2	3
25-49	3	3
50 plus	Add one additional footprint for every 50 units over 50	4

Each floor plan shall not be repeated more than each fourth house. Please note that adding or deleting false shutters or similar types of minimal elevation changes will not suffice as one of the required distinct elevations.

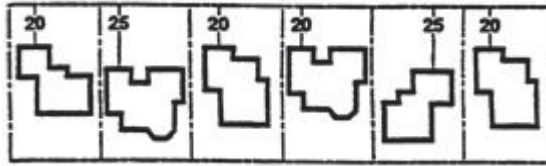
16. To minimize visual impact, corner residential units shall be single story or if two story, shall incorporate single story elements into the design. The short and low side of the unit should be sited toward the street corner.

17. Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot front setback. Garage doors with windows shall be required for three or more car garages or other architecturally enhanced garage doors or as approved by the Community Development Director.

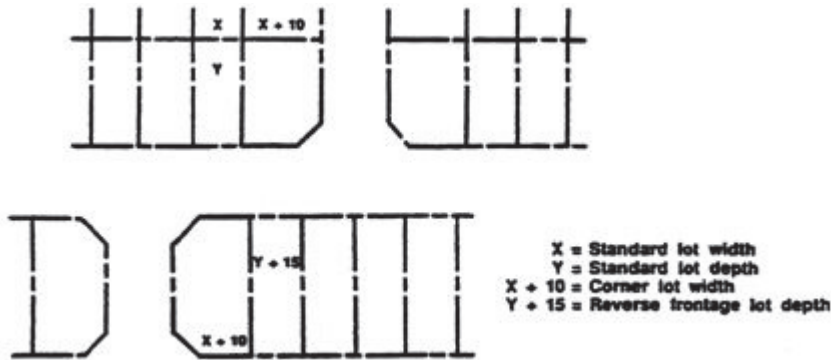
18. Fence and wall materials should be durable and architecturally compatible with the neighborhood appearance. Walls and fences constructed of slump stone, stucco-coated block or wrought iron are encouraged. Fences and walls constructed of nondurable materials, including but not limited to plywood and chicken wire are prohibited. A front yard fence or wall shall be erected in a manner that does not obscure visibility through the fence or wall. (MC 9.08.070)"



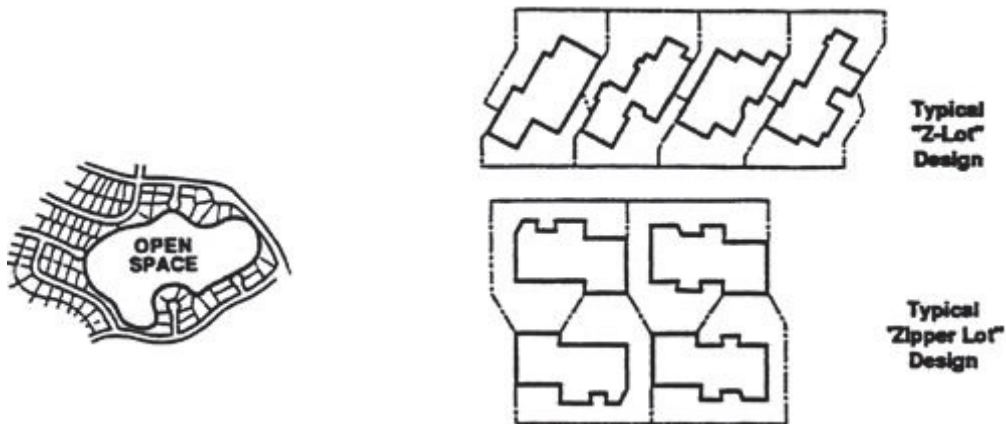
Landscape Treatment Areas at Neighborhood Entries



Vary Setbacks by at Least Five Feet



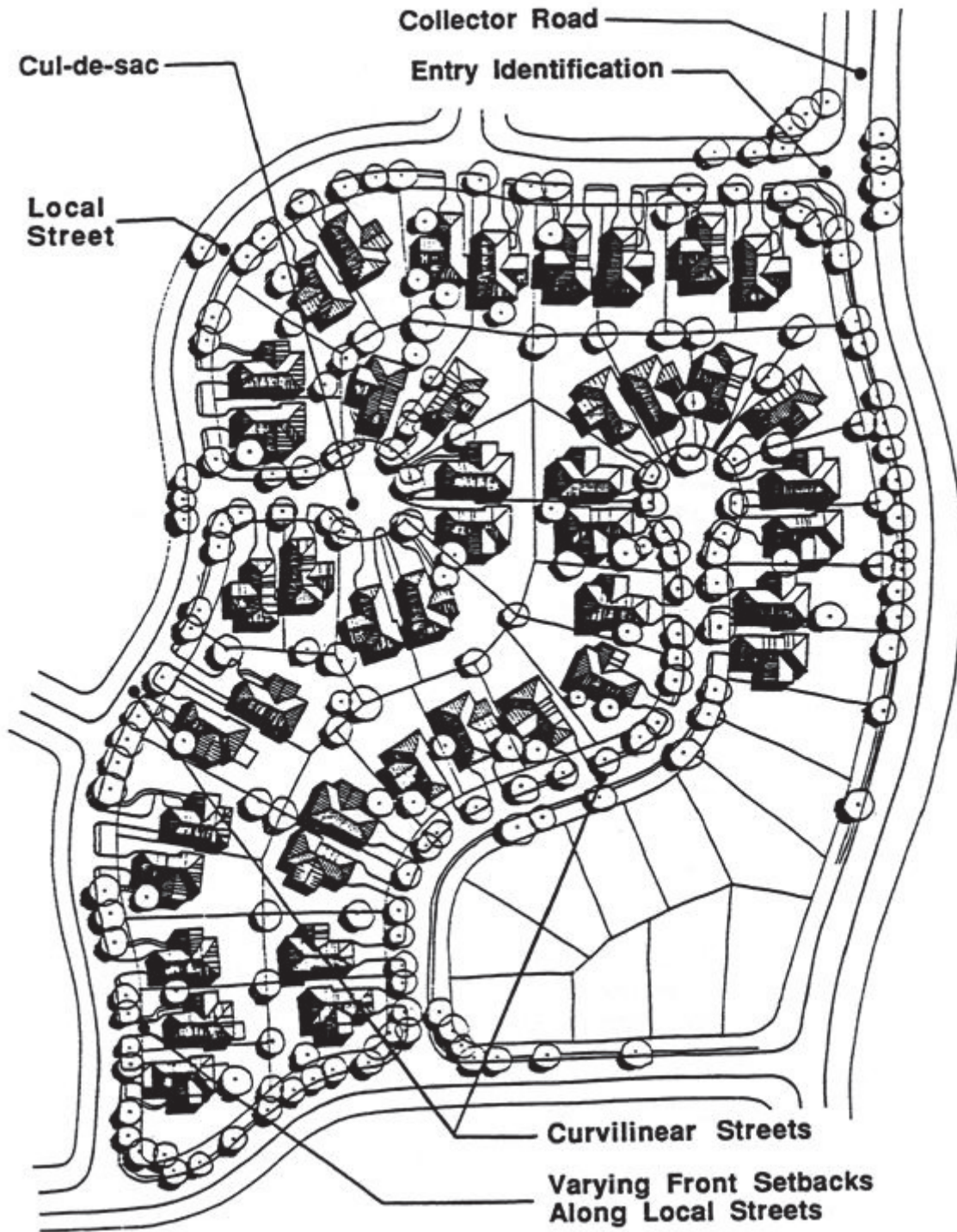
Corner Lots and Reserve Frontage Lots Should Be Larger than Standard Lots



Use Curvilinear Elements and Orient Roads to Open Space and

Innovative Subdivision Design

Views



“9.16.140 Multi-Family Residential.

Section, 9.16.140 shall be removed from Section 9.16 the City of Moreno Valley Municipal Code.”

“9.16.150 Commercial (retail, office, mixed use).

A. Commercial design guidelines address the various types and intensities of commercial uses allowed for in the general plan. They include neighborhood commercial, community commercial, tourist recreational commercial, village commercial, office commercial and office.

1. Neighborhood Commercial: provides for the daily shopping needs of area residents with a wide range of common retail and personal service needs.

2. Community Commercial: more intense than neighborhood commercial, provides for the general shopping needs of area residents and workers with a wide variety of retail and personal services.

3. Tourist Recreational Commercial: provides those commercial support activities that are necessary or incidental to recreation uses while meeting the personal service needs of both tourists and city residents alike.

4. Village Commercial: provides for office-related and commercial development within the Moreno townsite. It is the further intent of this designation to promote development which recognizes the historic significance of the site and projects a “turn-of-the-century” architectural atmosphere, yet provides limited retail commercial services that are compatible with the surrounding residential community.

B. General Guidelines.

1. Commercial development shall be compatible with adjacent residential areas by incorporating landscape buffers planted with a mix of flowering, screening and spreading plants, by using low mass, low height building elements, by locating loading and trash collection areas away from residential property lines and by directing circulation away from residential neighborhoods.

2. Commercial development shall have a central place, main focal feature or point-of-emphasis, including pedestrian seating, shade structures, sculpture, water elements, centralized outdoor dining or any combination of these elements.

3. New development should respect pedestrian needs by incorporating pedestrian ways and plazas that provide visual interest at the street level, shelter from the elements and adequate street furniture. This guideline is intended to enhance pedestrian related features in concert with quality architecture that would not require variance approval if incorporated as a feature of design.

4. The development of new, small convenience centers on sites less than eight (8) acres is discouraged.
5. Architectural elements shall be an integral part of the facade design, avoiding the “pasted-on” look.
6. Building facades should relate to overhangs, awnings, trellises and porticoes, incorporating these elements into building massing.
7. Pedestrian covered walks should have a clear walking width of seven feet along retail storefronts. Walkway width may be up to twelve (12) feet to accommodate columns, furniture or building articulation.
8. Large structures shall incorporate varied setbacks and variations in massing of building bulk.
9. Continuous, blank building elevations shall be avoided, particularly when visible from public rights-of-way.
10. Continuous building mass should be divided into smaller units, providing both variety and scale.
11. Loading areas shall be oriented away from street side elevations whenever possible and shall be screened from public view with a combination of walls and landscaping.
12. Building placement within office developments shall occur at or near the street setback line to bring the architectural image to the street and to remove parking lots to the extent possible from the streetscape.
13. Vehicular and pedestrian travel shall be separated to the best possible extent, providing for a safe pedestrian environment and smooth traffic flow.
14. Pedestrian walkways shall be provided in larger parking lots, encouraging foot travel out of vehicular drive lanes.
15. Freestanding or clustered retail, restaurant and office pads are encouraged, helping to add variety to the site plan and to introduce interesting architectural elements.
16. Interparcel access shall be provided between commercial centers, reducing the number of drive approaches from the street and encouraging commercial “crossover.”
17. Entry drive throats shall be at least sixty (60) feet long from property line for major commercial projects, providing adequate queuing for outbound traffic and smoothing inbound traffic flow.
18. Each commercial center of five acres or more shall have at least one major entry containing a median.

19. The “strip” commercial image is discouraged. New development should provide variety and articulation in storefront footprints, elevations and roofline.

20. There shall be landscaped strip equal to the building height where a commercial use is located adjacent to residentially zoned property.

21. Office developments shall provide courtyards for each building convenient to office users, incorporating seating, sculpture, accent landscaping and shelter. These shelters will allow for small lunch gatherings or relaxation.

22. Office developments shall have decentralized parking. Parking shall be oriented to the building it is intended to serve and shall be spread throughout the site, lessening the impact of an expansive parking lot.

23. Office developments shall offer interesting site plans by providing several detached or clustered buildings.

24. Access to service bays of automotive uses shall be from the interior of the site.

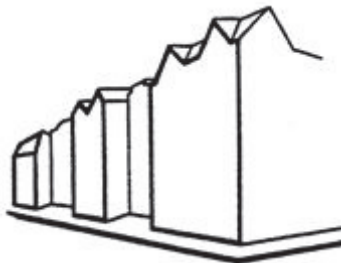
25. Service stations, mini markets and other automobile-related uses shall have architectural details consistent with the overall project design. Access to service bays will be from the interior of the service station site. Window placement should be sensitive to casual police surveillance.

26. Freestanding buildings should incorporate distinctive massing, adding interest to the site and vicinity.

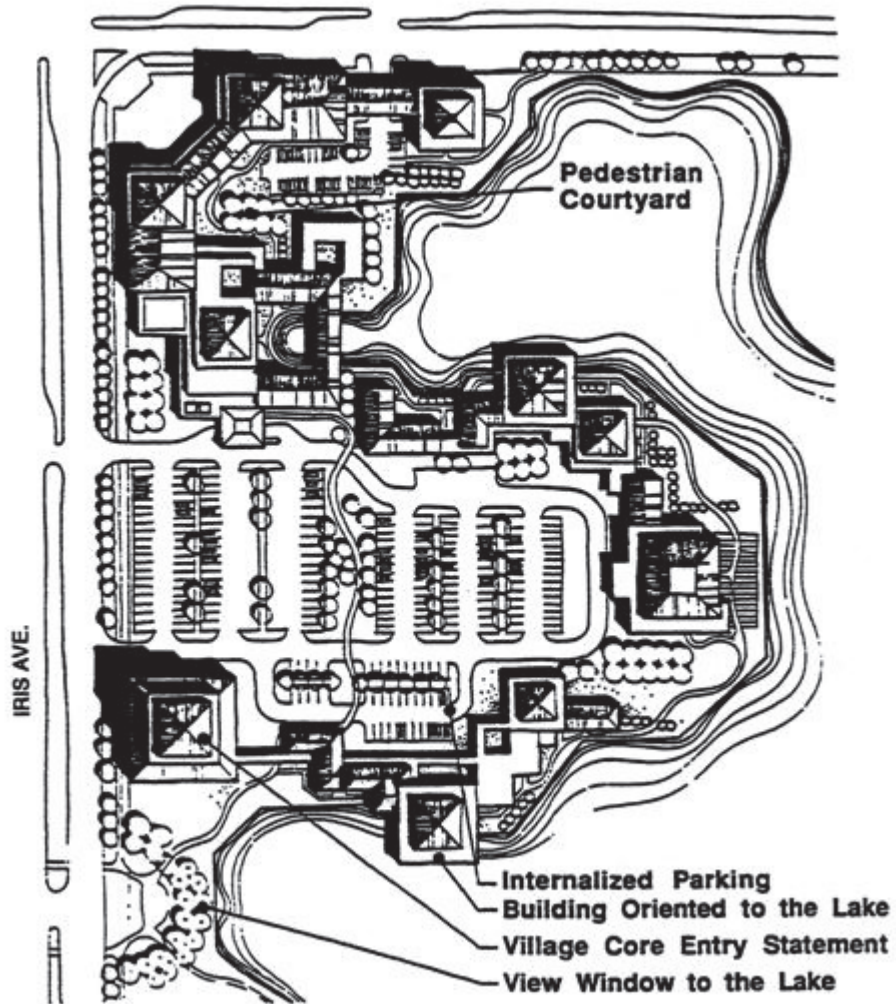
27. Intimate scale in building design and materials selection is encouraged, emphasizing comfort and warmth.

28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and drain into a landscape area for water quality, retention and absorption to reduce water run off.

29. Architectural design of new projects shall be mindful of the surrounding district’s urban fabric, providing a design statement to enhance the context and to upgrade the overall image. (Ord. 475 § 2.1, 1995; Ord. 359 (Attach. 2 (part)), 1992)



Continuous Mass Divided to Provide Scale



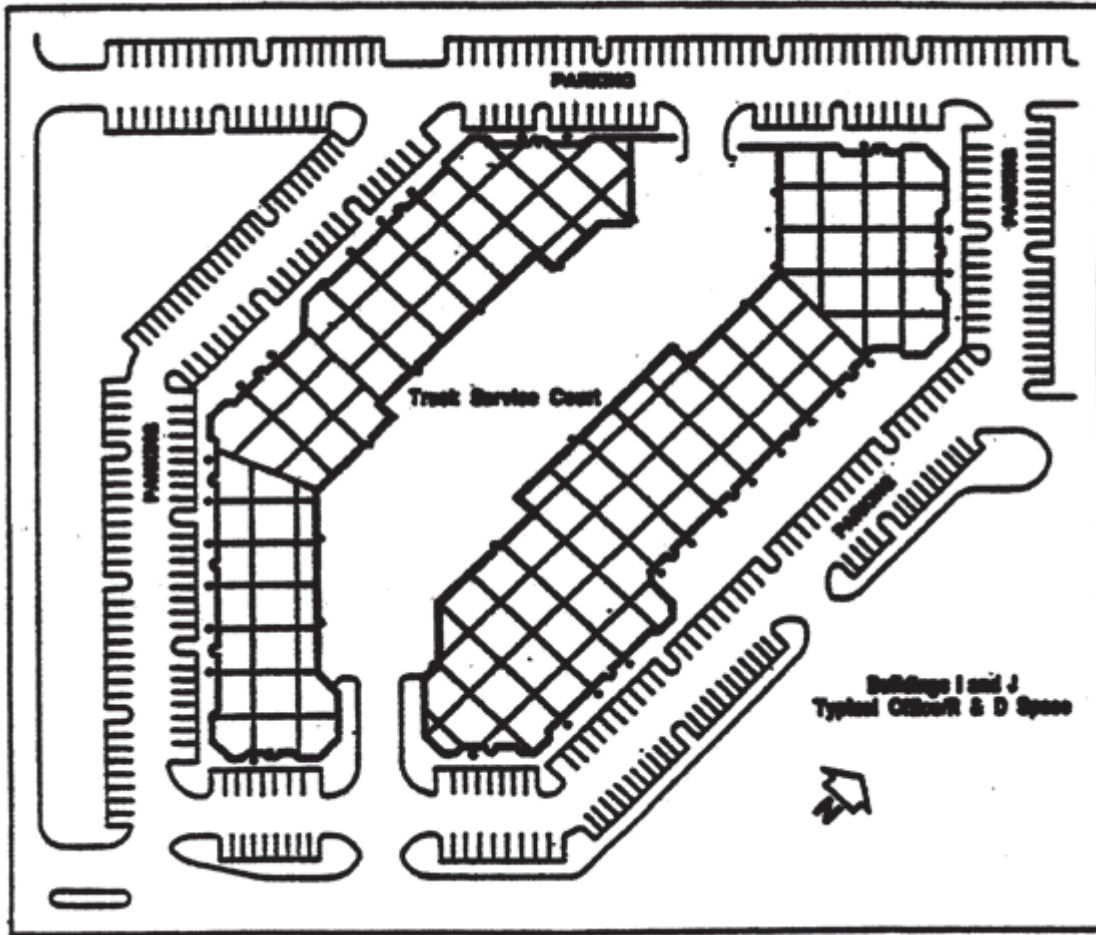
Commercial Center with Separated Pedestrian and Auto Circulation”

“9.16.160 Business park/industrial.

A. These guidelines address the business park and industrial land use classifications. These uses generally require large floor areas, extensive truck circulation and minimal parking.

B. General Guidelines.

1. Building design shall be innovative and attractive, using various building materials, varied massing, enhanced facade treatments and other techniques to provide an “up-scale” image for the community.
2. Clean, contemporary architectural expressions are encouraged.
3. All sides of all buildings shall have architectural treatment.
4. Entries into industrial buildings shall be well-defined through the use of projections, recesses, space frames, pergolas, colonnades, raised planters, seats, enhanced paving, low-level lighting bollards or other elements.
5. Solid walls (six feet high) and landscaping shall be used to screen loading, service and trash storage areas from public view.
6. Solid walls and landscaping should screen ground-mounted equipment located away from buildings.
7. Truck docks and interior trash storage areas must be closed off by roll-down doors, arranged in an organized manner, integrated within the overall design of the industrial project and oriented away from public view.
8. Roof-mounted equipment shall be screened from public view. All roof screens shall be solid and continuous and shall be treated to be compatible with the project’s architecture.
9. Exterior walls shall be architecturally treated to provide relief and variety by using pilasters, deep reveals, offset entries and staggered wall components.
10. All manufacturing and industrial uses adjacent to residential land uses shall include a buffer zone and/or noise attenuation wall to reduce outside noise levels.
11. All manufacturing and industrial uses shall be adequately screened and buffered to reduce glare, noise, dust and vibration.
12. Truck traffic shall be channeled directly to truck routes and shall not have access to neighborhood streets.
13. Pedestrian walkways should link building entries to bus turnouts and nearby land planned for or used as eating establishments.
14. Courtyards for resting, gathering and eating by employees shall be provided. Pervious surfaces are recommended where feasible. (Ord. 359 (Attach. 2 (part)), 1992)



“9.16.190 Natural open space standards.

A. All hillside development proposals shall include a portion of the site to be retained in natural area open space.

1. The natural open space area may be comprised of two types:
 - a. Undeveloped natural areas, that which has been left in its natural state;
 - b. Restored natural areas, that which have been disrupted during construction but are restored to a natural appearance.
2. The following shall guide the location of undeveloped natural areas:
 - a. Contiguous areas along drainage channels;
 - b. Ten (10) foot minimum widths adjacent to roadway improvements;

- c. On lots where the average slope exceeds twenty-five (25) percent, the construction of custom homes with multiple foundation levels shall be mandatory while post and beam construction shall be discouraged;
 - d. Areas contiguous with other natural areas of adjacent properties;
 - e. Areas containing rock outcroppings;
 - f. Areas containing soils with high permeability;
 - g. Significant stands or clusters of native vegetation;
 - h. Known or discovered archeological or paleontological sites.
3. The following shall guide the location of restored natural areas:
- a. In required setbacks;
 - b. Adjacent to common recreation facilities;
 - c. Along roadway improvements or over utility easements;
 - d. Fuel modification zones, as required by the fire department.
4. The percent of the total site required to be retained in natural open space shall be based on the average natural slope of the land surface. The following natural open space area requirements shall apply:

Table 9.16.190A

Natural Area Open Space Requirements

Average Percent Slope	Minimum Percent of Site to Remain as Natural Area Open Space
10% - 15%	35%
15.1% - 25%	50%
Over 25%	60%

5. The following shall guide the allocation of undeveloped and restored natural areas on properties:

- a. Undeveloped natural areas shall constitute a minimum of seventy-five (75) percent of the required natural area open space.
- b. Restored natural areas may constitute a maximum of twenty-five (25) percent of the required natural area open space.
- c. No grading, excavation or construction shall be allowed within areas designated as natural areas. Fuel modification areas may be graded as necessary and replanted to meet fire department requirements.
- d. Where construction has inadvertently scarred designated natural areas, the applicant shall restore the affected sites, as approved by the Community & Economic Development Director or designee.
- e. Restored natural areas shall be graded to blend in with the natural terrain and landscaped with rock and plant materials native to the local area.
- f. All undeveloped natural areas and restored natural areas shall be clearly shown on all proposed plans and building permit site plans unless otherwise approved by the city council. A landscaping program for restored natural areas shall be approved by the Community & Economic Development Director prior to issuance of building permits. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)

“9.16.200 Landscaping.

- A. All required plans for landscaping are approved prior to issuance of building permits, and in accordance with Chapter 9.17 of this title.
- B. Existing vegetation is retained in, and part of the comprehensive development project not designated for grading or construction. Site design preserves native or historic/mature vegetation, unless otherwise approved by the Community & Economic Development Director.
- C. Existing vegetation that cannot be preserved in place, but is suitable for transplanting, is relocated elsewhere on site, as approved by the community development department director.
- D. Unimproved disturbed areas are landscaped within one hundred eighty (180) days following issuance of a grading permit and/or within thirty (30) days of issuance of a certificate of occupancy, whichever is earlier.
- E. All landscaping within public easements or areas dedicated to the city is of low maintenance, xeriscape or native plant material.
- F. An open space network is designed to provide contiguous linkages throughout the development parcel, and between adjacent parcels, where major public trail systems or vista corridors are designated. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.25, 2003; Ord. 359 (Attach. 2 (part)), 1992)

“9.16.210 Grading.

A. Man-made slopes shall conform to patterns of the natural terrain. All cut and fill slopes shall be landscaped and shall be stabilized to control erosion.

B. “Landforming” shall be applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height.

1. Landforming shall be accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping.

2. Rear and side yard slopes between adjacent lots within the same project need not be landformed unless they are greater than one hundred (100) feet in length or ten (10) feet in vertical height.

C. Any cut or fill slope to be revegetated shall not be steeper than 2:1.

D. All excess excavated material shall be removed or otherwise placed to become an integral part of the site development.

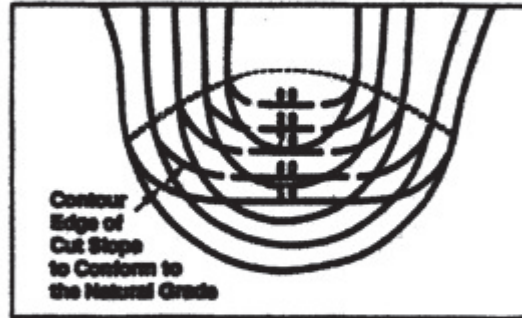
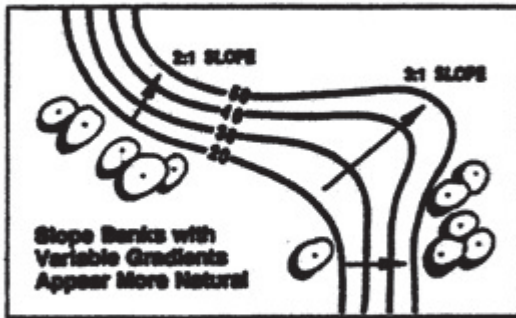
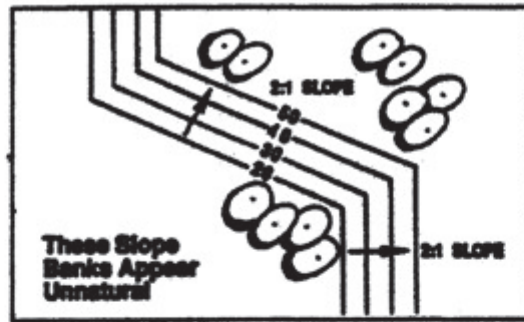
E. During construction, measures such as sediment traps or terracing shall be used around all graded areas to minimize erosion.

F. Whenever archeological or paleontological sites are discovered during excavation, the planning division shall be notified immediately and mutually agreeable precautions taken to preserve the artifacts.

G. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings shall be protected to the greatest extent feasible in the siting of individual lots and building pads. These features shall be shown on the grading plan with appropriate protection and relocation notes. Where trees with four-inch or greater trunk diameters are to be removed, they shall be replaced with at least twenty-four (24) inch box size trees of the same species, or as approved by the planning division, at a ratio of three new trees for each mature tree removed.

H. All dwelling units shall be located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the city engineer and the Community & Economic Development Department.

I. Crib walls, or an equivalent, may be used to enhance a cut slope’s capability to be landscaped, providing they are properly irrigated. They should not be used, however, to increase flat pad size or to otherwise intensify project grading.



J. Any manufactured slope shall be contoured in a manner to appear to have a natural grade. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1992; Ord. 359 (Attach. 2 (part)), 1992)”

“9.16.220 Roadways and circulation.

A. Road alignments, driveways and parking areas shall conform as closely as possible to natural topography.

B. Existing vegetation shall be preserved to the greatest extent possible in the location of roads and shall be retained as medians or buffers wherever possible within the unimproved right-of-way.

C. Variations in road design and construction may be permitted to keep grading and cut slopes to a minimum.

D. One-way loop roads may be constructed where appropriate for the terrain.

E. Combinations of collective private driveways, cluster parking areas and off-street parking bays (including pervious paving where feasible) are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)”

“9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. Pervious surfaces are recommended where feasible.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

- c. Use the structure to conceal cut slopes;
 - d. Retain major natural skyline profiles;
 - e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.
6. Encourage smaller pad to lot size ratios for all dwelling units.
 7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be “earth tones” compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot’s size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous “cookie-cutter” look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch

should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the “downhill” side and aimed toward the “uphill” side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed eight (8) feet above finished grade, in or on a building wall not to exceed eight (8) feet above finished grade and shielded, or on a structure to a height of not more than twelve (12) feet for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a “dark sky” environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)”

3.7 Section 9.17 Title 9 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

“9.17.030 Landscape and irrigation design standards.

A. General. The landscape plans shall incorporate low water use plants, turf trees and ground covers adaptable to the area. A list of plants may be found in the county of Riverside’s Guide to California Friendly Landscaping that provides a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Plants not on the list may be used providing the water consumption does not exceed the project’s water budget. Consideration should be given to climate, soil types and topographic conditions. Landscapes should group plants using similar watering patterns to eliminate over watering and provide irrigation watering zones of similar use.

The irrigation systems shall be installed using water-conserving equipment including the installation of bubblers, drip systems, low volume sprays and smart irrigation controls. Smart irrigation controls are sensitive to the changing weather patterns and adjust watering cycles automatically to reduce water usage during colder/rainy weather. A water budget shall be completed that meets Eastern Municipal Water District guidelines and submitted with the landscape plans. Based on the landscape design, the water budget will determine the landscape's water demand. Once calculated, the annual maximum allowable water budget (AMAWB) is compared to the estimated annual water use (EAWU) to ensure the design does not exceed the allowed water use.

Projects shall be designed to capture and retain storm water onsite to improve water use efficiency and water quality. The use of

reclaimed water is encouraged. Contact Eastern Municipal Water District for availability.

B. Plan Design Standards. The following design standards are required on all landscape plan submittals:

1. Final landscape and irrigation plans shall be based on the approved site plan and/or the final grading plan for the project.

2. Final landscape and irrigation plans for all projects, with more than one thousand (1,000) SF of landscaped area, except custom homes or projects designed in-house by the public works department or parks and community services department, shall be designed (and wet stamped/certified) by a California state licensed architect, civil engineer or landscape architect. All non-residential projects with one thousand (1,000) square feet or less of landscaped areas shall provide landscape and irrigation plans certified by a certified irrigation designer.

3. Minimum scale is one inch = twenty (20) feet. A smaller scale may be used with prior approval by the city. Standard sheet size is twenty-four (24) inches by thirty-six (36) inches.

4. Existing vegetation shall be retained on any portion of a development not designated for grading or construction, unless otherwise approved or required by the city.

5. Landscape shall include drought-tolerant plants and water conservation principles.

6. All soil surfaces in landscape areas shall be covered with plant materials, walkways or mulch (organic or inorganic).

7. Ground-mounted equipment (e.g., transformers and back flow preventers) shall be screened with landscaping or screening walls, allowing for adequate access for equipment maintenance.

8. Trash enclosures are screened with at least three feet of landscaping on three sides.

9. Unimproved areas are maintained in a weed-free condition, and may require temporary landscape and irrigation.

10. All nonturf landscape areas are covered with a minimum of three inches of mulch following installation, unless otherwise approved by the city.

11. Native or low-water use plant materials shall be used. The use of invasive plants should be avoided. (See the California Invasive Plant Inventory by the California Invasive Plant Council www.cal-ipc.org). No invasive plants are permitted adjacent to Multi-Species Habitat Conservation Plan conservation areas.

12. Water budgets that meet Eastern Municipal Water District guidelines shall be attached to plan submittal. Obtain water budget information from Eastern Municipal Water District.

13. Water budgets are subject to approval by Eastern Municipal Water District. The city of Moreno Valley will cooperate with Eastern Municipal Water District in monitoring to the extent practicable.

14. Irrigation systems shall be designed, maintained and managed to meet the current irrigation efficiency standard as determined by the state of California Code of Regulations and Eastern Municipal Water District. Landscape plans submitted shall meet this standard.

15. Water quality basin design shall ensure that the design between the basin and the required landscaping area complement one another.

C. Turf Areas.

1. Turf areas shall have a maximum design slope of twenty (20) percent and a minimum design slope of one percent.

2. Turf areas shall be limited to less than twenty-five (25) percent and only in gathering areas with the exception of parks and similar recreational facilities. Turf shall not be used solely for decorative purposes. Turfless or xeriscape design concepts are preferred.

3. Where turf areas are allowed, drought-tolerant and warm season turf varieties shall be used.

4. Except for single-family residences, concrete mow strips shall be installed between all turf areas and groundcover/shrub areas, vine pockets, walls, structures, or signs.

5. High quality artificial turf is allowed as an element of a project landscape.

6. Native grasses not requiring regular mowing shall be used in lieu of turf in water quality facilities.

D. Ground Cover/Shrub Areas.

1. Shrubs and groundcover shall be installed in shrub/planting areas in amounts and at intervals that will provide eighty (80) percent coverage within twenty-four (24) months.
2. Shrubs shall be located to provide visual interest to the project site, break-up building massing, and help screen unsightly views.
3. Groundcover (low water use plants are preferred) shall be installed in such a manner to ensure eighty (80) percent coverage within twelve (12) months.
4. No plantings shall be located closer than twenty-four (24) inches from any building or structure, unless otherwise approved by the city.
5. All planting areas adjacent to buildings or structures shall slope away from all buildings, structures or walls, or incorporate drains to direct water away from these elements.
6. Large ground cover areas shall have multiple plant types including a variation in height, texture and color.
7. The plant palette provided in the Riverside County Landscape Guidelines is recommended to identify plants which can be used to establish a balance of drought tolerant plants.

E. Trees.

1. Trees shall be planted in a manner, which maximizes the shading of paved areas, outdoor seating, and both south- and west-facing windows.
2. Street trees for designated streets shall be used, unless a different street tree has already been established along the street segment in question.
3. Trees shall be planted at sufficient size and manner to ensure successful establishment and protection from breakage.
4. All landscape plans shall indicate mature tree canopy diameters.
5. All mature tree canopies in parking lots shall be pruned and maintained to maximize shade potential and ensure healthy, maximum growth. Topping of trees shall be avoided.
6. The tree palette shall provide a balanced use of evergreen and deciduous trees with attention to summer shade, fall and spring color, winter sunlight, and new growth.
7. Parkway tree planting shall provide a buffer effect that creates partial screening between parking lot areas and street vehicular traffic.

8. Existing mature trees that cannot be preserved in-place, shall be transplanted elsewhere on the site, unless transplantation is infeasible due to the type or condition of the trees.

9. Projects necessitating the removal of existing trees with four-inch or greater trunk diameters (calipers), shall be replaced at a three to one ratio, with minimum twenty-four (24) inch box size trees of the same species, or a minimum thirty-six (36) inch box for a one to one replacement, where approved.

10. Trees shall be planted in a manner and at locations, which minimize the potential for damage to adjacent walkways and paving.

F. Irrigation.

1. All planted landscape areas shall be provided with an approved "smart" automatic irrigation control systems (labeled as evapotranspiration (E.T.) based), with rain sensing and/or soil moisture sensing devices. Watering during the rain shall be avoided.

2. Drip, bubbler-type and rotor sprays or stream rotor sprinkler heads or similar efficient sprinklers shall be used whenever possible. These sprinklers should be used exclusively when positioned adjacent to building walls. (Bubblers and spray heads should be pressure compensating, low volume type).

3. Separate irrigation zones shall be provided for areas with different irrigation requirements, including, but not limited to, trees, turf and nonturf areas.

4. Reduced pressure backflow preventers are required on all irrigation systems.

5. No fixed risers are permitted, unless otherwise approved by the Community & Economic Development Director.

6. A pressure vacuum breaker shall be installed at the top of slopes when irrigation is installed on the top of the slope.

7. Irrigation shall be placed in a manner that eliminates overspray, runoff, wicking action and/or damage to adjacent buildings, walls, walks, driveways, streets, and fences.

8. Irrigation of landscapes should occur between nine p.m. and six a.m. except during the establishment period, when temperatures are predicted to fall below zero or when repairing/adjusting the irrigation system.

9. Eastern Municipal Water District will calculate the annual maximum allowable water budget (AMAWB) for customers requesting a new account. The proposed landscape must meet the AMAWB requirements prior to meter release. (Ord. 786 § 2, 2009)"

“9.17.050 Parking and drive-through landscape areas.

Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:

A. Design Considerations.

1. Parking lots and drive-throughs shall be screened from the public right-of-way by a thirty-six (36) inch high wall, shrub row and/or by berming. If walls are employed, they must be aesthetically compatible with the project design.

2. Landscape areas in the parking lot shall be designed to minimize the potential for pedestrians to cross any landscape areas to reach building entrances and to access parked cars. Walkways shall be provided to facilitate pedestrian access, especially at corner locations.

3. Curb cut openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.

4. Turf is not permitted in parking lot planters.

B. Landscape Islands, Diamond, Finger and Perimeter Planters.

1. Landscape finger planters shall have a minimum interior dimension of five feet by sixteen (16) feet, exclusive of curbs, step-outs and other hard surfaces. A finger planter with parking on one side has a minimum curb-face-to-curb-face dimension of seven feet. An island with parking on both sides has a minimum curb-face-to-curb-face dimension of eight feet.

2. Diamond planters have a minimum of twenty-five (25) square foot interior area (exclusive of perimeter curbing) with minimum interior dimensions of five feet by five feet. The minimum exterior area (including perimeter curbing) is thirty-six (36) square feet.

3. End islands, or finger planters are provided at the end of each aisle of parking to define parking lot circulation, provide sight distance at the intersection of drive aisles and places for trees.

4. Where double rows of parking are provided, diamond or island planters are provided at an interval of one planter every three pairs of parking stalls. Minor adjustments are allowed in cases where this exact interval would be infeasible.

5. A finger planter is provided at an interval of every twelve (12) parking stalls along any row of parking. Minor adjustments are allowed in cases where this exact interval would be infeasible.

6. The perimeter of the parking lot has a planter with a minimum width of five feet, interior dimension, exclusive of footings, curbs and step-outs.

C. Planter Curbs and Step-Outs. Planters shall be separated from parking spaces by a six-inch wide concrete curb. Where a planter (finger or island) is located on the side of a parking space, a twelve (12) inch wide concrete step-out is required along the long dimension of the parking space. A step-out is required, in addition to a six-inch curb, resulting in a combined concrete surface measuring eighteen (18) inches in width.

D. Trees-Number, Location, and Type.

1. Trees may be planted in clusters along the street frontage and side and rear setbacks, if applicable.

2. Parking lot trees shall be planted to align with the ends of parking lot stripes (between cars) and away from light standards, in order to create adequate shade canopies, and avoid damage to tree trunks.

3. The selection of parking lot trees should emphasize the provision of summer shading of pavement and vehicles. Within a maximum of ten (10) years, parking lot trees shall shade a minimum of fifty (50) percent of parking space pavement during the summer months, between one and four in the afternoon. A maximum of fifty (50) percent of the parking lot trees may be deciduous unless otherwise approved by the community development department.

4. The selection of parking lot trees shall avoid trees with excessive litter, sap or fruit that could damage vehicles. (Ord. 808 § 2.8, 2010; Ord. 786 § 2, 2009)”

“9.17.070 Single-family residential development.

A. Plans for landscape construction or reconstruction of existing single family units, custom homes and model home complexes are subject to review by the Planning Division to ensure:

1. Conformance with prevailing building design guidelines, with pleasing visual aesthetics and water efficient design.

2. Use of xeriscape landscaping;

3. Use of approved landscape materials.

4. Use of approved “smart irrigation” controllers.

5. Irrigation systems minimize overspray onto structures or hard surfaces such as sidewalks, driveways and walls/fences.

6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. Pervious pavement/surfaces are recommended to reduce water runoff.

7. New and existing single family front yard setbacks include front and street side yard landscaping consisting predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.

8. Ground cover should be used to absorb runoff from rain or irrigation.

9. Reduction of hardscape/paving, incorporating permeable surfaces to reduce runoff.

10. The plant palette provided in the County of Riverside Guide to Friendly Landscaping is recommended to identify plants which can be used to establish an aesthetically pleasing and water efficient landscape.

B. Model homes are provided by a developer as examples of the housing product for sale within the subject tract. A xeriscape planting concept with a turfless front yard is incorporated for at least one of the models. The concept must be used in at least 25% of the production units. Promotional information on xeriscape-planting concepts is made available for prospective homebuyers.

C. For parking lot, walls, screening and other landscape requirements, see applicable sections of the title. (Ord. 616 § 2.2.27 (part), 2003)”

“9.17.080 Multifamily residential development.

A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. The use of permeable surfaces is recommended for walks and patios to reduce water runoff.

B. Trees shall be positioned such that trees are planted to shade paved areas and west- and south-facing windows for energy-efficient savings; coniferous or nonwinter deciduous trees are kept away from south-facing windows in order to allow for heat gain during winter months. The larger sized trees should be placed at entries and accent areas.

C. Turf shall be limited and installed in useable gathering areas only with a maximum of twenty-five (25) percent. (Ord. 786 § 2, 2009)”

“9.17.090 Commercial, industrial, public and quasi-public development.

A. All required setback areas, exclusive of required walkways and driveways shall be landscaped. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. Gated and screened storage areas may be exempted from this landscape requirement per approval of the community development director.

B. A landscape buffer shall be provided on a nonresidential site when adjacent to residential uses to provide visual relief to the nonresidential side. Plant materials shall be selected so that at maturity (within ten (10) years), intermittent visual obstruction with no unobstructed openings greater than five feet in horizontal distance remain.

C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the use of pervious surface areas that reduce water run off. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

D. Additional parking lot trees shall be provided at one tree per thirty (30) linear feet of parking lot adjacent to the interior property.

E. Project entry drives shall incorporate enhanced landscaping (size and variety of vegetation) and pavement.

F. Projects with frontage abutting arterial streets shall be required to construct parkways in conformance with city standard engineering plans unless otherwise approved by the community development director.

G. Turf is limited to gathering areas only. (Ord. 786 § 2, 2009)”

“9.17.110 Erosion control/slope planting.

Erosion control landscape plans are required for all cut or fill slopes over three feet high. Landscaping provides erosion control while maintaining the aesthetic values of the hillside.

A. General/Design Requirements.

1. Landscape must establish or reinforce a design concept for the specific hillside area, while complimenting buildings and streetscapes.

2. Placement of plant materials shall reinforce the natural terrain and topography of the area.

3. Tree species and placement shall respect potential view sheds of neighboring properties.

4. Erosion control and fire prevention devices may be required depending on the degree and length of slope, soil type, etc.

5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, draining to landscape or permeable surface areas that allow for water retention and absorption.

6. Turf shall not be used for slope planting. Hydro seed and water efficient grasses not requiring regular mowing may be permitted per approval by the community development director.

7. Slopes that abut public streets/right-of-ways must also adhere to applicable portions of Section 9.17.090. (Ord. 786 § 2, 2009)”

“9.17.130 Water quality landscape designs.

Water quality landscapes are designed to encourage the use of landscape areas as a water treatment area incorporating small scale features across a site to assist in watershed hydrology functions.

A. Water treatment areas shall be no deeper than twenty four (24) inches visible within the landscape setback areas unless otherwise approved by the Community & Economic Development Director. Rock or other decorative material may provide for greater depth of the treatment areas. No fencing will be required around water treatment areas that do not exceed Building Code fencing requirements (currently twenty four (24) inches in visible depth.

B. Basins and treatment areas shall be landscaped to appear like a natural water feature.

C. Design and site considerations shall be aesthetically consistent with surrounding landscaping using a variation of plants and materials. (Ord. 786 § 2, 2009)”

“9.17. 150 Water Efficiency Requirements.

1. Refrain from hosing down driveways and other hard surfaces, except from health or sanitary reasons and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

2. Repair faucets, toilets, pipes and other potential sources of water leaks.

3. Irrigate landscape only between 9:00 p.m. and 6:00 a.m. This provision does not apply when:

- manually watering during the establishment period of a new landscape;
- temperatures are predicted to fall below freezing;
- for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

4. Refrain from watering or irrigating of any lawn, landscape or other vegetated area with potable water using a landscape irrigation system or watering device that is not continuously attended unless it is limited to no more than fifteen (15) minutes watering per day per station. This 15 minute limitation can be extended for:

- Landscape irrigation systems that exclusively use very low flow drip irrigation systems when no emitter produces more than two (2) gallons of water per hour.
- Weather based controllers or stream rotor sprinklers that meet a 70% efficiency.

Run-off or over watering is not permitted in any case.

5. Adjust and operate all landscape irrigation systems in a manner which will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting run-off.

6. Refrain from watering or irrigating any lawn, landscape or other vegetated area that causes or allows excessive water flow or run-off onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.

7. Do not use decorative fountains unless they are equipped with a recycling system.

8. Do not allow water to run while washing vehicles. Use a bucket or similar container and/or a hand-held hose equipped with a positive self-closing water shut-off device to avoid run-off into gutters, street or alleys.

9. When installing new landscaping, plant low-water demand trees and plants. Do not incorporate non-functional turf areas.

10. Refrain from watering during rain.

11. Direct all runoff from roofs and hardscape areas to landscaping areas or water capture systems.

12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.

It is important to adhere to these measures to help maximize the impacts and prevent more stringent actions.”

SECTION 4 EFFECT OF ENACTMENT:

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

SECTION 5 NOTICE OF ADOPTION:

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

SECTION 5 EFFECTIVE DATE:

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

APPROVED AND ADOPTED this _____ day of _____, 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, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac × 0.10 du/ac plus 5 ac × 0.20 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate

governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	Standards
Under 40,000 s.f.	R2 district standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

B. Hillside Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The Community & Economic Development Director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac × 0.25 du/ac plus 5 ac × 0.10 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. **Building Height.** Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. **Setbacks and Other Site Development Criteria.** Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	Standards
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

6. **Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:**

Slope Class	Standards
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large padded building areas.
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

C. **Slope Calculations.** For the purposes of this section, the following method will be used to determine slope.

1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).

2. a. For the purpose of determining the amount and location of land falling into each slope category, the applicant shall submit to the community development department, at the time of application, a base topographic map of the subject site prepared and signed by a registered civil engineer or licensed land surveyor. Such a map shall have a scale of not less than one inch to two hundred (200) feet and a contour interval of not more than ten (10) feet.

b. This base topographic map shall include all adjoining properties within three hundred (300) feet of the site boundaries. Slope bands in the range of less than ten (10) percent, ten (10) to fifteen (15) percent, fifteen (15) to twenty-five (25) percent, and greater than twenty-five (25) percent shall be delineated on the topographic map. The map shall be accompanied by a tabulation of the land area in each slope category specified in acres. The exact method for computing the percent slope and area by percent slope category is to be sufficiently described and presented so that a review can readily be made.

3. Slope Mapping Method.

a. The percent slope of any particular piece of land shall be plotted on the map as described in this subsection.

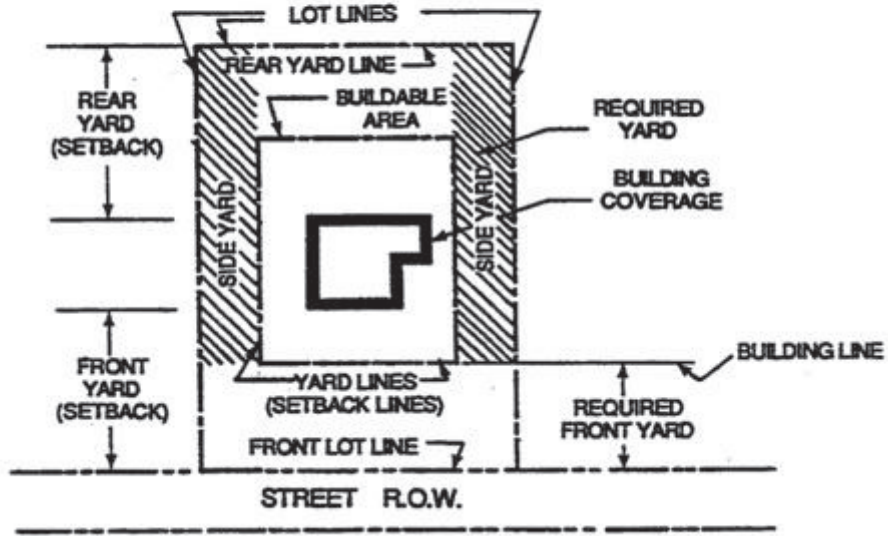
b. In preparing a slope map, those portions of ravines, ridges and terraces of less

area generally sloping at twenty-five (25) percent slope or greater, shall be regarded as part of the bordering twenty-five (25) percent slope or greater band.

D. General Residential Requirements. The following tables sets forth minimum site development standards for residential development projects in the specified residential districts. In addition, projects must comply with

the special development standards enumerated in this section, the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and standards.

**Figure 9.03.040-1
Residential Lot Information**



**Figure 9.03.040-2
Residential Yard Descriptions**

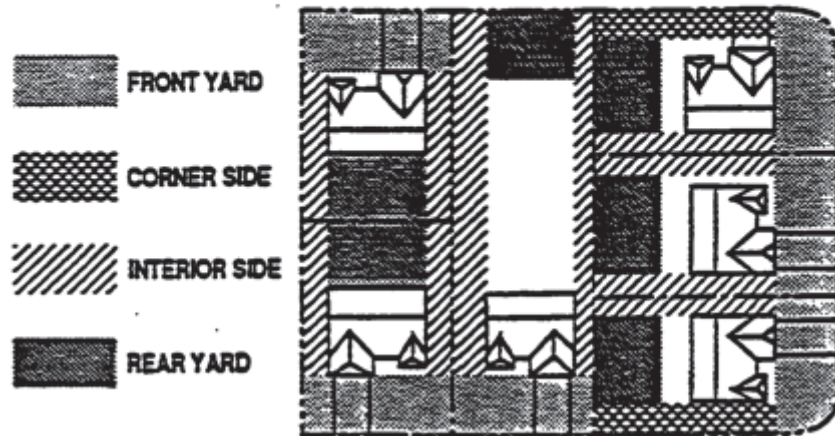


Table 9.03.040-6

Residential Site Development Standards

Single-Family Standards

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages	Not applicable					10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	50
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term “DUs” means dwelling units.

** The term “K” means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040.6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.

2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.

3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.

Table 9.03.040-7

Residential Site Development Standards

Multifamily Standards

Requirement	R10	R15	R20	R30
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in feet	200	200	200	200
4. Minimum lot depth in feet	175	175	175	175
5. Minimum front yard setback, in feet	20	25	30	30
6. Minimum side yard setback, in feet				
Interior side yard	10	10	10	10 feet plus 2 feet for every 5 feet in height over 30 feet
Street side yard	20	20	20	20
Requirement	R10	R15	R20	R30
7. Minimum rear yard setback, in ft.	15	20	25	10 feet plus 2 for every 5 feet in height over 30 feet
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in feet	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

Note to Residential Site Development Standards Table 9.03.040-7.

1. Minimum dwelling sizes in multiple-family projects shall be as follows:
 - a. One bedroom: four hundred fifty (450) square feet;
 - b. Two bedroom: eight hundred (800) square feet;
 - c. Three bedroom: one thousand (1,000) square feet.

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

- a. Front porches;
- b. Automatic garage door openers;
- c. Electronic security systems;

5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds,

tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

7. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

F. Special Multiple-Family Residential Development Standards.

1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials to include water efficient native plants, except for necessary walks and fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are

recommended to be constructed with pervious surfaces where feasible to reduce run off.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The **eCommunity & Economic dDevelopment dDirector** may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.

9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.

2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. **Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.**
5. Open parking areas should be clustered and treated as landscaped plazas and courts.
6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.
7. No more than four units for a two-story structure should be served by one entry.
8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.
9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.
10. Individual units should have a porch or porch-like space at the front door.
11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.
12. ~~Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.~~ **Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.**
13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.
14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.
15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.
16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include

interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.

17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.

18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.

20. Multiple-family projects warrant special design considerations, including:

- a. Intimate, shaded outdoor seating areas;
- b. A network of pathways, providing interesting walking experiences;
- c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;
- d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;
- e. Security;
- f. Direct ambulance access (senior housing projects);
- g. Parking close to units;
- h. Elevators (senior housing projects).

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.

23. Multifamily projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.

24. Architectural features should be used to increase privacy from nearby units and common or public spaces.

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. (Ord. 808 §§ 2.2—2.2.3, 2010; Ord. 797 §§ 2.4, 2.4.2—4, 2009; Ord. 773 § 3, 2008; Ord. 757 §§ 2.7, 2.72, 2008; Ord. 757

§§ 2.7, 2.7.2, 2008; Ord. 726 § 4.3, 2006; Ord. 698 § 3.1(c), 2005; Ord. 694 § 1.1 (part), 2005; Ord. 616 §§ 2.2.1, 2.2.2, 2003; Ord. 604 § 2.3, 2002; Ord. 520 § 1.9, 1997; Ord. 475 § 1.4, (part), 1995; Ord. 468 §§ 1.4, 1.5, 1995; Ord. 461 § 1.1, 1995; Ord. 386 § 1.13, 1993; Ord. 359 (part), 1992)

9.08.080 Grading.

Whenever a development approval is given for a project requiring grading, or other preparation of the soil, the city may impose

conditions of the approval of the development relating to grading. Such conditions are considered in issuance of any future grading permit and are complied with in addition to the other provisions of the building code. Such conditions may require, but are not limited to, the following:

A. Lots slope ~~toward, rather than away from the street,~~ to landscape areas or pervious surfaces unless otherwise approved by the City Engineer;

B. An erosion control plan, prepared by a registered civil engineer, is submitted to and approved by the public works department prior to grading plan approval. The plan addresses methods of control (such as desilting basins, checkdams, sandbagging), and interim storm drain construction, if necessary;

C. Dust control measures are identified;

D. Cut and fill slopes are not constructed steeper than two to one (2:1);

E. All cut or fill slopes over three feet in depth are landscaped prior to the issuance of a certificate of occupancy or building final, and as soon as practicable after completion of final grading;

F. Slopes are designed to minimize scaring of the land by terracing, reducing slope gradients, adding topsoil, building retaining walls, special slope planting or other means. Man-made slopes conform to patterns of the natural terrain. "Landforming" is applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height, and accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping;

G. All dwelling units are located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the public works director and the community development director;

H. Crib walls, or an equivalent, are used to enhance a cut slope's capability to be landscaped and irrigated;

I. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings are protected to the greatest extent feasible in the siting of individual lots and building pads. These features are identified on the grading plan with appropriate protection and relocation notes;

J. The quantity of soil import and export may be limited. Albeit, all excess excavated material is removed or otherwise relocated to become an integral part of the site development;

K. Streets permitting trucks or equipment travel are designated;

L. Hours of operation are limited;

M. Such other conditions deemed necessary to protect the public health, safety or welfare while still providing for orderly development of the property in accordance with the provisions of the project approval. (Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.11, 2003; Ord. 359 (part), 1992)

Chapter 9.11 PARKING, PEDESTRIAN AND LOADING REQUIREMENTS

9.11.010 Purpose and intent.

The purpose of this chapter is to ensure the adequate provision of parking, loading and bicycle facilities proportionate to the needs created by the various land uses within the city. In providing adequate parking, loading and bicycle facilities, it is the intent of this chapter to:

- A. Progressively alleviate or prevent on-site and off-site traffic congestion and hazards;
- B. Ensure the maneuverability of emergency and service vehicles;
- C. Provide safe, accessible, convenient, attractive and well-maintained off-street parking areas;
- D. Protect residential neighborhoods from the adverse effects of vehicular noise and traffic by uses in adjacent nonresidential districts; and
- E. Implement general plan circulation and energy conservation policies; **and** (~~Ord. 359 (part), 1992~~)

F. Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.

9.11.040 Off-street parking requirements.

A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the ~~minimum~~ **required** off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. **Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas;**

Table 9.11.040A-12

Off-Street Parking Requirements

Use	Minimum Requirement	Covered Parking	Notes
Residential Uses			
Single-family	2/unit	Within an enclosed garage	
Second units	2/unit	Carport or garage	
Duplex	2/unit	Within an enclosed garage	
3 or more units			Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Studio	1.25/unit	1 covered/unit	
1 bedroom	1.5/unit	1 covered/unit	
2 bedrooms	2.0/unit	1 covered/unit	
3+ bedrooms	2.5/unit	2 covered/unit	
Senior housing			
Studio	1.0/unit	1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
1 bedroom	1.25/unit	1 covered/unit	
2+ bedrooms	1.5/unit	1 covered/unit	
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.

Use	Minimum Requirement	Covered Parking	Notes
Residential care homes	Parking requirements shall be determined by the community development director subject to an approved parking study.		

**Table 9.11.040B-12
Off-Street Parking Requirements**

Commercial Uses	Minimum Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public. 2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like)
Automobile washing and waxing establishments:		
Self-serve	2 spaces + 2/washing stall	
Automated	10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	

Commercial Uses	Minimum Requirement	Notes
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand alone use.
Hotel, motel	1/guest room	
Kennels	2 spaces per 1,000 sq. ft.	2 spaces per 1,000 sq. ft. of indoor animal enclosure.
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space for every 2 work stations	
School, private		
Business and trade	10 spaces + 24/classroom	
College	10 spaces + 30/classroom	
Elementary/junior high	10 spaces + 2/classroom	Special design requirements shall apply for bus loading and parent drop-off points.
Senior high	10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum
Medical and health services:		
Convalescent and nursing homes	1/3 beds	
Homeless shelter	1/4 beds	
Hospitals	1/bed	
Residential care facilities	(See Residential Uses, Section 9.11.040 Table 9.11.040A-12)	
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	

Commercial Uses	Minimum Requirement	Notes
Recreation:		
Arcades	1/75 sq. ft. of gross floor area	
Bowling and billiards	5/alley + 2/billiard table	
Commercial stables	1/5 horse capacity for boarding on-site	
Golf course	6/hole	
Golf driving range	1/tee	
Golf, miniature	3/hole	
Health club	1/100 sq. ft. of gross floor area	
Parks—Public and private	To be determined by the approval authority based upon an approved parking study	
Skating rink	1/100 sq. ft. of gross floor area	
Tennis, handball and racquetball facilities	3/court	
Theaters	1/3 fixed seats	

Table 9.11.040C-12

Off-Street Parking Requirements

Use	Minimum Requirement	Notes
Industrial Uses		
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to
Research and development	1/350 sq. ft. of gross floor area	

Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	the loading parking stall already provided at the dock door.
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Table 9.11.040D-12

Off-Street Parking Requirements

Use	Minimum Requirement	Notes
Public and Quasi-Public Uses		
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.

2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and

facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.

3. Accessible parking spaces for other uses shall be provided at the following rates:

Number of Automobile Spaces Provided	Number of Accessible Spaces Provided
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection (B)(7) would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.

9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein. (Ord. 808 § 2.5.2, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 670 § 3.1 (part), 2004; Ord. 557 §§ 2.2, 2.3, 2000; Ord. 520 § 1.14, 1997; Ord. 475 § 1.4 (part), 1995; Ord. 405 §§ 1.8, 1.13, 1993; Ord. 402 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

9.11.060 Off-street bicycle parking requirements.

- A. Type of Facilities.
 - 1. Class 1 Facilities. Class 1 bicycle facilities required pursuant to the provisions of this chapter are intended for long-term parking, and shall be protected against theft of the entire bicycle and of its components and accessories.
 - 2. Class 2 Facilities. Class 2 facilities are intended for short-term parking, and shall include a stationary object to which the owner or operator can lock the frame and both wheels with a user-provided lock. The facility shall be designed so as to protect the lock from physical assault.
 - 3. Class 3 Facilities. Class 3 facilities are also intended for short-term parking, and shall include a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable (or chain) and lock.
- B. Number of Parking Spaces Required. Bicycle parking spaces shall be provided in all commercial, office and industrial districts equal to five percent of the required automobile parking spaces, with a minimum of two bicycle parking stalls required for any one use. Single-family and multiple-family residences, senior housing complexes, mobilehome parks and model home complexes are exempt from this section.
- C. Class Requirements. All required bicycle parking spaces shall include a Class 2 or 3 facility, except elementary and junior high schools, which shall include an enclosed Class 1 facility.
- D. General Requirements.
 - 1. All bicycle spaces shall be located as close as possible to the entrance(s) of the use that they are intended to serve, but situated as not to obstruct primary pedestrian circulation.
 - 2. All bicycle facilities shall be located in highly visible areas to minimize theft and vandalism.
 - 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. Pervious pavement is recommended.
 - 4. A minimum aisle width of five feet shall be provided between and adjacent to rows of bicycle spaces for access and pedestrian pathways.
 - 5. Bicycle parking areas shall be separated from automobile parking areas by a physical barrier of sufficient identification and distance to protect parked bicycles from

damage by cars. (Ord. 670 § 3.1 (part), 2004; Ord. 557 § 2.4, 2000; Ord. 406 § 1.3, 1993; Ord. 359 (part), 1992)

9.11.070 Adjustments to off-street parking requirements.

Adjustments to off-street parking for uses included in this chapter may be granted if, in the opinion of the **C**ommunity & **E**conomic **D**evelopment **D**irector, the proposed modification to the required number of parking or loading spaces is warranted. Requests for parking adjustments shall be reviewed and approved by the community development director based on the following requirements:

A. **Parking Studies.** The number of spaces required by this chapter, as noted in Section 9.11.040(A) of this chapter, for provisions of off-street parking and loading spaces may be adjusted by the approval authority if it is demonstrated by a parking study, prepared by a registered traffic engineer or qualified parking study consultant, that the proposed use would have a parking or loading space demand other than the requirements of this chapter.

B. **Shared Parking.**

1. Shared parking is encouraged to avoid the creation of unused parking spaces and their potential harmful effects such as increased construction and maintenance costs, heat and glare, and water run off requiring treatment of pollutants. A reduction in minimum parking requirements for individual uses may be granted by the Community & Economic Development Director where joint use of parking facilities or other factors will mitigate peak parking demand.

2. Requests for parking reductions resulting from joint usage shall be supported by information prepared by a registered traffic engineer. The investigation used to generate the required information shall generally follow the format described below.

Shared parking requests shall be analyzed as follows:

a. Initial project review involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review will also consist of data gathering regarding proximity to transit facilities, general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs;

b. Adjustments for peak parking factor includes calculating the number of off-street parking spaces required for each land use within the area proposed for joint parking use based upon the requirements of Section 9.11.040 of this chapter. Other elements to be considered include seasonal adjustment for parking demand and a

determination of the mode of transit used in reaching or departing the area being considered;

c. Analysis of hourly accumulation involves an estimation of hourly parking accumulations for each land use during a typical week day or weekend day; and

d. Estimate of shared parking merges the hourly parking demand estimate to calculate the overall parking required to be provided within the area being considered for shared parking facilities.

3. Up to fifty (50) percent of the parking facilities required by this chapter may be utilized as shared parking facilities subject to the requirements of this section. Except that, a church or an auditorium which is part of a public or private school may adjust the required parking by up to one hundred (100) percent of the parking facilities required by this chapter.

4. In granting parking reductions for shared use of parking facilities, the approval authority shall make one or more of the following findings:

a. The traffic engineering report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of their substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities;

b. The traffic engineering report indicates that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities;

c. The traffic engineering report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple-trip purposes to the area in question.

5. As a condition of approval to the granting of a reduction in required parking, the city may require the granting of reciprocal access and parking agreements with surrounding properties.

C. Transportation Management Plans.

1. The number of required parking spaces may be decreased by up to twenty (20) percent of the required employee parking subject to the approval of a transportation management plan supplied by the applicant. Such a plan may include, but is not limited to car pooling, van pools, and staggered work hours.

2. In evaluating the request, the approval authority shall consider, among other factors:

- a. Projected effectiveness of car pool, van pool, staggered work hours, or similar transportation management programs;
- b. Proximity to public transportation facilities which could be reasonably expected to serve a significant portion of employees or customers;
- c. Evidence of the likelihood that employees or customers will utilize regular transportation alternatives to individual use of automobiles, including transportation management plans prepared pursuant to South Coast Air Quality Management District Rule XV.

D. Off-Site Parking Facilities. Required parking for a development may be provided off the site in certain instances. Requests for off-site parking facilities shall meet the following requirements:

1. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination, the approval authority shall consider the following:

- a. Proximity of the off-site parking facilities;
- b. Ease of pedestrian access to the off-site parking facility;
- c. The type of use which the off-site parking is intended to serve, recognizing that such facilities are generally not appropriate for high-turnover uses; and
- d. The need for locating parking facilities off-site, and the resulting urban design benefits of off-site parking, if any.

2. As a condition of granting approval to the development of off-site parking facilities, the applicant and other involved parties shall be required to sign and record a reciprocal parking agreement ensuring the continued availability of the off-street parking facilities for the use they are intended to serve. (Ord. 694 § 1.1 (part), 2005; Ord. 557 § 2.5, 2000; Ord. 475 § 1.4 (part), 1995; Ord. 359 (part), 1992)

9.11.080 Design standards.

A. General Parking Design Standards.

1. Parking lot design shall take into consideration the appropriate integration of commercial uses. Parking facilities shall be designed to eliminate obstacles to pedestrian movement, consider spatial relationships between commercial uses and associated parking, and where appropriate, parking design will dictate the types of uses

that may feasibly be established to ensure that adequate parking is available within a reasonable distance to the use it serves.

2. Special plazas, motor courts or turnarounds are encouraged to identify entrance areas.
3. Project access and circulation shall allow for both vehicles and pedestrians by separating autos and foot traffic, by creating pedestrian entrances to projects and by using enhanced paving treatments, bollards or pergolas to identify pedestrian pathways through parking areas and along buildings.
4. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points should be consolidated to take advantage of planned or existing median breaks.
5. The city may require reciprocal parking and access agreements between individual and adjacent commercial parcels.
6. To discourage excessive speeds within parking areas, the maximum length of straight aisles shall not exceed three hundred (300) feet unless otherwise approved by the community development director.
7. Parking rows shall not be longer than one hundred eighty (180) feet, allowing for easier movement within the parking lot and preventing long queues within aisles unless otherwise approved by the community development director.
8. Drive aisles should make a loop around the structures and avoid dead end parking. In the case of straight drive aisles, provide at least ten (10) feet of setback between the last parking stall and the property line.
9. Parking areas shall be screened from streets through a combination of mounded landscaping, low profile walls and/or grading separations.
10. Parking areas shall not be used for loading or unloading.
11. Internal roadways should be designed so that direct access is available to all structures visible from a particular parking area.
12. Parking areas should use sound walls, screen walls and landscaping to minimize auto noise, glare and increased ambient temperature.
13. Landscaping, signs and walls shall be limited to thirty-six (36) inches in height, measured from top of curb within twenty-five (25) feet of any driveway entrance to protect visibility. Any trees located in these areas shall have trunks not exceeding eight inches in diameter and shall have a minimum branching height of six feet.

14. Trash enclosures shall not impair visibility.
15. Auto headlights in parking areas shall be screened so that they do not shine into adjacent properties or public rights-of-way.
16. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.
17. Driveways shall be designed so entering vehicles do not interfere with the existing vehicles. Main driveways shall employ entry medians whenever possible.
18. The first parking stall perpendicular to a driveway or first aisle juncture shall be at least sixty (60) feet back from the property line, providing sufficient queuing for exiting vehicles unless otherwise approved by the city engineer.
19. In commercial developments, parking aisles should be oriented perpendicular to the major tenant's front entrance, to facilitate pedestrian movement.
20. Dead-end parking aisles which exceed eight standard parking stalls in length, and serving greater than sixteen (16) standard stalls for dual lanes, shall provide turnaround facilities (i.e., hammerhead, cul-de-sac, etc.) adequate to accommodate emergency vehicles.
21. Consideration shall be given to service vehicles (i.e., tractor trailers) when designing landscape and hardscape areas.
22. Bicycle and motorcycle parking shall be provided as required by this code.
23. All projects generating vehicular traffic shall participate in the traffic signal mitigation program as adopted by the city of Moreno Valley.
24. Transportation management programs may be requested of projects generating significant vehicular traffic. These programs may include transportation system strategies or transportation demand strategies targeted to reduce the project's impact on roads, air quality, and energy consumption. System strategies deal with physical improvements to the road or facility network, such as street widening, restriping, bus turnout improvements or consolidation of driveways. Demand strategies deal with the behavior of those using the road system and include carpooling, subsidized transit passes, bicycle racks, showers for employee use located within the facility, transit centers, and flexible work shifts.
- 25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Pervious surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.**

B. Dimensions of Parking Spaces.

1. Covered Spaces. Parking spaces within an enclosed garage shall have an unobstructed, clear area dimension of ten (10) feet by twenty (20) feet for each required parking space provided. All other covered spaces shall each be nine feet in width and eighteen (18) feet in depth. The parking area shall be clear of any obstructions and the measurements shall not include the exterior walls or structural supports.

2. Parallel Space. Each parallel parking space shall have a minimum dimension of eight feet wide by twenty-two (22) feet long. However, if a parallel space does not abut another parallel space, and access is adequate to that space, the length may be reduced to twenty (20) feet (see Figure 9.11.080-4).

3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine feet in width **and sixteen (16) feet in depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be eighteen (18) feet of paved depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback).** (see Figure 9.11.080-5).

4. Trailer parking stalls shall have a minimum dimension of fourteen (14) feet wide by fifty (50) feet in depth.

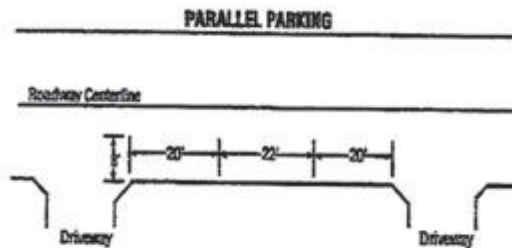


Figure 9.11.080-4

Dimensions of Parallel Parking Spaces



Figure 9.11.080-5

Nonparallel Parking Spaces

5. Tandem Space. Each tandem space shall be a minimum of nine feet in width and twenty-two (22) feet in depth.

C. Standard Improvements.

1. Drainage. **Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading.** All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.

2. Safety Features.

a. Additional requirements and guidelines for parking facility safety, including design, internal layout, acceptable turning radii, pavement slope, vehicular and pedestrian circulation and other design features may be adopted by the city traffic engineer when determined to be appropriate.

b. Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility. To the extent possible, the parking facility shall be designed so that primary pedestrian access to and from building entrances is along, rather than across, parking aisles.

- c. Parking lots shall be designed to minimize conflicts between vehicles and pedestrians and shall also endeavor to minimize speeding and through traffic.
- d. Drive aisles and parking lot drives shall not exceed five percent slope.
- e. Streets should intersect others on outside rather than inside horizontal curves.
- f. Streets should intersect at as near to a right angle as possible. They should be no more than fifteen (15) degrees skew.
- g. Intersections should be offset a minimum of one hundred fifty (150) feet.
- h. Deceleration lanes should be a minimum of two hundred ten (210) feet long and ten (10) to twelve (12) feet wide, composed of a minimum sixty (60) foot transition and one hundred fifty (150) foot turn lane.
- i. Internal streets and drive lanes should have a minimum radius of two hundred fifty (250) feet (twenty-five (25) mph design speed).
- j. Where feasible, bus turnouts and bus stops shall be located on the far side of intersections to reduce conflicts between buses and through traffic.

3. Striping and Identification.

- a. All automobile parking spaces shall be clearly outlined with white double lines on the surface of the parking facility as shown in Figure 9.11.080-6 (three-inch line – six-inch space – three-inch line for a total of twelve (12) inches) or as otherwise specified by the **Building Official**.
- b. Fire lanes, if required, shall be installed to the specifications of the city of Moreno Valley fire chief, including red curbing and posting with signs.
- c. Stop signs and painted stop bars shall be installed in parking areas where drive lanes intersect and at egress points to streets or alleys.
- d. Within parking facilities, the city traffic engineer may require all aisles, approach lanes and maneuvering areas to be clearly marked with directional arrows on the pavement surface to facilitate vehicular movement. In addition to directional arrows, the city traffic engineer may require installation of signs to ensure safe and efficient vehicular movement.

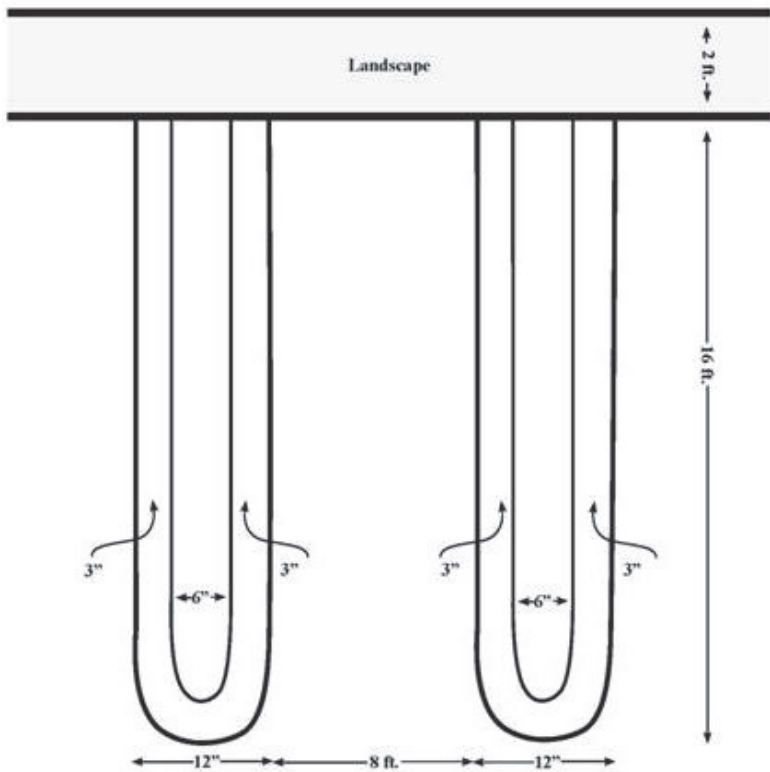


Figure 9.11.080-6A

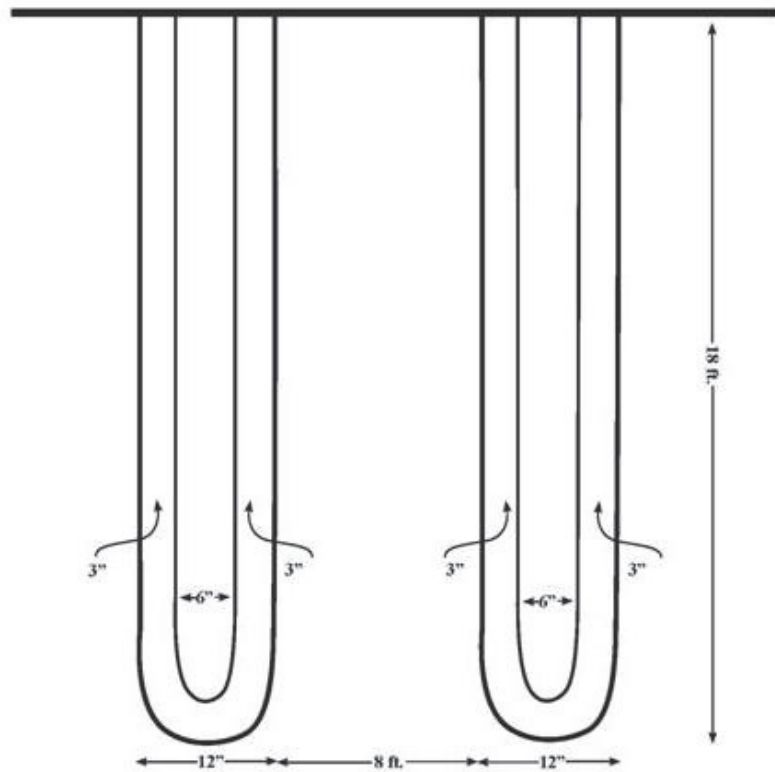


Figure 9.11.080-6B

Parking Space Striping Requirements

* Ends of parking stall striping shall be curved or squared off.

D. Accessible Parking Design Standards. The following design standards for accessible parking are intended to be consistent with the state or federal requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title:

1. All accessible parking spaces shall be striped and marked according to applicable state regulations.
2. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign, of a construction and material

approved by the building official, displaying the international symbol of accessibility. The sign shall have a minimum size of seventy (70) square inches, and shall be centered at the interior end of the parking space at a maximum height of eighty (80) inches from the bottom of the sign to the finished grade of the parking space.

3. At each entrance to a parking facility containing one or more parking spaces for the handicapped, a sign with a minimum size of seventeen (17) inches by twenty-two (22) inches shall be posted, stating clearly and conspicuously in letters with a minimum height of one inch the following:

Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.

4. Parking spaces reserved for persons with disabilities shall have, in addition to the requirements of subsections (D)(1), (2) and (3) of this section, a surface identification in blue paint of at least three square feet in size, duplicating the international symbol of accessibility.

5. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

6. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine foot parking area and a five foot loading area. Said space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

7. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

8. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this paragraph would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

9. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083 percent gradient) in any direction.

10. Notwithstanding the off-street parking requirements of Subsection 9.11.040(A) of this chapter, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

11. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone as described herein.

12. All disabled spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve and oriented so that the user of the disabled parking space need not go past the rear of automotive parking

spaces in order to reach the building's main entrance.

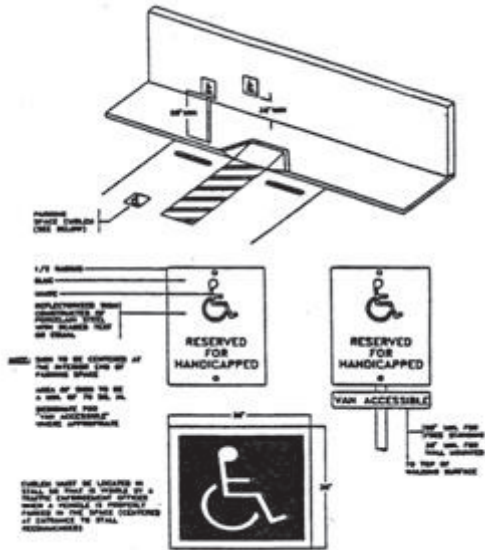


Figure 9.11.080-7

Accessible Parking Stall Requirement

- * Ramps shall include a curb-cut type design
- * Loading area width: van accessible = 8 feet; all other accessible spaces = 5 feet

E. Surfacing.

1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. Every effort should be made to use pervious surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.

2. Temporary parking facilities shall be provided with surfaces which prevent dust, as approved by the city engineer.

F. Location of Parking.

1. All parking spaces required by this chapter shall be provided on the same site as the use requiring the parking spaces, except as authorized in Section 9.11.070, Adjustments to Off-Street Parking Requirements of this chapter.

2. All automobile spaces required for residential uses shall be located a maximum of two hundred fifty (250) feet from the units they are serving. Distances shall be measured from the nearest point of the building to the parking space(s) serving that building.

3. All car pool parking spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve.

G. Landscape and Screening Requirements. Parking lot screening and landscaping shall conform to the requirements of Chapter 9.17 of this title.

H. Access.

1. Parking Access from Streets.

a. Access to parking spaces, other than four or fewer spaces serving a residential use, shall not require backing onto a public or private street or onto a private drive other than a drive designed exclusively to provide access to parking spaces.

b. Commercial developments should orient traffic onto major arterials and not onto local streets or collectors.

c. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points shall be consolidated to take advantage of planned or existing median breaks.

2. Driveway and Aisle Widths and Clearances. For purposes of this section, a driveway shall be defined as an access leading from a public street or right-of-way or a private street to a parking area, or from one parking area to another, but shall not be defined to include any ramp, aisle, or maneuvering area. A ramp is defined as an access driveway from one parking level to another. All driveways and ramps shall comply with the following standards:

a. Driveways and aisles for single-family detached structures shall not be less than sixteen (16) feet in width, and shall be maintained free and clear of all obstructions. Driveways which serve single-family development shall be defined as the paved area leading from a public street or right-of-way or a private street to the designated parking area, and shall not be wider than such designated parking area; and

b. Driveways for single-family attached, multiple-family, and nonresidential uses shall be as shown in Table 9.11.080-13 of this section, except when for health and safety purposes wider dimensions are required for emergency vehicle access.

**Table 9.11.080-13
Driveway and Aisle Dimensions for Single-Family Attached, Multiple-Family, and
Nonresidential Uses**

Width, excluding flares or curb radius	
Minimum (one-way)	20 feet
Minimum (two-way)	24 feet
Maximum	36 feet
Right Turn Radius ¹	
Minimum	15 feet
Maximum	50 feet
Minimum Spacing ²	
From side property line	10 feet
From street corner	25 feet
Angle ³	75°

¹ On side of driveway exposed to entry or exit by right-turning vehicle to driveways with curb radius.

² Measured along the street side property line from throat to the side property line, or to a line passing through the intersection.

³ Minimum acute angle measured from the edge of pavement.

3. The following criteria and dimensions may be modified by the City Engineer:

Table 9.11.080-14

Street Classification	Distance from a Driveway to an Intersection	Spacing Between Adjacent Driveways
Expressway 134' ROW	Restricted* **	1/2 mile
Divided Major/Modified Major	Limited access* **	Limited access
Divided Arterial	Minimum 450 feet	Minimum 450 feet
134' ROW/120' ROW		One driveway per parcel

Divided Arterial	Limited Access* **	Minimum 250 feet
110' ROW	Minimum 350 feet	
Arterial/Minor Arterial/ Industrial Collector		
100'/88'/78' ROW	Limited access* **	Minimum 150 feet
	Minimum 250 feet	
	Full Access 350 feet	
Collector/66' ROW	Minimum 200 feet* ***	Minimum 100 feet or one driveway per parcel
Local Street	Minimum 100 feet* ***	Minimum 100 feet or one driveway per parcel

* Access may be limited to the minimum movements necessary to safely expedite traffic.

** Access may be restricted by medians.

*** For residential development.

4. Ramps.
 - a. One-way ramps shall have a minimum width of fourteen (14) feet, unless a larger dimension is required for emergency vehicle access.
 - b. Two-way ramps shall have a minimum width of twenty (20) feet.
5. Gated Entries. Requests for gated entries shall be submitted to the city traffic engineer and shall be subject to review and approval by the city traffic engineer and planning official, based on an analysis of the following issues:
 - a. Type and operation of gate;
 - b. Adequacy of vehicle stacking area;
 - c. Effect of gated entry on parking usage and distribution on the site;
 - d. Effect of gated entry on parking for surrounding or adjacent areas;
 - e. Emergency vehicle access. (Ord. 808 § 2.5.3, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 643 § 2.6, 2003; Ord. 616 § 2.2.22, 2003; Ord. 604 §§ 2.15—2.18, 2002; Ord. 557 § 2.6, 2000; Ord. 475 § 1.4 (part), 1995; Ord. 406 § 1.4, 1993; Ord. 405 §§ 1.14, 1.15, 1993; Ord. 402 §§ 1.3, 1.4, 1993; Ord. 359 (part), 1992)

9.11.100 Circulation—Pedestrian.

- A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. The use of pervious paving surfaces is recommended where feasible.
- B. Pedestrian walkways shall be connected with public sidewalks, connecting buildings and activity areas within centers. Pedestrian walkways shall be provided to connect adjacent properties when appropriate.
- C. Pedestrian walks through open spaces and accessways to buildings should be used to shorten walking distances.
- D. Pedestrian walkways, corridors, plazas and other similar areas shall be highly visible and well lit.
- E. Amenities including, but not limited to, enhanced paving, street furniture and raised planters should be provided to enhance the pedestrian experience.
- F. Handicapped ramps shall be incorporated into all curb and sidewalk designs and shall meet the standards set forth in Title 24 of the California Access Code. (Ord. 808 § 2.5.4, 2010)

9.16.010 Introduction and scope of guidelines.

A. ~~The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commission's and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.~~

A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

B. The design guidelines reflect the Moreno Valley general plan design policies and objectives, functioning as a tool for the general public, project developers, city staff and reviewing boards and commissions.

C. These guidelines will help apply the city's design standards to new development and to remodels, upgrading design citywide and implementing the general plan's policies.

D. Several design philosophies prevail throughout the guidelines. These include compatibility, sensitivity, human scale, variety, function and aesthetics. When combined and tailored for specific uses, these philosophies should yield high quality products that are consistent with the general plan's intent, practical and pleasing to the eye. (Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)

Article III Applications for Site Design and Architecture

9.16.110 Objectives, generally.

A. Project design and layout shape the overall character of a project and how that project fits into its surroundings. New development should harmonize with the character of the adjacent area, implementing the general plan's design policies.

B. The Moreno Valley general plan stresses variety in building design and compatibility with surrounding and planned land uses. Architectural treatment can address both, providing varied and sensitive building massing, consistent detailing and compatible building materials and styles. The following guidelines should help to achieve the level of quality, variety and compatibility of architectural design that the general plan requires.

C. Site design and architectural guidelines have several objectives; among these are:

1. Orienting buildings, parking and public spaces to enhance the streetscape, to add variety and to provide for pedestrian spaces and circulation;

2. Translating design principles into architecture and site planning applications;

3. Awaken an interest in urban design and form for Moreno Valley by requiring projects to be reviewed in their context;

4. Reminding project developers of design considerations not usually covered by zoning development standards or design review;

5. Using site planning techniques and architecture to provide for human scale;

6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, including water quality features integrated into the site design such as water retention and absorption areas and the use of pervious surfaces to reduce water run off;

7. Working in concert with the city's landscape requirements, guidelines as adopted by Ordinance No. 247.

D. Site design and architecture guidelines are separated into five categories:

1. General;

2. Single-family residential;

3. Multifamily residential;

4. Commercial (retail, office and mixed use);

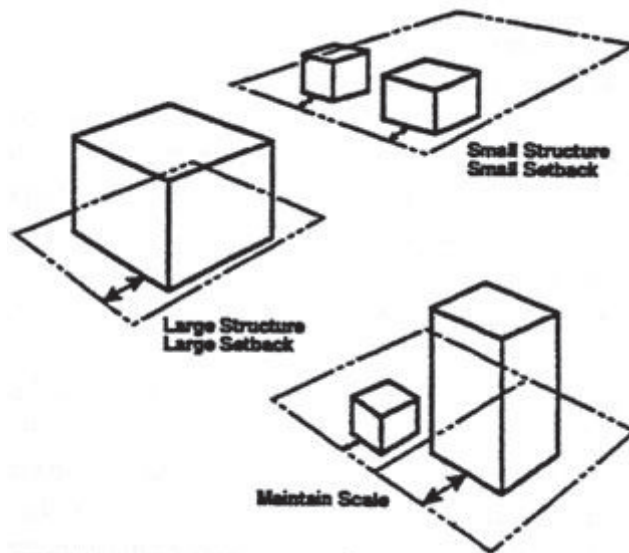
5. Industrial. (Ord. 359 (Attach. 2 (part)), 1992)

9.16.120 General guidelines.

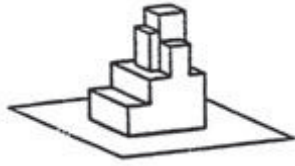
- A. General guidelines apply to all uses and projects citywide.
 1. The setback from streets and adjacent properties should relate to the scale of the proposed structure. Larger structures require more setback area for a balance of scale and compatibility with adjacent uses.
 2. Tall buildings should be made less imposing by stepping upper floors back from the first floor facade plane.
 3. Gateway treatments range in scale, identifying an entrance to the city, subcommunity, development project or a single building. Gateways, including enriched paving, raised medians, signs and other features as appropriate, create a sense of entry and should be included in all developments.
 4. New developments should respect the view of existing developments. Large developments should maintain view corridors which are oriented toward an existing or proposed amenity such as a park, open space or natural feature.
 5. Trash enclosures, loading areas, mechanical equipment and outdoor storage areas shall be screened from public view. Enclosures shall be compatible with the project architecture and shall not detract from the overall design theme.
 6. New residential flag lots shall be permitted only in hillside subdivisions and only when no other alternatives are available.
 7. Natural drainage courses should be retained in their natural state.
 8. Building mass and scale should be in proper proportion to the site, open spaces, street location and surrounding developments.
 9. All exterior wall elevations of buildings and screen walls shall have architectural treatments enhancing the building appearance. Uniform materials and consistent style should be evident in all exterior elevations of a building. Secondary materials should be used to highlight building features and to provide visual interest.
 10. Building massing should be varied to provide interesting form, proportion and scale. Monolithic forms are discouraged; massing variety should be three dimensional.

11. Building design and siting should be compatible with surrounding land uses and with the climate and physical setting of Southern California.
12. Building architecture should be compatible with surrounding existing or planned architectural character. Within commercial centers, materials, textures, colors and architectural detailing shall be compatible with the center's specified design theme.
13. Shadow patterns created by architectural elements such as overhangs, projections and recesses of stories, balconies, reveals and awnings are encouraged, adding to building interest and aiding in climate control.
14. Multi-story buildings should be detailed to reduce their vertical appearance as much as possible. This can be done by articulating the separate floor levels with horizontal bands, by increasing the level of detail on lower floors, by progressively lessening building mass on upper floors and by using heavier materials on lower floor facades.
15. Building entries should be articulated through massing treatment and should incorporate detailed design elements.
16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. **Roof drains shall be integrated into the building design and convey water to landscape areas for aesthetics and water quality.**
17. Base walls and other large expanses should be light colored. Soft tones ranging from white to very light pastels are encouraged. Natural light colors, such as off-whites, beige and sand, are also acceptable.
18. Building accent elements, like doors, window framing, chimneys, trim, railing, awnings and light fixtures, should contrast with the main building color, producing added interest and a lively streetscape. Care should be taken not to use too many bright colors or too many different types of details to avoid an overwhelming or cluttered building.
19. The use of simple color schemes using no more than three colors is recommended.
20. All paint products, awning fabric or other color elements should be durable and fade resistant and shall be recommended by the manufacturer for the proposed use and location.
21. The use of bright colors such as fluorescent, hot or "day glo" colors is strongly discouraged.
22. Using building materials in their natural state is strongly recommended.

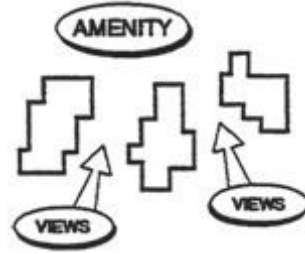
23. Bricks should be left unpainted.
24. Colors should be used to express identity and individuality within a cohesive and attractive framework.
25. To facilitate compatibility in massing and scale, two-story buildings adjacent to one-story buildings should contain a one-story element or intermediate roof treatment or have an appropriate setback from the one-story building. (Ord. 604 § 2.21, 2002; Ord. 456 §§ 1.1, 1.2, 1995; Ord. 359 (Attach. 2 (part)), 1992)



Setbacks in Scale with Building Bulk



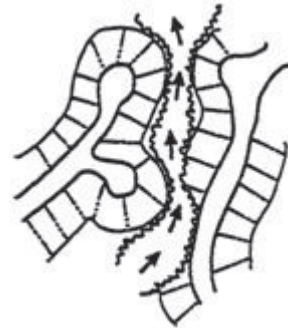
**Taller Buildings
Stepping Back from Street**



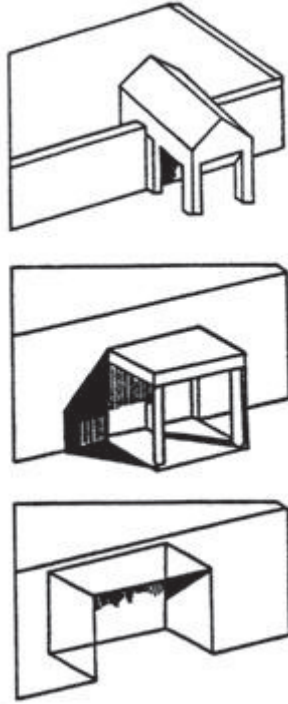
Preserve New Corridors



Discourage Flag Lots



**Drainage Course Retained
in Natural State**



Articulated Building Entries



Detailed Design Elements for Building Entries

9.16.130 Single-family residential.

A. These guidelines deal with single-family residential (R1, R2, RA-2, R3, R5) areas as well as areas designated hillside residential (HR) and rural residential (RR). They strive to improve the quality of life for single-family housing residents, to ensure attractive single-family neighborhoods and to offer solutions to recurring design problems.

1. R1: provides for and protects the rural lifestyle by having large residential lots and the keeping of large animals.

2. R2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivisions, and to allow residential developments in a rural atmosphere.

3. RA-2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivision, and for the keeping of animals that have historically characterized these areas.

4. R3: provides for a transition between rural and urban density development areas and provides for suburban lifestyle on residential lots larger than those commonly found in suburban subdivisions.

5. R5: provides for single-family detached housing on common-sized suburban lots.

6. Hillside residential (HR): balances the preservation of hillside areas with the development of view-oriented residential uses. These include large lot residential, and single-family residential on lots larger than twenty thousand (20,000) square feet.

7. Rural residential (RR): provides for the protection of the rural lifestyles, as well as protects natural resources and hillsides in the rural portions of the city. Within the rural residential area large residential lots are appropriate and the keeping of large animals shall be permitted.

Table 9.16.130A

Designation	Maximum Density
Hillside Residential	Depends on slope
Rural Residential	Depends on slope
R1	1 unit/acre

Designation	Maximum Density
R2	2 units/acre
RA-2	2 units/acre
R3	3 units/acre
R5	5 units/acre”

B. General Guidelines.

1. A combination of a wall and bermed landscaping shall be provided adjacent to the rear or side yards of lots at neighborhood entries.
2. Residential units should be provided with a minimum five feet variation in their front and side yard setbacks along the streetscape.
3. Residential units shall be articulated and detailed to provide visual interest and scale by using a minimum of three of the following design elements.
 - a. Provide projecting and/or recessed entries and windows.
 - b. Include projecting or recessed balconies.
 - c. Front porch with a minimum depth of five feet.
 - d. Dormer windows.
 - e. Minimum eighteen (18”) inch roof overhangs with detailed rafter tails.
 - f. Offset building planes a minimum of two feet.
 - g. Stepping back a portion of the second story.
 - h. Use of different building materials with varying textures and colors.
4. All units shall be designed with four sided architecture using the details from the front elevation.
5. Increased setbacks shall be provided on lots that are sited at corners or have rear yards bordering an arterial roadway.
6. Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks.

Rear yards shall be designed with minimum of 15 feet of flat areas adjacent to the structure.

7. Residential projects should maximize the feeling of openness by curving streets, varying front and side yard setbacks and, if possible, orienting roads to open space areas and views.

8. Small lot single-family subdivisions should utilize innovative design techniques to provide more usable and private exterior area.

9. Residential mechanical equipment, including but not limited to air-conditioning units, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.

10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. **Pervious surfaces are required for such areas within required setbacks.**

11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. **Pervious surfaces are recommended where feasible.**

12. Mailboxes, if required to be clustered, shall be designed to be compatible with surrounding homes, while conforming to Post Office guidelines.

13. Property lines shall be located on the tops of slopes.

14. Natural topographic variations should be retained to divide residential developments into distinct neighborhood areas.

15. Within individual residential projects, a variety of floor plans and elevations should be offered as follows:

Table 9.16.130B

Number of Units	Minimum # of Footprints*	Minimum # of Elevations/ Footprints
5-9	1	2
10-24	2	3
25-49	3	3

Number of Units

50 plus

Minimum # of Footprints*

Add one additional footprint for every 50 units over 50

Minimum # of Elevations/ Footprints

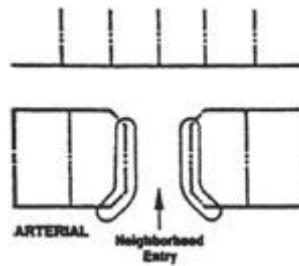
4

Each floor plan shall not be repeated more than each fourth house. Please note that adding or deleting false shutters or similar types of minimal elevation changes will not suffice as one of the required distinct elevations.

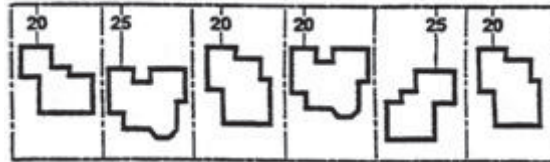
16. To minimize visual impact, corner residential units shall be single story or if two story, shall incorporate single story elements into the design. The short and low side of the unit should be sited toward the street corner.

17. Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot front setback. Garage doors with windows shall be required for three or more car garages or other architecturally enhanced garage doors or as approved by the Community Development Director.

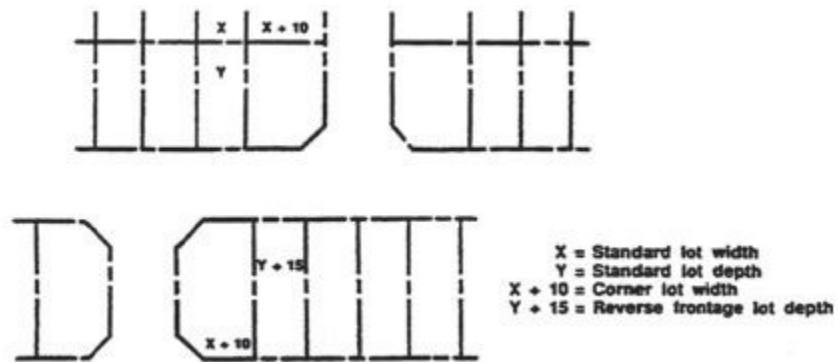
18. Fence and wall materials should be durable and architecturally compatible with the neighborhood appearance. Walls and fences constructed of slump stone, stucco-coated block or wrought iron are encouraged. Fences and walls constructed of nondurable materials, including but not limited to plywood and chicken wire are prohibited. A front yard fence or wall shall be erected in a manner that does not obscure visibility through the fence or wall. (MC 9.08.070)



Landscape Treatment Areas at Neighborhood Entries



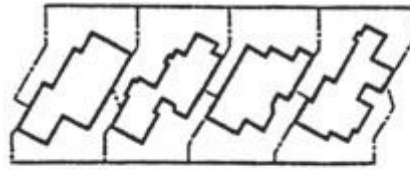
Vary Setbacks by at Least Five Feet



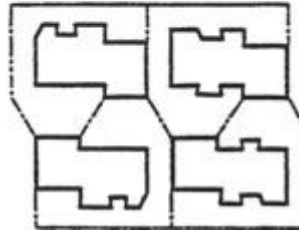
Corner Lots and Reserve Frontage Lots Should Be Larger than Standard Lots



Use Curvilinear Elements and Orient Roads to Open Space and Views

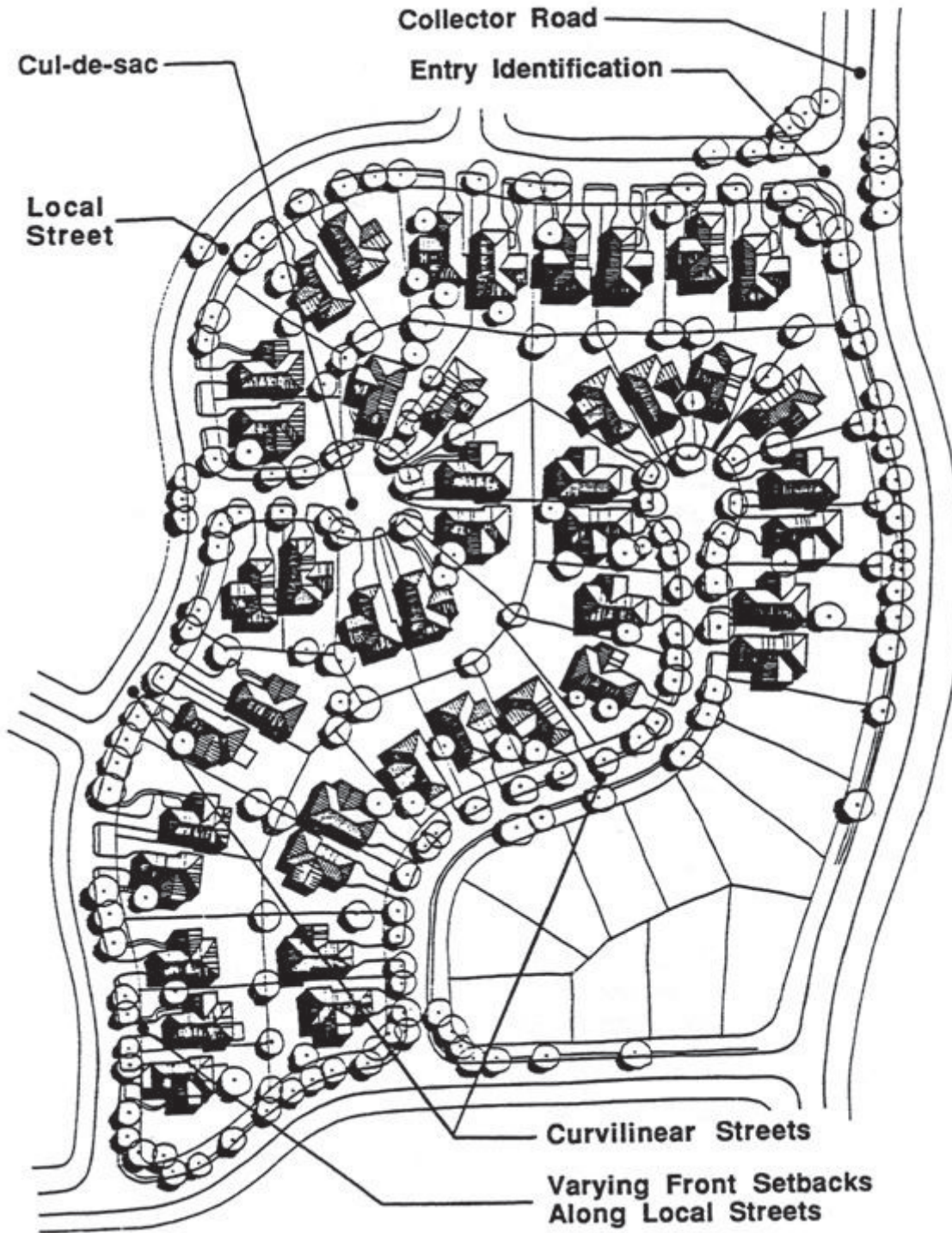


**Typical
"Z-Lot"
Design**



**Typical
"Zipper Lot"
Design**

Innovative Subdivision Design



9.16.140 Multifamily residential.

~~_____ A. _____ These guidelines deal with multifamily residential (R10, R15 and R20) areas as found in the general plan.~~

~~_____ 1. _____ Residential 10: provides for a variety of residential products and encourages innovation in housing types. Single family detached residential, single family attached residential, multiple family attached residential, and mobile homes may be appropriate subject to applicable general plan policies and Moreno Valley ordinance provisions.~~

~~_____ 2. _____ Residential 15: broadens the range of available housing types, and provides housing for those not desiring dwellings on individual parcels. Single family attached residential may be appropriate.~~

~~_____ 3. _____ Residential 20: provides housing in a more urban setting than found in other areas of the city and provides opportunities for low and moderate income housing.~~

Table 9.16.140A

Designation	Maximum Density	Threshold Density
R10	10 units/acre	8 units/acre
R15	15 units/acre	12 units/acre
R20	20 units/acre	16 units/acre

~~_____ B. _____ General Guidelines:~~

~~_____ 1. _____ Tuck under parking and/or opposing garages or carports should be turned to avoid the monotony of alley like parking corridors.~~

~~_____ 2. _____ Parking areas should be staggered and landscaped to add visual interest, individuality, rhythm and opportunities for accent treatments.~~

~~_____ 3. _____ Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.~~

~~_____ 4. _____ Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.~~

~~_____ 5. _____ Open parking areas should be clustered and treated as landscaped plazas and courts.~~

- ~~6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian-oriented site.~~
- ~~7. No more than four units for a two-story structure should be served by one entry.~~
- ~~8. Ground-floor dwellings should have a front and back entry, one of which is the main entry for the use of guests and is oriented to their arrival points.~~
- ~~9. Each multiple-family unit should have at least one hundred (100) square feet of private open space which may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.~~
- ~~10. Individual units should have a porch or porch-like space at the front door.~~
- ~~11. Areas for the storage of R.V.'s, boats, and campers shall be contained within multifamily projects and shall be heavily landscaped to protect views from other developments in the community.~~
- ~~12. One covered parking space shall be provided for every bedroom with no more than two covered parking spaces required per unit. The guest parking spaces do not need to be covered.~~
- ~~13. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.~~
- ~~14. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors, enhanced landscaping or enhanced paving.~~
- ~~15. Trash enclosures shall not be located on dead-end drive aisles, unless adequate turnaround is provided for collection vehicles.~~
- ~~16. There should be at least one trash enclosure for every twenty-four (24) residential units.~~
- ~~17. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.~~
- ~~18. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or bottle dots are not an acceptable alternative.~~

- ~~19. Freestanding structures, like gazebos or pergolas, should be located to define activity nodes at pathway intersections or in secluded landscape areas.~~
- ~~20. Drive aisles with no adjacent parking shall be at least twenty four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.~~
- ~~21. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.~~
- ~~22. Senior housing needs warrant special design considerations, including:~~
- ~~a. Intimate, shaded outdoor seating areas;~~
 - ~~b. A network of pathways, providing interesting walking experiences;~~
 - ~~c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;~~
 - ~~d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;~~
 - ~~e. Security;~~
 - ~~f. Direct ambulance access;~~
 - ~~g. Parking close to units;~~
 - ~~h. Elevators.~~
- ~~23. Individual dwelling units should be distinguishable from one another and have separate entrances.~~
- ~~24. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.~~
- ~~25. Stacked flat condominium arrangements shall be discouraged, while townhouse styles shall be encouraged.~~
- ~~26. When appropriate, multifamily projects shall be designed for the needs of families with small children, the disabled and the elderly. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.~~

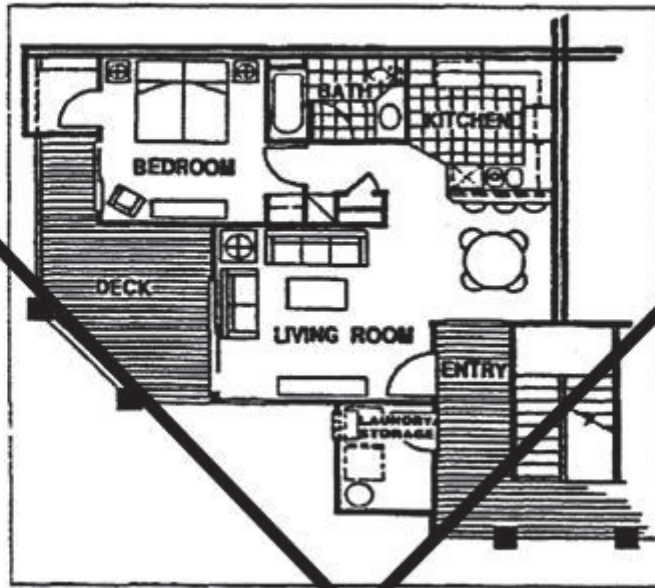
~~27. Architectural features should be used to increase privacy from nearby units and common or public spaces.~~

~~28. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable shall be discouraged.~~

~~29. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each entrance of a multiple family development. (Ord. 670 § 3.1 (part), 2004; Ord. 359 (Attach. 2 (part)), 1992)~~

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Apartment Unit With Patio-style Entry and Large Balcony



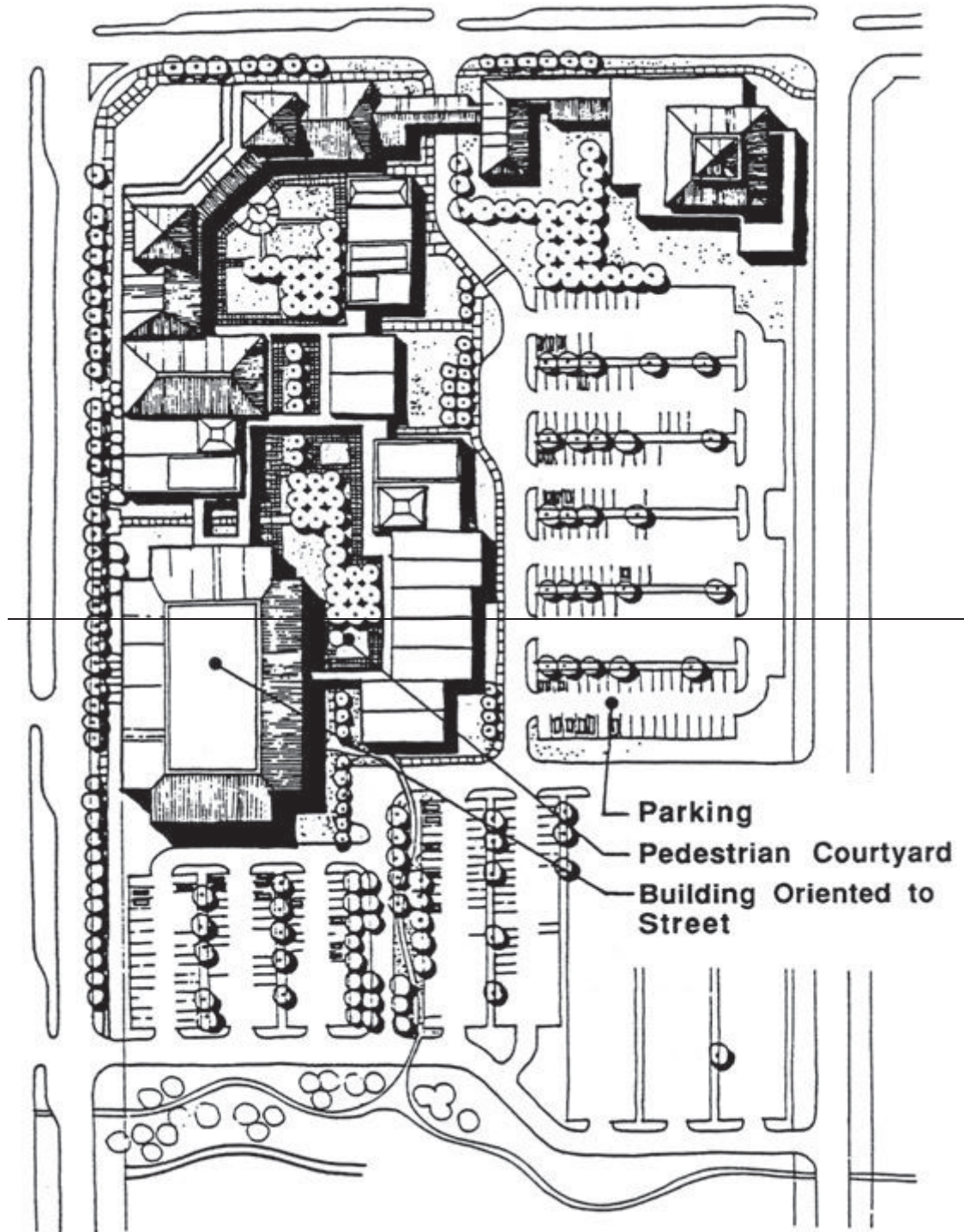
Architecturally Treated
Trash Enclosure



Architecturally Treated
Mailbox Kiosk



Freestanding Pergola



Commercial Center with Focal Points, Courtyards and Street Orientation

9.16.150 Commercial (retail, office, mixed use).

A. Commercial design guidelines address the various types and intensities of commercial uses allowed for in the general plan. They include neighborhood commercial, community commercial, tourist recreational commercial, village commercial, office commercial and office.

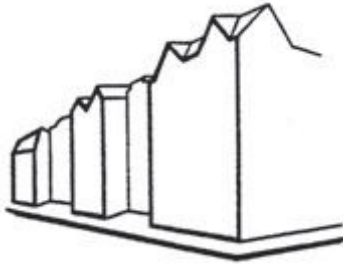
1. Neighborhood Commercial: provides for the daily shopping needs of area residents with a wide range of common retail and personal service needs.
2. Community Commercial: more intense than neighborhood commercial, provides for the general shopping needs of area residents and workers with a wide variety of retail and personal services.
3. Tourist Recreational Commercial: provides those commercial support activities that are necessary or incidental to recreation uses while meeting the personal service needs of both tourists and city residents alike.
4. Village Commercial: provides for office-related and commercial development within the Moreno townsite. It is the further intent of this designation to promote development which recognizes the historic significance of the site and projects a “turn-of-the-century” architectural atmosphere, yet provides limited retail commercial services that are compatible with the surrounding residential community.

B. General Guidelines.

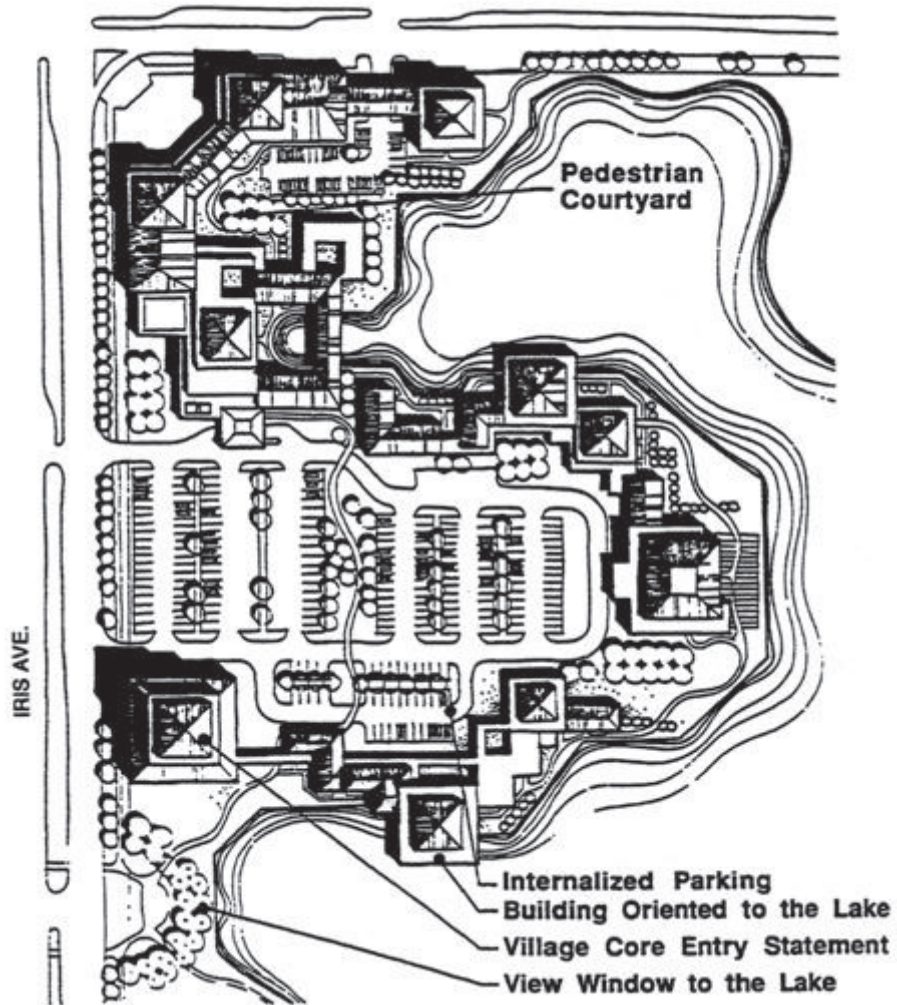
1. Commercial development shall be compatible with adjacent residential areas by incorporating landscape buffers planted with a mix of flowering, screening and spreading plants, by using low mass, low height building elements, by locating loading and trash collection areas away from residential property lines and by directing circulation away from residential neighborhoods.
2. Commercial development shall have a central place, main focal feature or point-of-emphasis, including pedestrian seating, shade structures, sculpture, water elements, centralized outdoor dining or any combination of these elements.
3. New development should respect pedestrian needs by incorporating pedestrian ways and plazas that provide visual interest at the street level, shelter from the elements and adequate street furniture. This guideline is intended to enhance pedestrian related features in concert with quality architecture that would not require variance approval if incorporated as a feature of design.
4. The development of new, small convenience centers on sites less than eight (8) acres is discouraged.

5. Architectural elements shall be an integral part of the facade design, avoiding the “pasted-on” look.
6. Building facades should relate to overhangs, awnings, trellises and porticoes, incorporating these elements into building massing.
7. Pedestrian covered walks should have a clear walking width of seven feet along retail storefronts. Walkway width may be up to twelve (12) feet to accommodate columns, furniture or building articulation.
8. Large structures shall incorporate varied setbacks and variations in massing of building bulk.
9. Continuous, blank building elevations shall be avoided, particularly when visible from public rights-of-way.
10. Continuous building mass should be divided into smaller units, providing both variety and scale.
11. Loading areas shall be oriented away from street side elevations whenever possible and shall be screened from public view with a combination of walls and landscaping.
12. Building placement within office developments shall occur at or near the street setback line to bring the architectural image to the street and to remove parking lots to the extent possible from the streetscape.
13. Vehicular and pedestrian travel shall be separated to the best possible extent, providing for a safe pedestrian environment and smooth traffic flow.
14. Pedestrian walkways shall be provided in larger parking lots, encouraging foot travel out of vehicular drive lanes.
15. Freestanding or clustered retail, restaurant and office pads are encouraged, helping to add variety to the site plan and to introduce interesting architectural elements.
16. Interparcel access shall be provided between commercial centers, reducing the number of drive approaches from the street and encouraging commercial “crossover.”
17. Entry drive throats shall be at least sixty (60) feet long from property line for major commercial projects, providing adequate queuing for outbound traffic and smoothing inbound traffic flow.
18. Each commercial center of five acres or more shall have at least one major entry containing a median.

19. The “strip” commercial image is discouraged. New development should provide variety and articulation in storefront footprints, elevations and roofline.
20. There shall be landscaped strip equal to the building height where a commercial use is located adjacent to residentially zoned property.
21. Office developments shall provide courtyards for each building convenient to office users, incorporating seating, sculpture, accent landscaping and shelter. These shelters will allow for small lunch gatherings or relaxation.
22. Office developments shall have decentralized parking. Parking shall be oriented to the building it is intended to serve and shall be spread throughout the site, lessening the impact of an expansive parking lot.
23. Office developments shall offer interesting site plans by providing several detached or clustered buildings.
24. Access to service bays of automotive uses shall be from the interior of the site.
25. Service stations, mini markets and other automobile-related uses shall have architectural details consistent with the overall project design. Access to service bays will be from the interior of the service station site. Window placement should be sensitive to casual police surveillance.
26. Freestanding buildings should incorporate distinctive massing, adding interest to the site and vicinity.
27. Intimate scale in building design and materials selection is encouraged, emphasizing comfort and warmth.
28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and **drain into a landscape area for water quality, retention and absorption to reduce water run off.**
29. Architectural design of new projects shall be mindful of the surrounding district’s urban fabric, providing a design statement to enhance the context and to upgrade the overall image. (Ord. 475 § 2.1, 1995; Ord. 359 (Attach. 2 (part)), 1992)



Continuous Mass Divided to Provide Scale



Commercial Center with Separated Pedestrian and Auto Circulation

9.16.160 Business park/industrial.

A. These guidelines address the business park and industrial land use classifications. These uses generally require large floor areas, extensive truck circulation and minimal parking.

B. General Guidelines.

1. Building design shall be innovative and attractive, using various building materials, varied massing, enhanced facade treatments and other techniques to provide an “up-scale” image for the community.

2. Clean, contemporary architectural expressions are encouraged.

3. All sides of all buildings shall have architectural treatment.

4. Entries into industrial buildings shall be well-defined through the use of projections, recesses, space frames, pergolas, colonnades, raised planters, seats, enhanced paving, low-level lighting bollards or other elements.

5. Solid walls (six feet high) and landscaping shall be used to screen loading, service and trash storage areas from public view.

6. Solid walls and landscaping should screen ground-mounted equipment located away from buildings.

7. Truck docks and interior trash storage areas must be closed off by roll-down doors, arranged in an organized manner, integrated within the overall design of the industrial project and oriented away from public view.

8. Roof-mounted equipment shall be screened from public view. All roof screens shall be solid and continuous and shall be treated to be compatible with the project’s architecture.

9. Exterior walls shall be architecturally treated to provide relief and variety by using pilasters, deep reveals, offset entries and staggered wall components.

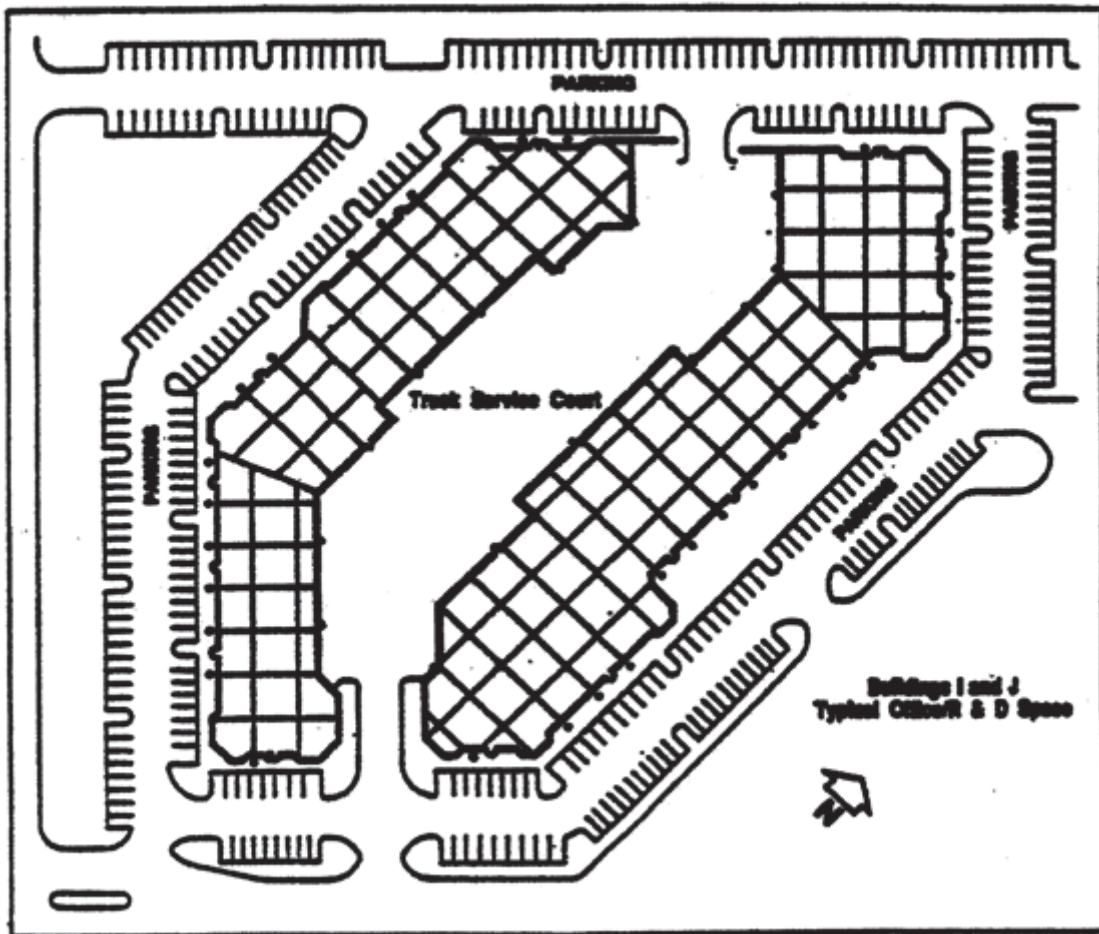
10. All manufacturing and industrial uses adjacent to residential land uses shall include a buffer zone and/or noise attenuation wall to reduce outside noise levels.

11. All manufacturing and industrial uses shall be adequately screened and buffered to reduce glare, noise, dust and vibration.

12. Truck traffic shall be channeled directly to truck routes and shall not have access to neighborhood streets.

13. Pedestrian walkways should link building entries to bus turnouts and nearby land planned for or used as eating establishments.

14. Courtyards for resting, gathering and eating by employees shall be provided. Pervious surfaces are recommended where feasible. (Ord. 359 (Attach. 2 (part)), 1992)



9.16.190 Natural open space standards.

- A. All hillside development proposals shall include a portion of the site to be retained in natural area open space.
1. The natural open space area may be comprised of two types:
 - a. Undeveloped natural areas, that which has been left in its natural state;
 - b. Restored natural areas, that which have been disrupted during construction but are restored to a natural appearance.
 2. The following shall guide the location of undeveloped natural areas:
 - a. Contiguous areas along drainage channels;
 - b. Ten (10) foot minimum widths adjacent to roadway improvements;
 - c. On lots where the average slope exceeds twenty-five (25) percent, the construction of custom homes with multiple foundation levels shall be mandatory while post and beam construction shall be discouraged;
 - d. Areas contiguous with other natural areas of adjacent properties;
 - e. Areas containing rock outcroppings;
 - f. Areas containing soils with high permeability;
 - g. Significant stands or clusters of native vegetation;
 - h. Known or discovered archeological or paleontological sites.
 3. The following shall guide the location of restored natural areas:
 - a. In required setbacks;
 - b. Adjacent to common recreation facilities;

- c. Along roadway improvements or over utility easements;
 - d. Fuel modification zones, as required by the fire department.
4. The percent of the total site required to be retained in natural open space shall be based on the average natural slope of the land surface. The following natural open space area requirements shall apply:

Table 9.16.190A

Natural Area Open Space Requirements

Average Percent Slope	Minimum Percent of Site to Remain as Natural Area Open Space
10% - 15%	35%
15.1% - 25%	50%
Over 25%	60%

5. The following shall guide the allocation of undeveloped and restored natural areas on properties:
- a. Undeveloped natural areas shall constitute a minimum of seventy-five (75) percent of the required natural area open space.
 - b. Restored natural areas may constitute a maximum of twenty-five (25) percent of the required natural area open space.
 - c. No grading, excavation or construction shall be allowed within areas designated as natural areas. Fuel modification areas may be graded as necessary and replanted to meet fire department requirements.
 - d. Where construction has inadvertently scarred designated natural areas, the applicant shall restore the affected sites, as approved by the Community & Economic Development Director or designee.
 - e. Restored natural areas shall be graded to blend in with the natural terrain and landscaped with rock and plant materials native to the local area.
 - f. All undeveloped natural areas and restored natural areas shall be clearly shown on all proposed plans and building permit site plans unless otherwise approved by

the city council. A landscaping program for restored natural areas shall be approved by the Community **& Economic Development** Director prior to issuance of building permits. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)

9.16.200 Landscaping.

- A. All required plans for landscaping are approved prior to issuance of building permits, and in accordance with Chapter 9.17 of this title.
- B. Existing vegetation is retained in, and part of the comprehensive development project not designated for grading or construction. Site design preserves native or historic/mature vegetation, unless otherwise approved by the **Community & Economic Development** Director.
- C. Existing vegetation that cannot be preserved in place, but is suitable for transplanting, is relocated elsewhere on site, as approved by the community development department director.
- D. Unimproved disturbed areas are landscaped within one hundred eighty (180) days following issuance of a grading permit and/or within thirty (30) days of issuance of a certificate of occupancy, whichever is earlier.
- E. All landscaping within public easements or areas dedicated to the city is of low maintenance, xeriscape or native plant material.
- F. An open space network is designed to provide contiguous linkages throughout the development parcel, and between adjacent parcels, where major public trail systems or vista corridors are designated. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.25, 2003; Ord. 359 (Attach. 2 (part)), 1992)

9.16.210 Grading.

- A. Man-made slopes shall conform to patterns of the natural terrain. All cut and fill slopes shall be landscaped and shall be stabilized to control erosion.
- B. “Landforming” shall be applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height.
 - 1. Landforming shall be accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping.

2. Rear and side yard slopes between adjacent lots within the same project need not be landformed unless they are greater than one hundred (100) feet in length or ten (10) feet in vertical height.

C. Any cut or fill slope to be revegetated shall not be steeper than 2:1.

D. All excess excavated material shall be removed or otherwise placed to become an integral part of the site development.

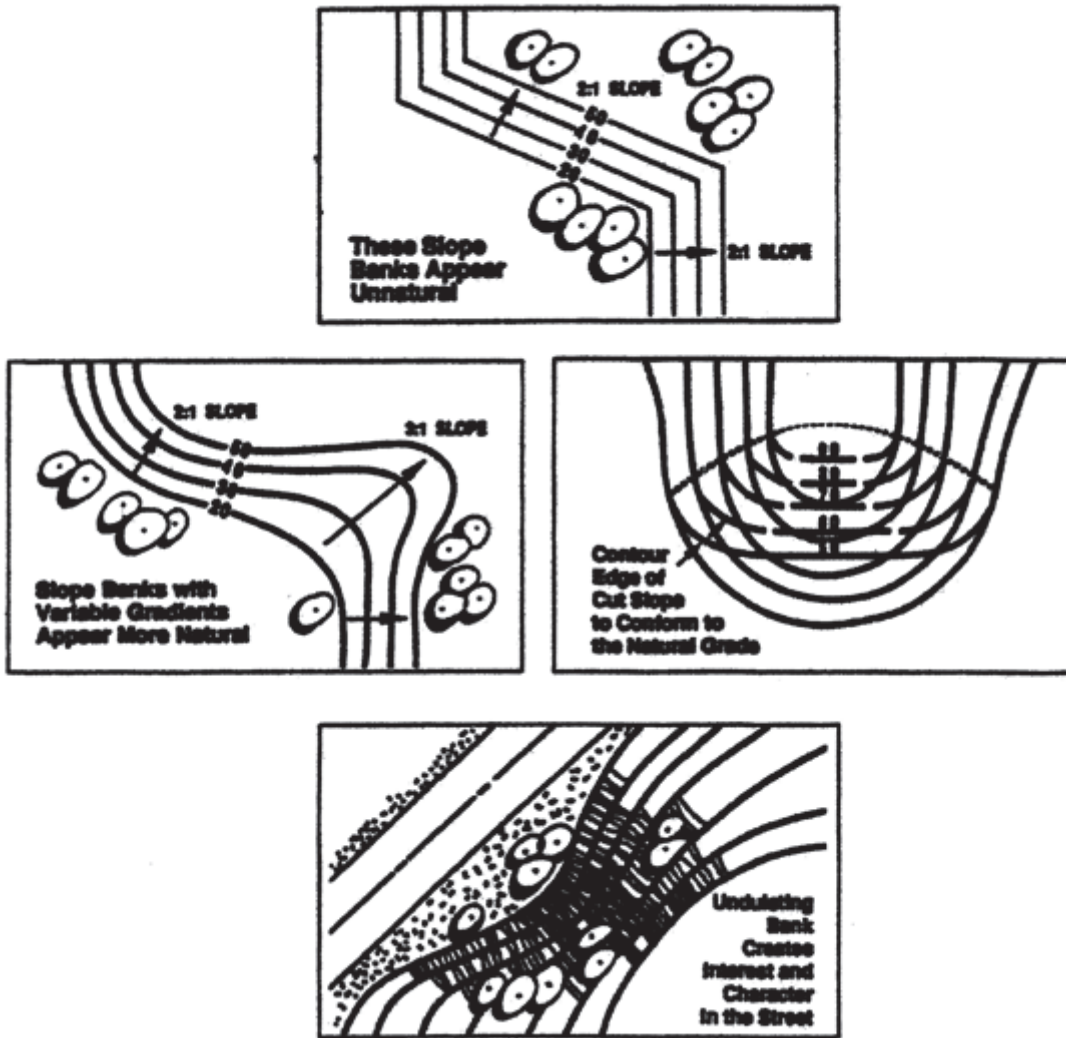
E. During construction, measures such as sediment traps or terracing shall be used around all graded areas to minimize erosion.

F. Whenever archeological or paleontological sites are discovered during excavation, the planning division shall be notified immediately and mutually agreeable precautions taken to preserve the artifacts.

G. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings shall be protected to the greatest extent feasible in the siting of individual lots and building pads. These features shall be shown on the grading plan with appropriate protection and relocation notes. Where trees with four-inch or greater trunk diameters are to be removed, they shall be replaced with at least twenty-four (24) inch box size trees of the same species, or as approved by the planning division, at a ratio of three new trees for each mature tree removed.

H. All dwelling units shall be located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the city engineer and the [Community & Economic Development Department](#).

I. Crib walls, or an equivalent, may be used to enhance a cut slope's capability to be landscaped, providing they are properly irrigated. They should not be used, however, to increase flat pad size or to otherwise intensify project grading.



J. Any manufactured slope shall be contoured in a manner to appear to have a natural grade. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1992; Ord. 359 (Attach. 2 (part)), 1992)

9.16.220 Roadways and circulation.

A. Road alignments, driveways and parking areas shall conform as closely as possible to natural topography.

B. Existing vegetation shall be preserved to the greatest extent possible in the location of roads and shall be retained as medians or buffers wherever possible within the unimproved right-of-way.

C. Variations in road design and construction may be permitted to keep grading and cut slopes to a minimum.

D. One-way loop roads may be constructed where appropriate for the terrain.

E. Combinations of collective private driveways, cluster parking areas and off-street parking bays **(including pervious paving where feasible)** are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. **Pervious surfaces are recommended where feasible.**

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

- a. Use the natural ridgeline as a backdrop for structures;
 - b. Use landscape plant materials as a backdrop;
 - c. Use the structure to conceal cut slopes;
 - d. Retain major natural skyline profiles;
 - e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.
6. Encourage smaller pad to lot size ratios for all dwelling units.
 7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be “earth tones” compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.
2. The design of the structure should give consideration to the lot’s size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.
3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous “cookie-cutter” look.
4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.
5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.
6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the “downhill” side and aimed toward the “uphill” side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed eight (8) feet above finished grade, in or on a building wall not to exceed eight (8) feet above finished grade and shielded, or on a structure to a height of not more than twelve (12) feet for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a “dark sky” environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.17.030 Landscape and irrigation design standards.

A. General. The landscape plans shall incorporate low water use plants, turf trees and ground covers adaptable to the area. A list of plants may be found in the county of Riverside's Guide to California Friendly Landscaping that provides a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Plants not on the list may be used providing the water consumption does not exceed the project's water budget. Consideration should be given to climate, soil types and topographic conditions. Landscapes should group plants using similar watering patterns to eliminate over watering and provide irrigation watering zones of similar use.

The irrigation systems shall be installed using water-conserving equipment including the installation of bubblers, drip systems, low volume sprays and smart irrigation controls. Smart irrigation controls are sensitive to the changing weather patterns and adjust watering cycles automatically to reduce water usage during colder/rainy weather. A water budget shall be completed that meets Eastern Municipal Water District guidelines and submitted with the landscape plans. Based on the landscape design, the water budget will determine the landscape's water demand. Once calculated, the annual maximum allowable water budget (AMAWB) is compared to the estimated annual water use (EAWU) to ensure the design does not exceed the allowed water use.

Projects shall be designed to capture and retain storm water onsite to improve water use efficiency and water quality. The use of reclaimed water is encouraged. Contact Eastern Municipal Water District for availability.

B. Plan Design Standards. The following design standards are required on all landscape plan submittals:

1. Final landscape and irrigation plans shall be based on the approved site plan and/or the final grading plan for the project.
2. Final landscape and irrigation plans for all projects, with more than one thousand (1,000) SF of landscaped area, except custom homes or projects designed in-house by the public works department or parks and community services department, shall be designed (and wet stamped/certified) by a California state licensed architect, civil engineer or landscape architect. All non-residential projects with one thousand (1,000) square feet or less of landscaped areas shall provide landscape and irrigation plans certified by a certified irrigation designer.
3. Minimum scale is one inch = twenty (20) feet. A smaller scale may be used with prior approval by the city. Standard sheet size is twenty-four (24) inches by thirty-six (36) inches.
4. Existing vegetation shall be retained on any portion of a development not designated for grading or construction, unless otherwise approved or required by the city.

5. Landscape shall include drought-tolerant plants and water conservation principles.
6. All soil surfaces in landscape areas shall be covered with plant materials, walkways or mulch (organic or inorganic).
7. Ground-mounted equipment (e.g., transformers and back flow preventers) shall be screened with landscaping or screening walls, allowing for adequate access for equipment maintenance.
8. Trash enclosures are screened with at least three feet of landscaping on three sides.
9. Unimproved areas are maintained in a weed-free condition, and may require temporary landscape and irrigation.
10. All nonturf landscape areas are covered with a minimum of three inches of mulch following installation, unless otherwise approved by the city.
11. Native or low-water use plant materials shall be used. The use of invasive plants should be avoided. (See the California Invasive Plant Inventory by the California Invasive Plant Council www.cal-ipc.org). No invasive plants are permitted adjacent to Multi-Species Habitat Conservation Plan conservation areas.
12. Water budgets that meet Eastern Municipal Water District guidelines shall be attached to plan submittal. Obtain water budget information from Eastern Municipal Water District.
13. Water budgets are subject to approval by Eastern Municipal Water District. The city of Moreno Valley will cooperate with Eastern Municipal Water District in monitoring to the extent practicable.
14. Irrigation systems shall be designed, maintained and managed to meet the current irrigation efficiency standard as determined by the state of California Code of Regulations and Eastern Municipal Water District. Landscape plans submitted shall meet this standard.
15. Water quality basin design shall ensure that the design between the basin and the required landscaping area complement one another.

C. Turf Areas.

1. Turf areas shall have a maximum design slope of twenty (20) percent and a minimum design slope of one percent.

2. Turf areas shall be limited to less than twenty-five (25) percent and only in gathering areas with the exception of parks and similar recreational facilities. Turf shall not be used solely for decorative purposes. Turfless or xeriscape design concepts are preferred.

3. Where turf areas are allowed, drought-tolerant and warm season turf varieties shall be used.

4. Except for single-family residences, concrete mow strips shall be installed between all turf areas and groundcover/shrub areas, vine pockets, walls, structures, or signs.

5. High quality artificial turf is allowed as an element of a project landscape.

6. Native grasses not requiring regular mowing shall be used in lieu of turf in water quality facilities.

D. Ground Cover/Shrub Areas.

1. Shrubs and groundcover shall be installed in shrub/planting areas in amounts and at intervals that will provide eighty (80) percent coverage within twenty-four (24) months.

2. Shrubs shall be located to provide visual interest to the project site, break-up building massing, and help screen unsightly views.

3. Groundcover (low water use plants are preferred) shall be installed in such a manner to ensure eighty (80) percent coverage within twelve (12) months.

4. No plantings shall be located closer than twenty-four (24) inches from any building or structure, unless otherwise approved by the city.

5. All planting areas adjacent to buildings or structures shall slope away from all buildings, structures or walls, or incorporate drains to direct water away from these elements.

6. Large ground cover areas shall have multiple plant types including a variation in height, texture and color.

7. The plant palette provided in the Riverside County Landscape Guidelines is recommended to identify plants which can be used to establish a balance of drought tolerant plants.

E. Trees.

1. Trees shall be planted in a manner, which maximizes the shading of paved areas, outdoor seating, and both south- and west-facing windows.

2. Street trees for designated streets shall be used, unless a different street tree has already been established along the street segment in question.

3. Trees shall be planted at sufficient size and manner to ensure successful establishment and protection from breakage.

4. All landscape plans shall indicate mature tree canopy diameters.

5. All mature tree canopies in parking lots shall be pruned and maintained to maximize shade potential and ensure healthy, maximum growth. Topping of trees shall be avoided.

6. The tree palette shall provide a balanced use of evergreen and deciduous trees with attention to summer shade, fall and spring color, winter sunlight, and new growth.

7. Parkway tree planting shall provide a buffer effect that creates partial screening between parking lot areas and street vehicular traffic.

8. Existing mature trees that cannot be preserved in-place, shall be transplanted elsewhere on the site, unless transplantation is infeasible due to the type or condition of the trees.

9. Projects necessitating the removal of existing trees with four-inch or greater trunk diameters (calipers), shall be replaced at a three to one ratio, with minimum twenty-four (24) inch box size trees of the same species, or a minimum thirty-six (36) inch box for a one to one replacement, where approved.

10. Trees shall be planted in a manner and at locations, which minimize the potential for damage to adjacent walkways and paving.

F. Irrigation.

1. All planted landscape areas shall be provided with an approved “smart” automatic irrigation control systems (labeled as evapotranspiration (E.T.) based), with rain sensing and/or soil moisture sensing devices. Watering during the rain shall be avoided.

2. Drip, ~~and~~ bubbler-type and ~~MP rotator~~ **rotor sprays or stream roter** sprinkler heads or similar efficient sprinklers shall be used whenever possible. These sprinklers should be used exclusively when positioned adjacent to building walls. (Bubblers and spray heads should be pressure compensating, low volume type).

3. Separate irrigation zones shall be provided for areas with different irrigation requirements, including, but not limited to, trees, turf and nonturf areas.
4. Reduced pressure backflow preventers are required on all irrigation systems.
5. No fixed risers are permitted, unless otherwise approved by the Community & Economic Development Director.
6. A pressure vacuum breaker shall be installed at the top of slopes when irrigation is installed on the top of the slope.
7. Irrigation shall be placed in a manner that eliminates overspray, runoff, wicking action and/or damage to adjacent buildings, walls, walks, driveways, streets, and fences.
8. Irrigation of landscapes should occur between nine p.m. and six a.m. except during the establishment period, when temperatures are predicted to fall below zero or when repairing/adjusting the irrigation system.
9. Eastern Municipal Water District will calculate the annual maximum allowable water budget (AMAWB) for customers requesting a new account. The proposed landscape must meet the AMAWB requirements prior to meter release. (Ord. 786 § 2, 2009)

9.17.050 Parking and drive-through landscape areas.

Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:

- A. Design Considerations.

1. Parking lots and drive-throughs shall be screened from the public right-of-way by a thirty-six (36) inch high wall, shrub row and/or by berming. If walls are employed, they must be aesthetically compatible with the project design.

2. Landscape areas in the parking lot shall be designed to minimize the potential for pedestrians to cross any landscape areas to reach building entrances and to access parked cars. Walkways shall be provided to facilitate pedestrian access, especially at corner locations.

3. ~~Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director.~~ Curb cut openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.

4. Turf is not permitted in parking lot planters.

B. Landscape Islands, Diamond, Finger and Perimeter Planters.

1. Landscape finger planters shall have a minimum interior dimension of five feet by sixteen (16) feet, exclusive of curbs, step-outs and other hard surfaces. A finger planter with parking on one side has a minimum curb-face-to-curb-face dimension of seven feet. An island with parking on both sides has a minimum curb-face-to-curb-face dimension of eight feet.

2. Diamond planters have a minimum of twenty-five (25) square foot interior area (exclusive of perimeter curbing) with minimum interior dimensions of five feet by five feet. The minimum exterior area (including perimeter curbing) is thirty-six (36) square feet.

3. End islands, or finger planters are provided at the end of each aisle of parking to define parking lot circulation, provide sight distance at the intersection of drive aisles and places for trees.

4. Where double rows of parking are provided, diamond or island planters are provided at an interval of one planter every three pairs of parking stalls. Minor adjustments are allowed in cases where this exact interval would be infeasible.

5. A finger planter is provided at an interval of every twelve (12) parking stalls along any row of parking. Minor adjustments are allowed in cases where this exact interval would be infeasible.

6. The perimeter of the parking lot has a planter with a minimum width of five feet, interior dimension, exclusive of footings, curbs and step-outs.

C. Planter Curbs and Step-Outs. Planters shall be separated from parking spaces by a six-inch wide concrete curb. Where a planter (finger or island) is located on the side of a parking space, a twelve (12) inch wide concrete step-out is required along the long dimension of the parking space. A step-out is required, in addition to a six-inch curb, resulting in a combined concrete surface measuring eighteen (18) inches in width.

D. Trees-Number, Location, and Type.

1. Trees may be planted in clusters along the street frontage and side and rear setbacks, if applicable.

2. Parking lot trees shall be planted to align with the ends of parking lot stripes (between cars) and away from light standards, in order to create adequate shade canopies, and avoid damage to tree trunks.

3. The selection of parking lot trees should emphasize the provision of summer shading of pavement and vehicles. Within a maximum of ten (10) years, parking lot trees shall shade a minimum of fifty (50) percent of parking space pavement during the summer months, between one and four in the afternoon. A maximum of fifty (50) percent of the parking lot trees may be deciduous unless otherwise approved by the community development department.

4. The selection of parking lot trees shall avoid trees with excessive litter, sap or fruit that could damage vehicles. (Ord. 808 § 2.8, 2010; Ord. 786 § 2, 2009)

9.17.070 Single-family residential development.

A. Plans for landscape construction or reconstruction of existing single family units, custom homes and model home complexes are subject to review by the Planning Division to ensure:

1. Conformance with prevailing building design guidelines, with pleasing visual aesthetics and water efficient design.

2. Use of xeriscape landscaping;

3. Use of approved landscape materials.

4. Use of approved “smart irrigation” controllers.

5. Irrigation systems minimize overspray onto structures or hard surfaces such as sidewalks, driveways and walls/fences.

6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. Pervious pavement/surfaces are recommended to reduce water runoff.

7. New and existing single family front yard setbacks include front and street side yard landscaping consisting predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.

8. Ground cover should be used to absorb runoff from rain or irrigation.

9. Reduction of hardscape/paving, incorporating permeable surfaces to reduce runoff.

10. The plant palette provided in the County of Riverside Guide to Friendly Landscaping is recommended to identify plants which can be used to establish an aesthetically pleasing and water efficient landscape.

B. Model homes are provided by a developer as examples of the housing product for sale within the subject tract. A xeriscape planting concept with a turfless front yard is incorporated for at least one of the models. The concept must be used in at least 25% of the production units. Promotional information on xeriscape-planting concepts is made available for prospective homebuyers.

C. For parking lot, walls, screening and other landscape requirements, see applicable sections of the title. (Ord. 616 § 2.2.27 (part), 2003)

9.17.080 Multifamily residential development.

A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. The use of permeable surfaces is recommended for walks and patios to reduce water runoff.

B. Trees shall be positioned such that trees are planted to shade paved areas and west- and south-facing windows for energy-efficient savings; coniferous or nonwinter deciduous trees are kept away from south-facing windows in order to allow for

heat gain during winter months. The larger sized trees should be placed at entries and accent areas.

C. Turf shall be limited and installed in useable gathering areas only with a maximum of twenty-five (25) percent. (Ord. 786 § 2, 2009)

9.17.090 Commercial, industrial, public and quasi-public development.

A. All required setback areas, exclusive of required walkways and driveways shall be landscaped. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. Gated and screened storage areas may be exempted from this landscape requirement per approval of the community development director.

B. A landscape buffer shall be provided on a nonresidential site when adjacent to residential uses to provide visual relief to the nonresidential side. Plant materials shall be selected so that at maturity (within ten (10) years), intermittent visual obstruction with no unobstructed openings greater than five feet in horizontal distance remain.

C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the use of pervious surface areas that reduce water run off. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

D. Additional parking lot trees shall be provided at one tree per thirty (30) linear feet of parking lot adjacent to the interior property.

E. Project entry drives shall incorporate enhanced landscaping (size and variety of vegetation) and pavement.

F. Projects with frontage abutting arterial streets shall be required to construct parkways in conformance with city standard engineering plans unless otherwise approved by the community development director.

G. Turf is limited to gathering areas only. (Ord. 786 § 2, 2009)

9.17.110 Erosion control/slope planting.

Erosion control landscape plans are required for all cut or fill slopes over three feet high. Landscaping provides erosion control while maintaining the aesthetic values of the hillside.

A. General/Design Requirements.

1. Landscape must establish or reinforce a design concept for the specific hillside area, while complimenting buildings and streetscapes.
2. Placement of plant materials shall reinforce the natural terrain and topography of the area.
3. Tree species and placement shall respect potential view sheds of neighboring properties.
4. Erosion control and fire prevention devices may be required depending on the degree and length of slope, soil type, etc.
5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, [draining to landscape or permeable surface areas that allow for water retention and absorption.](#)
6. Turf shall not be used for slope planting. Hydro seed and water efficient grasses not requiring regular mowing may be permitted per approval by the community development director.
7. Slopes that abut public streets/right-of-ways must also adhere to applicable portions of Section 9.17.090. (Ord. 786 § 2, 2009)

9.17.130 Water quality landscape designs.

Water quality landscapes are designed to encourage the use of landscape areas as a water treatment area incorporating small scale features across a site to assist in watershed hydrology functions.

A. Water treatment areas shall be no deeper than twenty four (24) inches visible within the landscape setback areas unless otherwise approved by the Community [& Economic](#) Development Director. Rock or other decorative material may provide for greater depth of the treatment areas. No fencing will be required around water treatment areas that do not exceed Building Code fencing requirements (currently twenty four (24) inches in visible depth).

B. Basins and treatment areas shall be landscaped to appear like a natural water feature.

C. Design and site considerations shall be aesthetically consistent with surrounding landscaping using a variation of plants and materials. (Ord. 786 § 2, 2009)

9.17. 150 Water Efficiency Requirements.

1. Refrain from hosing down driveways and other hard surfaces, except from health or sanitary reasons and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

2. Repair faucets, toilets, pipes and other potential sources of water leaks.

3. Irrigate landscape only between 9:00 p.m. and 6:00 a.m. This provision does not apply when:

- manually watering during the establishment period of a new landscape;
- temperatures are predicted to fall below freezing;
- for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

4. Refrain from watering or irrigating of any lawn, landscape or other vegetated area with potable water using a landscape irrigation system or watering device that is not continuously attended unless it is limited to no more than fifteen (15) minutes watering per day per station. This 15 minute limitation can be extended for:

- Landscape irrigation systems that exclusively use very low flow drip irrigation systems when no emitter produces more than two (2) gallons of water per hour.
- Weather based controllers or stream rotor sprinklers that meet a 70% efficiency.

Run-off or over watering is not permitted in any case.

5. Adjust and operate all landscape irrigation systems in a manner which will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting run-off.

6. Refrain from watering or irrigating any lawn, landscape or other vegetated area that causes or allows excessive water flow or run-off onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.

7. Do not use decorative fountains unless they are equipped with a recycling system.

8. Do not allow water to run while washing vehicles. Use a bucket or similar container and/or a hand-held hose equipped with a positive self-closing water shut-off device to avoid run-off into gutters, street or alleys.

9. When installing new landscaping, plant low-water demand trees and plants. Do not incorporate non-functional turf areas.

10. Refrain from watering during rain.

11. **Direct all runoff from roofs and hardscape areas to landscaping areas or water capture systems.**

12. **Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.**

It is important to adhere to these measures to help maximize the impacts and prevent more stringent actions.

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Landscape Standards



City of Moreno Valley
California

Single Family Residential

Front yards: 25% turf (maximum) with the remaining yard planted with shrubs, ground covers and required trees. Turf shall be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. Pervious pavement/surfaces are recommended to reduce water runoff.

Trees: Street trees 40-ft on center (2-ft on private side of property line); minimum 1 tree per lot (see graphic on page 5).

Minimum: 1 tree on short frontage, 2 trees on long.

Shade trees: minimum one per lot in addition to street trees (see graphic on page 5).

Reverse Frontage parkways: see page 8-9

Erosion Control: see page 12

See Street tree list- pages 18-23 Landscape planting specifications: see pages 15-17.

Tree Size - see page 17

Multi-Family Residential

- Minimum 35% of site (exclusive of private yards and patios) shall be landscaped. The use of permeable surfaces is recommended for walks and patios to reduce water runoff.
- Turf shall be limited and installed in useable gathering areas only with a maximum of 25%.
- All setback areas must be landscaped exclusive of drives and sidewalks.
- Street trees: 40-ft on center in the right-of-way (ROW).
- Landscape Trees: 1 tree per 30-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 30-linear feet of perimeter planter areas.
- Residential 30: 1 tree per 20-ft linear perimeter building dimension for the portion of building visible from the parking lot or ROW and 1 tree per 20-linear feet of perimeter planting areas.
- Parking lot trees: provide trees pursuant to parking lot specifications.
- 25% of trees must be minimum 24 inch box.
- Off-street parking must be screened (3-ft high berm, shrubs or wall) from ROW. • Provide buffer landscaping (evergreen trees) adjacent to single family residential and commercial uses (maximum 5-ft openings at maturity [assumed 10-years]).
- Provide enhanced landscape and paving at entry drives.
- Encourage use of winter-deciduous trees at south facing elevations.
- Place larger trees as street trees, near the street ROW, entries, and focal points.
- Mass plantings for a pleasing effect with clustering of plant material of various heights.
- Incorporate plazas or paseos where possible.
- Incorporate water features, seating walls, benches, tables, trellises, sculpture, and other elements to establish social gathering places and integrated pedestrian network throughout development.
- Parking lots - see page 10 &11.
- Erosion Control - see page 12.
- Landscape planting specifications - see pages 15-17.
- See street tree list - pages 18-23.

Parking Lots

- Paved area of parking space may be reduced from 18 to 16 feet if there is an extra 2 feet of planter width beyond minimum requirement (see graphic pg.11).
- Provide tree and other plantings to provide a minimum 50% lot shading at maturity (assumed 10 years).
- Maximum 50% of trees shall be winter-deciduous. Evergreen trees are encouraged.
- Screen from streets (3 ft-high berm, shrubs or wall required) (see graphic on page 10).
- Design to minimize pedestrian crossing of landscape areas from street to buildings and parking.
- Curb cut openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. Wheel stops shall not be permitted unless approved.
- Provide minimum 6 inch-wide curb for planters adjacent to stalls; plus a 12-inch minimum step-out adjacent to long side of stall (total min. 18in concrete surface) (see graphic on page 11).

Provide planters:

- End Planters (with 2 trees/planter) at terminus of each aisle.
- Finger planters (with 1 tree/planter) every 12 stalls along building and perimeter of lot. Minimum dimensions –interior 5'x16'.
- Planters with parking along 1 side – 7 ft minimum curb face-to-curb face (including curb and step-outs).
- Planters with parking along both sides – 8 ft minimum curb face-to-curb face (including curb and step-outs).
- Diamond planters for double rows of parking (spaced minimum 1 per 6 stalls. For single loaded not adjacent to building, one diamond planter for every 3 spaces. Minimum dimensions – interior –25 SF with 5-foot width; exterior –6-ft curb face-to-curb face.
- Planters at perimeter of parking lot - Minimum 5 feet interior dimension, exclusive of footings, curbs, and step-outs (see graphic pg.11).
- Cluster excess trees along street frontage, and side/rear setbacks.
- Alternate planting arrangements may be considered if demonstrated to provide same number of trees, minimum planter areas and lot shading, as identified above.

Slopes and Erosion Control

- Establish or reinforce design concept adjacent to natural hillside area.
- Place plants to stabilize slope.
- Select species and placement to respect viewsheds.
- Provide a variety of planting materials; a weed-free hydro-seed mix (that provides some flowering color may be used in special circumstances: i.e. natural slope), groundcover, shrubs and trees. Turf shall not be used for slope planting. Water efficient grasses not requiring regular mowing may be permitted with approval. (The variety of planting will provide a variety of root depths which is key to soil stability on slopes.)

Slopes 3-5ft: groundcover .

Slopes 5-8ft: groundcover and shrubs.

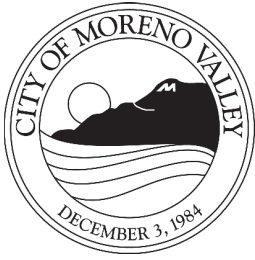
Slopes 8ft or greater: groundcover, shrubs, and trees.

- Provide rooted cuttings or liners, where visible from ROW or slopes greater than 30 feet high.
- Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, [draining to landscape or permeable surface areas that allow for water retention and absorption.](#)
- Plant in bands and clusters on the slope.
- Trees: provide one 15 gallon/500SF of landscaped area.
- Temporary irrigation may be required to establish landscaping.
- See irrigation - p. 25.
- Shrubs and groundcover - page 16.



Irrigation

- Automatic irrigation systems are required.
- Approved “smart” automatic irrigation control systems(labeled as evapotranspiration (E.T.) based) with rain sensing or soil moisture sensing devices are required.
- Provide backflow preventers, except for single-family residential.
- Do not use fixed risers, unless otherwise approved.
- Drip, bubbler systems and/or rotor sprays or stream roter sprinkler heads or similar efficient sprinklers are to be used wherever feasible. (Required adjacent to walls, buildings or structures, where they are to be located no closer than 24”.)
- Spray-type sprinklers shall be used no closer than 5-feet from walls, buildings, or structures (spray must be 3-feet or less.)
- Irrigation lines must be buried if directed to building.
- Provide separate irrigation zones and sprinkler types for areas with different watering requirements.
- Do not use Atmospheric Vacuum Breakers at top of slope.
- Irrigation systems shall be designed, maintained and managed to meet the current irrigation efficiency standards as determined by the State of California Code of Regulations meeting the current evapotranspiration rate and the Annual Maximum Allowable Water Budget as determined by Eastern Municipal Water District.
- Irrigation systems shall be designed to eliminate overspray.
- Landscape irrigation shall be limited to the hours of 9:00 p.m. to 6:00 a.m.



PLANNING COMMISSION STAFF REPORT

Case: PA10-0035 Amendment to Municipal Code
9.03 Residential Development
9.08 Grading
9.11 Parking, Pedestrian and Loading
Requirements
9.16 Design Guidelines
9.17 Landscape Requirements

Date: May 12, 2011

Applicant: City of Moreno Valley

Representative: Planning Division

Location: City-wide

Proposal: The proposed amendment is an update to the City's Municipal Code to implement new design standards to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Permit which is designed to minimize impacts from new development as well as redevelopment projects discharging urban waters entering Waters of the U.S. from municipal separate storm sewer systems which is regulated under the National Pollutant Discharge Elimination System (NPDES) permit.

Recommendation: Approval

ATTACHMENT 5

PROJECT DESCRIPTION

This proposed amendment would modify various provisions of the Municipal Code Sections 9.03 Residential Development, 9.08, Grading 9.11, Parking, Pedestrian and Loading Requirements, 9.16, Design Guidelines, and 9.17 Landscape Requirements providing new design standards promoting green infrastructure/low impact development (LID) techniques to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Permit requirements with required compliance by July 29, 2011. Additionally, all projects are required to include “Best Management Practices” (BMPs) which provide measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States,

The primary changes include revising design requirements to promote on-site water retention and infiltration in an effort to clean the water of contaminants prior to the water being discharged from the site into storm drains and flood control channels which then enter receiving waters such as the Santa Ana Watershed. Hardscape areas increase the runoff and amount of water that needs to be cleaned by the water quality permit. The proposed site design requirements and preferences are intended to reduce the runoff and the costs associated with cleaning runoff.

In an effort to meet the goals and objectives of the permit requirements and include Best Management Practices into the site design, projects will be required to reduce the hardscape within the parking lots and on site hardscape areas by increasing the landscape areas, using pervious materials in the design, as well as providing additional curb cuts to convey the drainage into landscape areas for water quality retention and absorption.

Included are changes to Municipal Code sections 8.10 Storm Water/Urban runoff Management and Discharge Controls and 8.21 Grading Regulations with the addition of 8.21.200 Permeable Surface Design. The Public Works Department is responsible to ensure projects meet water quality requirements as well as site grading while complying with the MS4 permit requirements. These changes are included to be consistent through inter-departmental reviews. Municipal Code section changes to Title 8 are provided for consistency with Title 9, however, do not require any action from the Planning Commission.

Where applicable in all sections listed, Community Development Director/Department has been changed to Community & Economic Development Director or Community & Economic Development Department. Additionally, minor clerical items have been corrected for consistency.

The following are the proposed changes to the Municipal Code, Title 9 for Planning and Zoning.

9.03.040 Residential Development

CURRENT STANDARDS	PROPOSED CHANGES
Section F	Section F
5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent	5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent

<p>of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials except for necessary walks and fences.</p>	<p>of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials <u>to include water efficient native plants</u>, except for necessary walks and fences. <u>Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces.</u> <u>Hardscape areas are recommended to be constructed with permeable surfaces where feasible to reduce run off.</u></p>
<p>6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.</p>	<p>6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community <u>& Economic Development Director</u> may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.</p>
<p>Section G</p> <p>4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.</p>	<p>Section G</p> <p>4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. <u>Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.</u></p>
<p>Section G</p> <p>12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.</p>	<p>Section G</p> <p>12. <u>Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.</u></p>

9.08.080 Grading

CURRENT STANDARDS	PROPOSED CHANGES
Section A. Lots slope toward, rather than away from the street; unless otherwise approved by the city engineer.	Section A. Lots slope <u>to landscape areas or permeable surfaces</u> unless otherwise approved by the city engineer;
New standard.	<u>Section M.</u> <u>Grading shall only be performed on the portion of the site where the building will be located and necessary improvements.</u>

9.11 Parking, Pedestrian and Loading Requirements

9.11.010 Purpose and intent.

CURRENT	PROPOSED
Section E. Implement general plan circulation and energy conservation policies:(Ord. 359 (part), 1992)	Section E. Implement general plan circulation and energy conservation policies; <u>and</u> (Ord. 359 (part), 1992)
New	<u>Section F.</u> <u>Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.</u>

9.11.040 Off-street parking requirements

CURRENT	PROPOSED
Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the minimum off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses	Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the <u>required</u> off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. <u>Parking provided above the amount of required off-street parking must be</u>

	<u>constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:</u>
911.040 A-12 Table The table states the minimum requirement for parking based on the use.	<u>The table will state the “required” parking based on the use.</u>

9.11.060 Off-street bicycle parking requirements

CURRENT	PROPOSED
Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition	Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. <u>Pervious pavement is recommended.</u>

9.11.080 Design standards.

CURRENT	PROPOSED
New	<u>25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. permeable surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.</u>
Section B 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be a minimum of nine feet in width eighteen (18) feet in depth (see Figure 9.11.080-5).	<u>Section B</u> 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine (9) feet in width <u>and sixteen (16)</u> feet in <u>depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be</u> eighteen (18) feet <u>of paved</u> in depth <u>with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback).</u> (see Figure 9.11.080-5).
Figure 9.11.080-5	<u>Figure 9.11.080-5 modified to reflect 16 feet Nonparallel Parking Spaces</u>

<p>Figure 9.11.080-6</p>	<p><u>Figure 9.11.080-6 Parking Space Striping Requirements</u> <u>modified to reflect both 16 feet and 18 feet in depth parking spaces labeled as 911.080-6A and 9.11.080-6B</u></p>
<p>Section C</p> <p>1. Drainage. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.</p>	<p>Section C</p> <p>1. Drainage. <u>Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading.</u> All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.</p>
<p>Figure 9.11.080-6</p>	<p><u>Figure 9.11.080-6, Parking Space Striping Requirements-- modified to reflect parking space dimension requirements.</u></p>
<p>Section E.</p> <p>1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer.</p>	<p>Section E.</p> <p>1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. <u>Every effort should be made to use permeable surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.</u></p>

9.11.100 Circulation-Pedestrian

CURRENT	PROPOSED
<p>Section A.</p> <p>Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation.</p>	<p>Section A.</p> <p>Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. <u>The use of</u></p>

	<u>permeable paving surfaces is recommended where feasible.</u>
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9.16 Design Guidelines

9.16.010 Introduction and scope of guidelines.

CURRENT	PROPOSED
<p>Section A. —</p> <p>The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commissions and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.</p>	<p><u>Section A.</u></p> <p><u>The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.</u></p>

9.16.110 Objectives, generally.

CURRENT	PROPOSED
<p>Section C.</p> <p>6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment,</p>	<p>Section C.</p> <p>6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, <u>including water quality features integrated into the site design such as water retention and absorption areas and the use of permeable surfaces to reduce water run off;</u></p>
<p>7. Working in concert with the city's landscape guidelines as adopted by</p>	<p>7. Working in concert with the city's landscape <u>requirements.</u> guidelines—as</p>

Ordinance No. 247.	adopted by Ordinance No. 247.
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9.16.120 General guidelines.

CURRENT	PROPOSED
<p>Section A.</p> <p>16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view.</p>	<p>Section A.</p> <p>16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. <u>Roof drains shall be integrated into the building design for aesthetics and shall convey water to landscape areas for water quality.</u></p>
<p>7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.</p>	<p>7. Working in concert with the city's landscape <u>requirements.</u> guidelines—as adopted by Ordinance No. 247.</p>

9.16.130 Single-family residential.

CURRENT	PROPOSED
<p>Section B.</p> <p>10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access.</p>	<p>Section B.</p> <p>10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. <u>Permeable surfaces are required for such areas within required setbacks.</u></p>
<p>11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements.</p>	<p>11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. <u>Permeable surfaces are recommended where feasible.</u></p>

9.16.140 Multifamily residential shall be deleted in its entirety.

The multifamily residential design guidelines were incorporated into section 9.03.040 of the Municipal Code which was approved September 22, 2009.

9.16.150 Commercial (retail, office, mixed use).

CURRENT	PROPOSED
<p>Section B.</p> <p>28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be located inside the exterior walls of a structure.</p>	<p>Section B.</p> <p>28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and <u>drain into a landscape area for water quality, retention and absorption to reduce water run off.</u></p>

9.16.160 Business park/industrial.

CURRENT	PROPOSED
<p>Section B.</p> <p>14. Courtyards for resting, gathering and eating by employees shall be provided (Ord. 359 (Attach. 2 (part)), 1992)</p>	<p>Section B.</p> <p>14. Courtyards for resting, gathering and eating by employees shall be provided. <u>Permeable surfaces are recommended where feasible.</u> (Ord. 359 (Attach. 2 (part)), 1992)</p>

9.16.220 Roadway Circulation.

CURRENT	PROPOSED
<p>Section E.</p> <p>Combinations of collective private driveways, cluster parking areas and off-street parking bays are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)</p>	<p>Section E.</p> <p>Combinations of collective private driveways, cluster parking areas and off-street parking bays <u>(including pervious paving where feasible)</u> are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach.</p>

	2 (part)), 1992)
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9.16.235 Hillside Development.

CURRENT	PROPOSED
<p>Section A</p> <p>2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.</p>	<p>Section A</p> <p>2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. <u>Permeable surfaces are recommended where feasible.</u></p>

9.17 Landscape and Water Efficiency Requirements

9.17.050 Parking and drive-through landscape areas.

CURRENT	PROPOSED
<p>Opening paragraph:</p> <p>Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:</p>	<p>Opening paragraph:</p> <p>Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, <u>promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces,</u> and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:</p>
<p>3. Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director. Openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality.</p>	<p>3. <u>Curb cut</u> openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. <u>Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.</u></p>

9.17.070 Single family residential development.

CURRENT	PROPOSED
<p>6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback.</p>	<p>6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. <u>Pervious pavement/surfaces are recommended to reduce water runoff.</u></p>

917.080 Multifamily residential development.

CURRENT	PROPOSED
<p>Section A.</p> <p>A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls.</p>	<p>Section A.</p> <p>A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. <u>The use of permeable surfaces is recommended for walks and patios to reduce water runoff.</u></p>

9.17.090 Commercial, industrial, public and quasi-public development.

CURRENT	PROPOSED
<p>Section C.</p> <p>In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged. Such areas should incorporate focal points such as</p>	<p>Section C.</p> <p>In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the <u>use of permeable surface areas that</u></p>

<p>water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.</p>	<p><u>reduce water run off</u>. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.</p>
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917.110 Erosion control/slope planting.

CURRENT	PROPOSED
<p>5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability.</p>	<p>5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, <u>draining to landscape or permeable surface areas that allow for water retention and absorption.</u></p>

917.150 Water efficiency requirements.

CURRENT	PROPOSED
<p>New</p>	<p><u>11. Direct all runoff from roofs and hardscape areas to landscaping areas.</u></p>
<p>New</p>	<p><u>12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.</u></p>

ENVIRONMENTAL

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

NOTIFICATION

A 1/8 page public notice was published in the local newspaper Saturday, April 30, 2011.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-11 and thereby **RECOMMEND** that the City Council:

1. **APPROVE** PA10-0035 (Municipal Code Amendment); and,
2. **RECOGNIZE** that PA10-0035 (Municipal Code Amendment) qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

Prepared by:

Approved by:

Julia Descoteaux
Associate Planner

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-11
3. 9.03.040 Residential Development
4. 9.08.080 Grading
5. 9.11 Parking Pedestrian and Loading
6. 9.16 Design Guidelines
7. 9.17 Landscaping

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1 **PUBLIC HEARING ITEMS**

2
3 **1. Case Number: PA10-0035**
4 **Amendment to Municipal Code for Water Quality**
5 **Requirements**

6
7 **Case Planner: Julia Descoteaux, Associate Planner**

8
9
10 **VICE CHAIR BAKER** - Julia, you're up.

11
12 **ASSOCIATE PLANNER DESCOTEAUX** – Good evening Planning
13 Commissioners. I'm Julia Descoteaux, Associate Planner. Before you this
14 evening is an Amendment to the City's Municipal Code, Title 9 for Planning and
15 Zoning. The proposed changes are a result of compliance with the 2010
16 National Pollutant Discharge Elimination System or NPDES, Municipal Separate
17 Storm Sewer MS4 Permit, with compliance required by July 29th, 2011. The MS4
18 Permit Requires that the City promote green infrastructure/low impact
19 development LID techniques for all projects. The primary changes include
20 revising design requirements to promote onsite water retention and infiltration in
21 an effort to clean water of contaminants prior to the water being discharged from
22 the site into the storm drains or flood control channels which then enter receiving
23 waters such as the Santa Ana Watershed. The proposed changes include the
24 use of water efficient native plants, landscape areas increased and designed to
25 promote water retention, the use of permeable surfaces, having openings in the
26 curbs to convey surface drainage into landscape areas, require parking in excess
27 of the required parking to be constructed of permeable surfaces, reducing the
28 depth of the parking stalls and increasing the landscape, reducing the hardscape
29 areas and the use of permeable surfaces wherever feasible. The Planning
30 Division works with the Applicants and the design requirements, however the
31 Public Works Department is responsible to ensure that the projects meet water
32 quality requirements as well as site grading while complying with the MS4
33 Permits and they will be providing changes to Municipal Code Section 8.10,
34 which does not require Planning Commission approval. The project does not
35 have the potential to cause a significant effect on the environment, so the project
36 is exempt from the provisions of the California Environmental Quality Act in
37 accordance with Section 15061 as defined by Section 15378. The project was
38 noticed in the local newspaper and to date I have had no inquiries on the
39 proposed changes. There were several changes to the report and I believe you
40 received a green memo regarding that and all sections were appropriate. The
41 word pervious will be replaced with the word permeable in an effort to be
42 consistent with the proposed changes to Municipal Code Title 8 and in addition,
43 Section 9.08.080, the Grading Section, the addition of letter "M" will be deleted
44 from the Attachment 4 on page 100 and on page 70, number 4. This concludes
45 Staff's presentation and at this time I am available to answer any questions for
46 you. Thank you.

1 **VICE CHAIR BAKER** – Okay, thank you Julia. Do we have any Commissioner
2 questions?

3
4 **ASSOCIATE PLANNER DESCOTEAUX** – Excuse me...Kent Wegelin is also
5 here to answer questions on the NPDES that you might have as well.

6
7 **VICE CHAIR BAKER** – Okay, thank you

8
9 **COMMISSIONER VAN NATTA** – Did I understand you to say that instead
10 pervious we are using permeable and those changes have already been made in
11 this document?

12
13 **ASSOCIATE PLANNER DESCOTEAUX** – No, I'll be making those

14
15 **COMMISSIONER VAN NATTA** – Oh okay, thank you

16
17 **VICE CHAIR BAKER** – Commissioner Salas, do you? Commissioner Owings,
18 are you okay with this? Do have any comments?

19
20 **COMMISSIONER OWINGS** – No comments; no questions.

21
22 **VICE CHAIR BAKER** – Okay, very good. So we will open this item up to Public
23 Testimony. I have no Speaker Slips on this Item No. 1 from the public, so I'll
24 close Public Testimony and we will open Commissioner's Debate for discussion
25 and if there is any additional discussion on this before we move for a motion and
26 second. Okay, everybody is okay so I will move for a motion and second. On
27 this particular one here, Julia one thing we need to know on that Resolution No.,
28 there is 2011... do you know that actual number so we can put that in the
29 minutes.

30
31 **ASSOCIATE PLANNER DESCOTEAUX** – It is 11

32
33 **VICE CHAIR BAKER** – It is 2011-11?

34
35 **ASSOCIATE PLANNER DESCOTEAUX** – Yes

36
37 **VICE CHAIR BAKER** – Okay so whoever makes a motion here, what we need to
38 do is make a motion to approve this resolution and then recommend to the City
39 Council to approve the PA and then recognize the PA10-0035 okay. Do I have a
40 motion for this?

41
42 **COMMISSIONER VAN NATTA** – Okay I move that we **APPROVE** Resolution
43 No. 2011-11 and thereby **RECOMMEND** that the City Council:

- 44
45 1. **APPROVE** PA10-0035 Municipal Code Amendment; and,
46

1 2. **RECOGNIZE** that PA10-0035 Municipal Code Amendment qualifies as
2 an exemption in accordance with CEQA Guidelines, Section 15061 as
3 defined by Section 15378.
4

5 **VICE CHAIR BAKER** – Thank you Commissioner Van Natta. Do I have a
6 second?
7

8 **COMMISSIONER SALAS** – I'll second that
9

10 **VICE CHAIR BAKER** – Commissioner Salas will second that. Let's have a vote;
11 all those in favor?
12

13 Opposed – 0
14

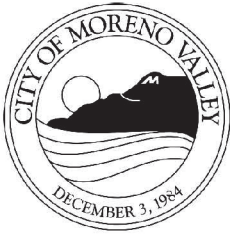
15 **Motion carries 6 – 0 – 1, with one absent (Commissioner Dozier)**
16

17 **VICE CHAIR BAKER** – Okay, wrap up
18

19 **PLANNING OFFICIAL TERELL** – Yes this item shall be forwarded to the City
20 Council for final action and I believe that is scheduled like you said for June 14th.
21

22 **VICE CHAIR BAKER** – Okay, thank you very much. Okay we're going to move
23 onto Item No. 2
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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>[Signature]</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

AGENDA DATE: June 14, 2011

TITLE: HEARING ON PROPOSED RESOLUTION OF NECESSITY, TO MAKE FINDING AND DETERMINATION AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT OF WAY FOR THE PERRIS BOULEVARD WIDENING FROM IRONWOOD AVENUE TO MANZANITA AVENUE PROJECT - PROJECT NO. 11-41570225

RECOMMENDED ACTION

Staff recommends that the City Council

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing.
2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan.
3. Find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt.

4. Find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity.
5. Find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct.
6. Adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easements In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024].
7. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

BACKGROUND

This project is to widen and improve Perris Boulevard from Ironwood Avenue to Manzanita Avenue to an arterial street standard with a curb-to-curb width of 76 feet (76') to 86 feet (86') within a 100 feet (100') to 110 feet (110') right of way. The proposed Perris Boulevard improvements will include curb, gutter, sidewalk, pavement, traffic signal modifications, one new traffic signal, streetlight relocations, signing and striping, and related road improvements. Additionally, right of way acquisition is required for areas where the ultimate street right of way has not been previously obtained.

On September 9, 2008, the environmental document, which was a Mitigated Negative Declaration (MND), was approved by City Council. On September 11, 2008, the Notice of Determination for the MND was filed with the Riverside County Clerk.

In Closed Session on June 1, 2010, the City Council approved appraisals for the fair market value of the right of way for ten (10) properties sought to be acquired, and the City Council authorized staff to proceed with negotiations to purchase all required right of way.

DISCUSSION

The City has been progressing in the steps necessary for the completion of design and acquisition of right of way in order to begin construction of the Project by November

2011. Offer letters required under Government Code § 7267.2 were sent to the property owners for acquisition of easements necessary for the Project. To date the City has acquired easements from all but three of the property owners. City staff is continuing good faith negotiations in an attempt to reach agreement with the remaining property owners, who own the properties identified by APN 474-064-001 (Bernard and Martha Bueche), APN 474-120-008 (Geoffrey and Abira Breskal), and APN 474-120-024 (RPV Investment Group, LLC / Perris Boulevard Trust #11846). If the City is successful in acquisition of the necessary easements through negotiations with any of the remaining three of the property owners, the City can immediately discontinue the eminent domain process for the respective property.

At the hearing on the proposed Resolution of Necessity, the City Council will consider evidence presented by staff, property owners and other interested parties and decide if the requirements set out below are met. The Council may elect to adopt the Resolution of Necessity by a two-thirds vote of all members of the City Council. The amount of compensation to be paid will not be an issue at the hearing nor in determining whether to adopt the Resolution of Necessity. The issues the City Council must consider to adopt the Resolution of Necessity are whether:

(a) The public interest and necessity require the Project (Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue).

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

(c) The properties sought to be acquired are necessary for the Project.

(d) The offers required by Government Code § 7267.2 have been made to the owners of record.

Staff has carefully analyzed the requirement for the proposed Project and, based on that analysis has concluded the acquisition of the roadway easement as identified in the proposed Resolution of Necessity are necessary to implement the Project. Staff recommends acquiring three remaining easements, as Perris Boulevard is a major arterial gateway to the City and a critical segment that will benefit residents, commuters, and the City as a whole.

It is also necessary that the Council find that the adoption of the proposed Resolution of Necessity and acquisition of the roadway easement necessary for the Project are exempt from CEQA under § 15061 (b) (3) of the CEQA Guidelines. It has been determined that the proposed activity is within the scope of and is consistent with the approved MND prepared for the Project.

Recent changes in the state eminent domain law have increased the advance time necessary to obtain possession prior to judgment. In order to commence construction work in or about November 2011, the City Council will have to authorize counsel to deposit funds equal to the appraised fair market value of the interests to be acquired and to seek and obtain orders for possession prior to judgment. The properties in

question are either a vacant residential lot or are improved with single family residences and no residents, business, or agricultural use will be displaced by the action.

Staff is requesting the adoption of the proposed Resolution of Necessity for the properties authorizing the filing of eminent domain proceedings, obtaining orders for the deposit of funds for the probable amount of compensation and seeking orders for possession prior to judgment to allow the work to proceed in a timely manner. Staff is providing the City Council with a proposed "Factual Summary to Support Findings Required in the Resolution," attached to this report as Attachments "B" to support the findings necessary for the adoption of the Resolution of Necessity.

ALTERNATIVES

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing, approve and adopt the Planning Division's finding that the Project is consistent with the General Plan, find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt, find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity, find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct, adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easements In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024], and direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders. *This alternative will allow the filing of an eminent domain(s) action to acquire properties necessary so the Project will proceed without interruption.*

2. Do not conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Do not close the hearing, do not approve and adopt the Planning Division's finding that the Project is consistent with the General Plan, do not find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt, do not find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity, do not find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct, do not adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easements In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024], and do not direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders. *This alternative will delay the construction of needed improvements.*

FISCAL IMPACT

The Court action(s) authorized by the proposed Resolution of Necessity will require a deposit of funds equal to the amounts of the projected just compensation for the roadway easement sought in the eminent domain action (the probable compensation). The final just compensation will be determined through further negotiations and settlement or by the final disposition of the court proceeding through entry of judgments and final orders of condemnation in the action after trial. Additional court costs, appraisal, and legal expenses for the eminent domain filing will also accrue.

Transportation Uniform Mitigation Fee (Fund 415 – TUMF) provides a 51.8% reimbursement to the City's 48.2% matching funds from Fund 416 – DIF Arterial Streets

and Fund 417 – DIF Traffic Signals for the Design and Right of Way phases of this project. These funds have been allocated for the Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue and cannot be utilized for operational activities. There is no impact to the General Fund.

Acquisition costs were budgeted in FY 2010/2011. The costs to proceed with filing the Resolution of Necessity can be paid from the existing budget. If the property goes to trial, the expenses for such will be estimated and addressed at the appropriate time.

BUDGETED FUNDS FOR FISCAL YEAR 2010/2011

TUMF (Account No. 415.70225)	\$549,400
DIF Arterial Streets (Account No. 416.78726)	\$569,800
DIF Traffic Signals (Account No. 417.79226)	\$19,500
Total Funding	\$1,138,700

ESTIMATED DESIGN/RIGHT OF WAY COSTS

Remaining Design Costs	\$250,000
Right of Way & Utility Relocation	\$600,000
Total Estimated Costs	\$850,000

ANTICIPATED PROJECT SCHEDULE

Complete Right of Way Acquisition Phase*	September 2011
Construction Start Date**	November 2011
Construction End Date	November 2012

*Contingent upon agreement with remaining property owners

**Contingent on obtaining all right of way via agreement or eminent domain and obtaining full construction funding from Riverside County Transportation Commission (RCTC)

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

SUMMARY

Staff is requesting the above recommended actions relating to and including adoption of the Resolution of Necessity to authorize eminent domain proceedings for the Project because settlements with all property owners have not been reached to date.

ATTACHMENTS/EXHIBITS

Attachment "A" - Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easement In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024]

Attachment "B" - Factual Summary to Support Findings Required in of the Resolution of Necessity

Attachment "C" - Location Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

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

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

Concurred By:
John Terell
Planning Division Manager/Planning Official

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

W:\CapProj\CapProj\PROJECTS\Viren - 11-41570225 - Perris Blvd.- Ironwood to Manzanita & TS\CC Reports\Staff Report - Resolution of Necessity\Staff Report - Resolution of Necessity 061411 CC Report.doc

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RESOLUTION NO. 2011-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY FOR PUBLIC STREET AND HIGHWAY PURPOSES INCLUDING RELATED IMPROVEMENTS AND FACILITIES; THAT THE ACQUISITION AND TAKING OF THE EASEMENT IN THE HEREIN-DESCRIBED PROPERTY IS NECESSARY FOR THE PROJECT; THAT THE PROJECT IS PLANNED IN A MANNER THAT IS MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; AUTHORIZING PROCEEDINGS TO BE COMMENCED IN EMINENT DOMAIN; AND AUTHORIZING THE DEPOSIT OF NECESSARY FUNDS AND THE PAYMENT OF NECESSARY EXPENSES AND FEES FOR ACQUISITION OF SAID PROPERTY; AND AUTHORIZING COUNSEL TO OBTAIN AN ORDER FOR PREJUDGMENT POSSESSION OF THE SUBJECT PROPERTY.

WHEREAS, notice and a reasonable opportunity to appear and be heard has been given to the persons who appear to be the owners of the hereinafter described parcels of property in accordance with CCP Section 1245.235, relating to whether the public interest and necessity require the herein-described project; the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and the property sought to be acquired is necessary for the project; and said hearing was held and conducted before the City Council on June 14, 2011, at the time and place indicated in the notice of hearing; and

WHEREAS, the City Council has considered all matters necessary to be considered and duly presented at said hearing; and

WHEREAS, at least two-thirds of the City Council do hereby vote to adopt this Resolution;

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE, RESOLVE, DECLARE AND ORDER as follows:

Section 1. Pursuant to the provisions of the California Constitution, including Article I, Section 19 thereof, and as authorized by Government Code, Sections 37350, 37350.5, 37351, 40401 and 40404 and pursuant to the applicable provisions of California Code of Civil Procedure, Sections 1230.010, et seq, and other applicable provisions of law, the City of Moreno Valley is authorized to acquire the permanent

Resolution No. 2011-58
Date Adopted: June 14, 2011

Attachment "A"

easement interests in the parcels of real property which are shown on the map attached hereto; and described more fully in the description set forth in Exhibit "A" - Right of Way Easement attached hereto; said real property sometimes being hereinafter referred to as "the property" and more commonly known as Assessor's Parcel Nos. 474-064-001, 474-120-008, and 474-120-024. And said Exhibit, as attached hereto and incorporated herein by this reference, describe the general location and extent of the parcels of property, including the easement interests therein, being taken.

Section 2. Acquisition of the hereinabove described parcels of property sought to be condemned herein or of one or more interest therein, is for a public use, to wit: for the widening and improvement of Perris Boulevard from Ironwood Avenue to Manzanita Avenue, for street and highway purposes, for construction, reconstruction, operation, removal, replacement, widening, relocation, repair and maintenance of public street and highway and incidental improvements, uses and purposes, including drains, sewers and utilities, and all improvements described in the construction plans, including any modifications thereof, and for uses and purposes consistent therewith and related thereto, and including, without limitation by this reference, the right to enter upon and for ingress and egress upon, to and from said parcel of property, said proposed acquisition and use being hereinafter referred to as "the Project".

Section 3. The interests in the parcels of property sought to be condemned herein, which constitutes only a portion of a larger parcel of property, is described herein, and the Property is situated in the City of Moreno Valley, County of Riverside, State of California.

Section 4. The City Council further hereby declares, finds, determines and resolves as follows:

- (a) The public interest and necessity require the Project;
- (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) The Parcels of Property, or the interest to be acquired therein, is necessary for the Project; and
- (d) The offer required by Government Code §7267.2 has been made to the property owner or owners of record.

Section 5. In the event any of the Property or the interests to be acquired therein is already appropriated to an existing and different public use, the City Council hereby finds that the herein-described public use or uses are more necessary than said existing public use, and acquisition hereby is permitted under the provisions of California Code of Civil Procedure, Sections 1240.610, et seq.

Section 6. The City Attorney is authorized to make such minor changes in the descriptions of the Property, and in the pleadings to be filed which have been authorized herein, as deemed necessary, for the conduct of the condemnation action or other proceedings required to acquire the Property.

Resolution No. 2011-58
Date Adopted: June 14, 2011

Section 7. The City Council finds and determines that the purposes for which the above-described property is to be taken are public purposes and the uses therefor are authorized by law, and the taking of said property or property interest is necessary to such uses.

Section 8. The City Council hereby authorizes and directs the preparation and prosecution of proceedings in the name of the City of Moreno Valley in the Superior Court of the State of California, for the County of Riverside, or in any other court having jurisdiction thereof, as may be necessary for the acquisition of the Property and property interests by condemnation in accordance with the provisions of the Constitution and laws of the State of California relating to eminent domain, to obtain easements in, over, under, across, along, through, and within the Property, as described herein, and to obtain an order permitting the City, as plaintiff, to take immediate possession of the Property for use in construction and completion of the Project, and to obtain all other proper orders and judgment as may be necessary.

Section 9. The City Attorney, and/or the firm retained as counsel to represent the City in the proceedings, are hereby authorized to prepare and prosecute in the name of the City such proceeding or proceedings as are necessary to such acquisition; and to prepare and file such pleadings, briefs and other documents, and to make such arguments and to take such actions as may be necessary in the opinion of said attorneys to acquire for said City possession including prejudgment possession and title and ownership of the Property and real property interests sought herein. Said attorneys are specifically authorized to take whatever steps and procedures are available to them under the eminent domain law of the State of California (Code of Civil Procedure, Title 7, Chapters 1-12, Sections 1230.010 and following).

Section 10. Deposit in court and payment of money out of proper funds of the City for probable just compensation according to law, for jury fees, reporter's fees, and other litigation expenses, is hereby authorized.

APPROVED AND ADOPTED this 14th day of June, 2011.

Richard Stewart, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. 2011-58
Date Adopted: June 14, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, 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 ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. 2011-58
Date Adopted: June 14, 2011

EXHIBIT "A"
RIGHT OF WAY EASEMENT

ASSESSOR'S PARCEL 474-064-001

PARCEL 1

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED SEPTEMBER 2, 2005 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2005-0727587 OF OFFICIAL RECORDS, BEING A PORTION OF THE SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, BEING A POINT ON THE CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, NORTH 89°31'02" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY) AND THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), BEING A LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

1st : NORTH 00°19'45" WEST, A DISTANCE OF 45.95 FEET TO A POINT ON A 2250.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 78°11'33" EAST; THENCE LEAVING SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY),

2nd : SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°11'27", AN ARC DISTANCE OF 46.76 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32; THENCE ALONG SAID SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

3rd : SOUTH 89°31'02" WEST, A DISTANCE OF 8.83 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 207 SQUARE FEET (0.005 ACRES), MORE OR LESS.

PARCEL 2

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED SEPTEMBER 2, 2005 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2005-0727587 OF OFFICIAL RECORDS, BEING A PORTION OF THE SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EXHIBIT "A"

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, BEING A POINT ON THE CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, NORTH 89°31'02" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), BEING A LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, NORTH 00°19'45" WEST, A DISTANCE OF 123.22 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), ALONG SAID LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

1st: NORTH 00°19'45" WEST, A DISTANCE OF 11.78 FEET TO THE NORTHWEST CORNER OF SAID SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32; THENCE LEAVING SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), ALONG THE NORTHERLY LINE OF SAID SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

2nd: NORTH 89°31'02" EAST, A DISTANCE OF 9.56 FEET; THENCE

3rd: SOUTH 38°40'40" WEST, A DISTANCE OF 15.19 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 56 SQUARE FEET (0.001 ACRES), MORE OR LESS.

THE BASIS OF BEARINGS FOR THESE LEGAL DESCRIPTIONS IS THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN AS SHOWN ON RIVERSIDE COUNTY PARCEL MAP NO. 13152, RECORDED DECEMBER 26, 1979 IN PARCEL MAP BOOK 73, PAGE 61, I.E. NORTH 00°19'45" WEST.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

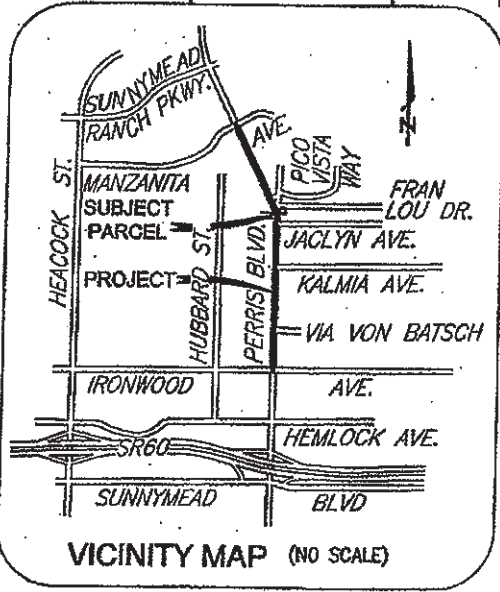
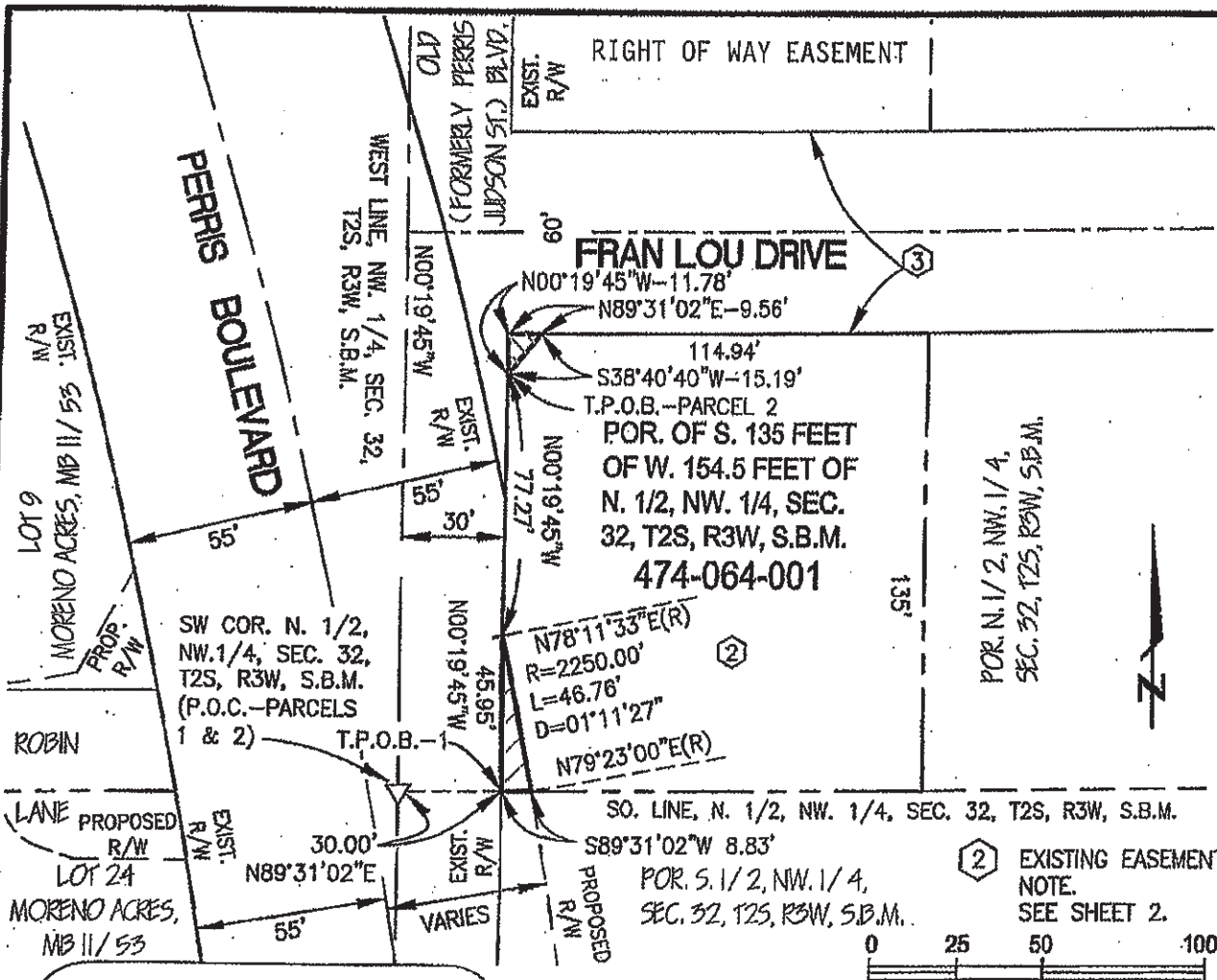
SIGNATURE:



STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: September 18, 2009



EXHIBIT "A"



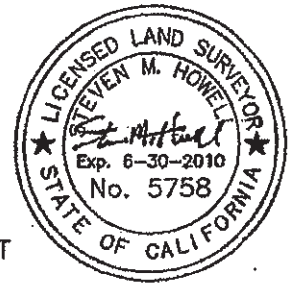
LEGEND

- LAND ACQUISITION AREA - PARCEL 1
207 SQ. FT. (0.005 AC.)
- LAND ACQUISITION AREA - PARCEL 2
56 SQ. FT. (0.001 AC.)

- P.O.C. DENOTES POINT OF COMMENCEMENT
- T.P.O.B. DENOTES TRUE POINT OF BEGINNING
- R/W DENOTES RIGHT-OF-WAY

THE BASIS OF BEARINGS IS THE WESTERLY LINE OF THE NW1/4, SEC. 32, T2S, R3W, S.B.M. AS SHOWN ON PARCEL MAP NO. 13152, REC. AS PM BK. 73, PG. 61, AS N00°19'45"W.

REFERENCE: TITLE REPORT BY STEWART TITLE OF CALIFORNIA, ORDER NO. 92700295, DATED 03/01/2007.



SEPTEMBER 18, 2009

AECOM Transportation AECOM
1131 West Sixth Street, Suite 350
Ontario, California 91762
T 909.933.5225 F 909.933.5228
www.aecom.com

CITY OF MORENO VALLEY
PERRIS BOULEVARD WIDENING
IRONWOOD AVE. TO MANZANITA AVE.

EXHIBIT "A"

EXHIBIT "A"

RIGHT OF WAY EASEMENT

ASSESSOR'S PARCEL 474-120-008

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED FEBRUARY 29, 2008 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2008-0099852 OF OFFICIAL RECORDS, BEING A PORTION OF THE WEST 180 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE QUARTER CORNER OF SAID SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, BEING A POINT ON THE CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 32 AND SAID CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), SOUTH 00°00'51" EAST, A DISTANCE OF 1155.47 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE LEAVING SAID WESTERLY LINE, ALONG THE SOUTHERLY LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, NORTH 89°53'24" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY) ON THE FOLLOWING COURSE;

1st: NORTH 00°00'51" WEST, A DISTANCE OF 165.07 FEET TO A POINT ON THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE LEAVING SAID EASTERLY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32,

2nd: NORTH 89°53'42" EAST, A DISTANCE OF 40.00 FEET; THENCE LEAVING SAID NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, ALONG A LINE PARALLEL WITH AND 70.00 FEET EASTERLY OF SAID WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 32 AND SAID CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY),

3rd: SOUTH 00°00'51" EAST, A DISTANCE OF 165.06 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE ALONG SAID SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32,

EXHIBIT "A"

4th: SOUTH 89°53'24" WEST, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 6,603 SQUARE FEET (0.152 ACRES), MORE OR LESS.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: Steven M. Howell
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: September 16, 2009

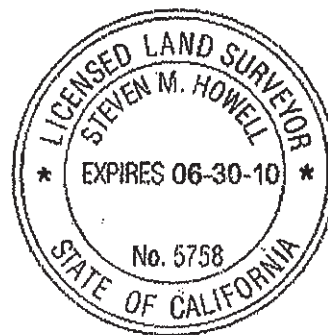
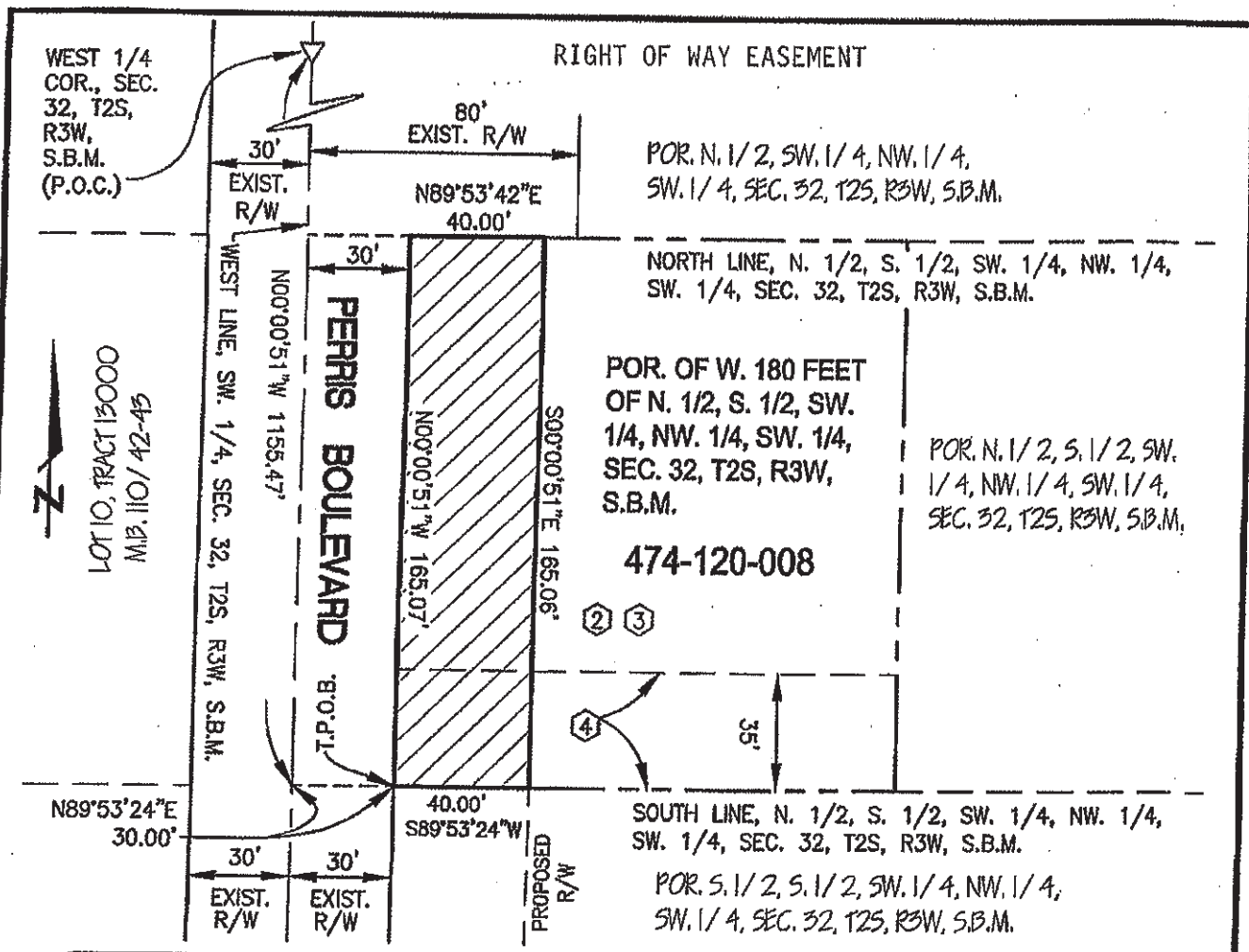


EXHIBIT "A"



LOT 10, TRACT 13000
M.B. 110/42-43

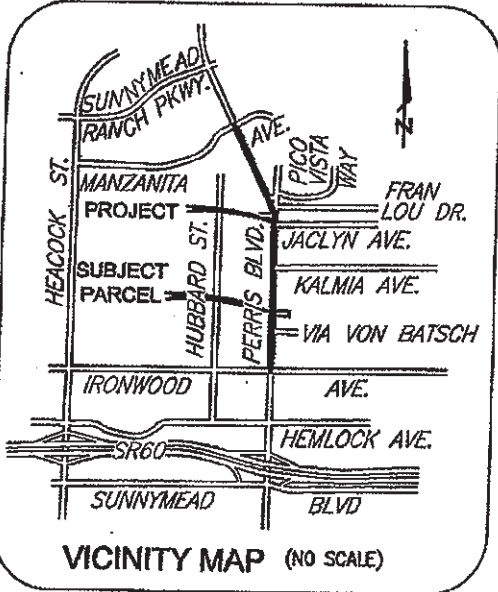
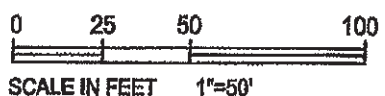
POR. OF W. 180 FEET
OF N. 1/2, S. 1/2, SW.
1/4, NW. 1/4, SW. 1/4,
SEC. 32, T2S, R3W,
S.B.M.

474-120-008

POR. N. 1/2, S. 1/2, SW.
1/4, NW. 1/4, SW. 1/4,
SEC. 32, T2S, R3W, S.B.M.


SOUTH LINE, N. 1/2, S. 1/2, SW. 1/4, NW. 1/4,
SW. 1/4, SEC. 32, T2S, R3W, S.B.M.

POR. S. 1/2, S. 1/2, SW. 1/4, NW. 1/4,
SW. 1/4, SEC. 32, T2S, R3W, S.B.M.

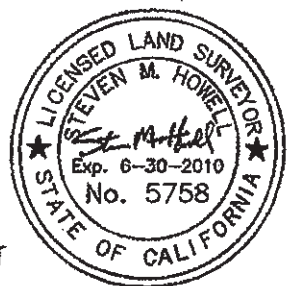


VICINITY MAP (NO SCALE)

LEGEND

-  LAND ACQUISITION AREA
6,603 SQ. FT. (0.152 AC.)
- T.P.O.B. DENOTES TRUE POINT OF BEGINNING
- P.O.C. DENOTES POINT OF COMMENCEMENT
- R/W DENOTES RIGHT-OF-WAY

 EXISTING EASEMENT NOTE.
SEE SHEET 2.



REFERENCE: TITLE REPORT BY STEWART
TITLE OF CALIFORNIA, ORDER NO.
92701300, DATED 03/06/2007.

SEPTEMBER 16, 2009

AECOM Transportation AECOM
1131 West Sixth Street, Suite 350
Ontario, California 91762
T 909.933.5225 F 909.933.5228
www.aecom.com

CITY OF MORENO VALLEY
**PERRIS BOULEVARD WIDENING
IRONWOOD AVE. TO MANZANITA AVE.**

EXHIBIT "A"

EXHIBIT "A"
RIGHT OF WAY EASEMENT

ASSESSOR'S PARCEL 474-120-024

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED JUNE 4, 2003 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2003-401096 OF OFFICIAL RECORDS, BEING A PORTION OF PARCEL 1 OF PARCEL MAP NO. 7520, RECORDED AUGUST 13, 1976 IN BOOK 26, PAGE 47 OF PARCEL MAPS, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 1 OF PARCEL MAP NO. 7520, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF PERRIS BOULEVARD; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520 AND SAID EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD ON THE FOLLOWING COURSES;

1st : NORTH 00°00'51" WEST (NORTH 00°00'30" EAST PER SAID PARCEL MAP NO. 7520), A DISTANCE OF 125.19 FEET; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520,

2nd : NORTH 42°32'16" EAST (NORTH 42°33'13" EAST PER SAID PARCEL MAP NO. 7520), A DISTANCE OF 33.94 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520,

3rd : NORTH 89°51'36" EAST, A DISTANCE OF 14.99 FEET; THENCE LEAVING SAID NORTHERLY LINE,

4th : SOUTH 44°54'47" WEST, A DISTANCE OF 32.49 FEET TO A POINT ON A LINE PARALLEL WITH AND 15.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520 AND SAID EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD; THENCE ALONG SAID PARALLEL LINE,

5th : SOUTH 00°00'51" EAST, A DISTANCE OF 127.19 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520,

6th : SOUTH 89°51'08" WEST (SOUTH 89°52'29" WEST PER SAID PARCEL MAP NO. 7520), A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

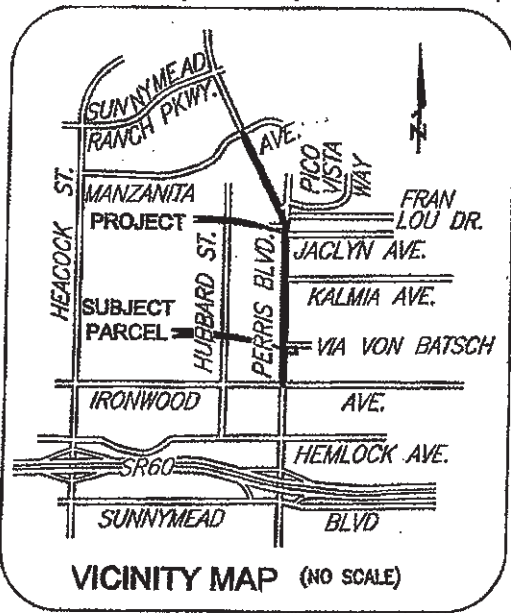
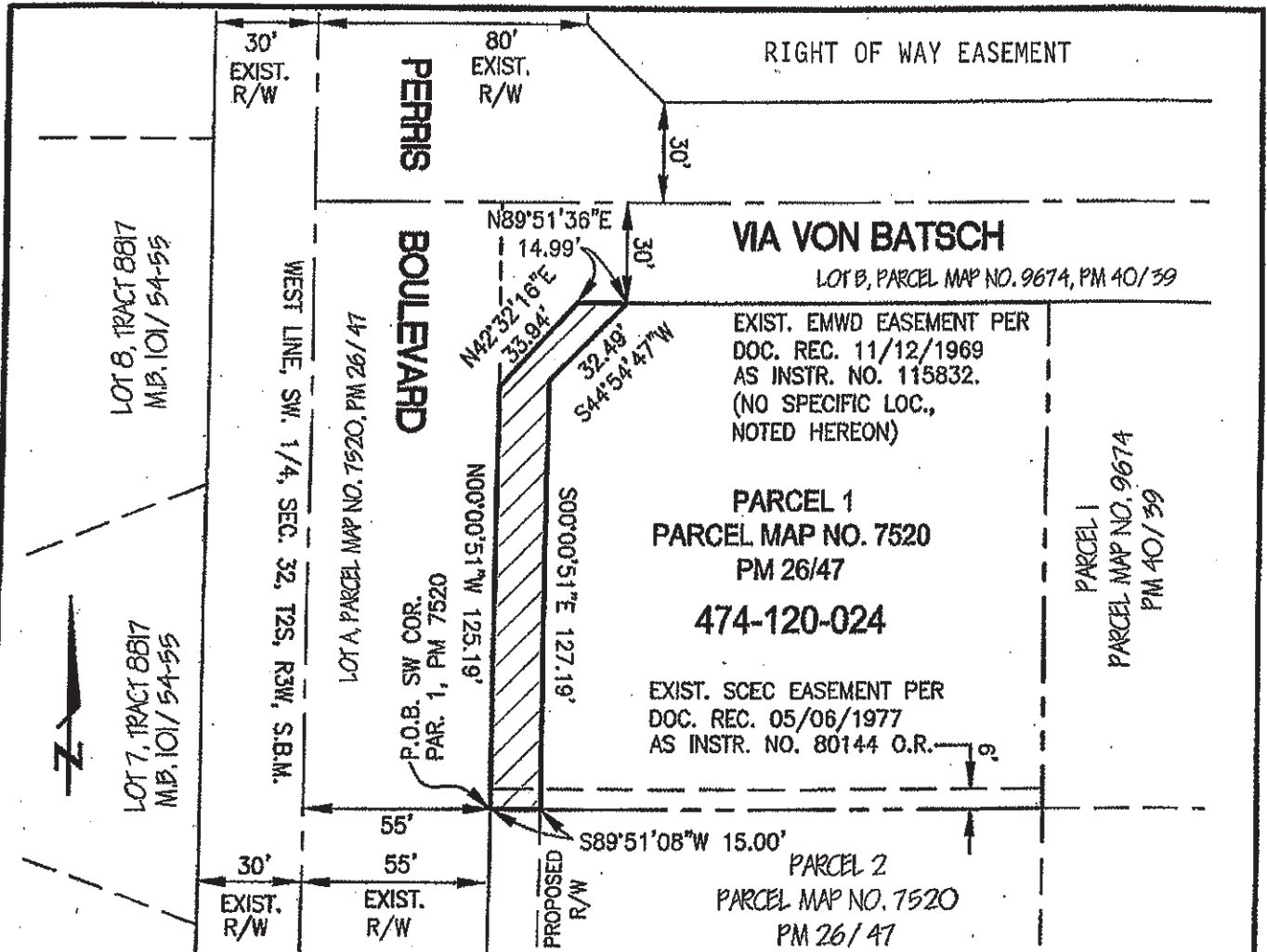
CONTAINING 2,229 SQUARE FEET (0.051 ACRES), MORE OR LESS.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.


SIGNATURE: *Steven M. Howell*
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: September 22, 2009

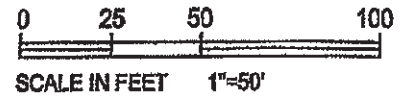


EXHIBIT "A"



LEGEND

-  LAND ACQUISITION AREA
2,229 SQ. FT. (0.051 AC.)
- P.O.B. DENOTES POINT OF BEGINNING
- R/W DENOTES RIGHT-OF-WAY



REFERENCE: TITLE REPORT BY STEWART TITLE OF CALIFORNIA, ORDER NO. 92701302, DATED 03/05/2007.

SEPTEMBER 22, 2009

AECOM Transportation AECOM

1131 West Sixth Street, Suite 350
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CITY OF MORENO VALLEY

**PERRIS BOULEVARD WIDENING
IRONWOOD AVE. TO MANZANITA AVE.**

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FACTUAL SUMMARY TO SUPPORT
FINDINGS REQUIRED IN RESOLUTION NO. 2011-_____

a) Notice and reasonable opportunity to appear and be heard has been given to the property owner affected by the Resolution of Necessity by the mailing of the Notice of Intent to Adopt Resolution of Necessity to Acquire Certain Real Property or Interest in Property by Eminent Domain on May 26, 2011, in conformance with and as required by statute.

b) The public interest and necessity require this project:

Perris Boulevard from Ironwood Avenue to Manzanita Avenue and the adjoining streets have experienced rapid and heavy increases in traffic volume and the heavy use of the existing street improvements creates significant traffic congestion and constitutes traffic safety hazards. Future growth of the region and development within the area will further add traffic volume. The existing right of way for Perris Boulevard in the area of the Project is insufficient to allow the street improvements as designed to be completed that is necessary to accommodate future increases in anticipated traffic volumes.

It is also necessary to complete the roadway improvements to comply with the City's General Plan and Circulation Element and to provide for more efficient and safe vehicular travel.

The proposed roadway easement will provide sufficient right of way to allow the improvement of Perris Boulevard from Ironwood Avenue to Manzanita Avenue (Project). Without the acquisition of the roadway easement, the Project cannot be completed as planned and the goals and policies of the General Plan cannot be implemented.

The Project involves the widening and rehabilitation of Perris Boulevard from Ironwood Avenue to Manzanita Avenue, including street, signing, striping, and other related road improvements.

The implementation of the Project will implement the City's General Plan and the City Council's goals to create proper and free flowing streets and highways to further implement the Circulation Element of the General Plan.

It is further necessary to adopt the Resolution of Necessity to permit the City to file an eminent domain proceeding, deposit the amount of probable compensation, and obtain an order for possession prior to judgment to allow possession to occur by November 2011, to meet the time schedule for the improvements to Perris Boulevard from Ironwood Avenue to Manzanita Avenue.

Attachment "B"

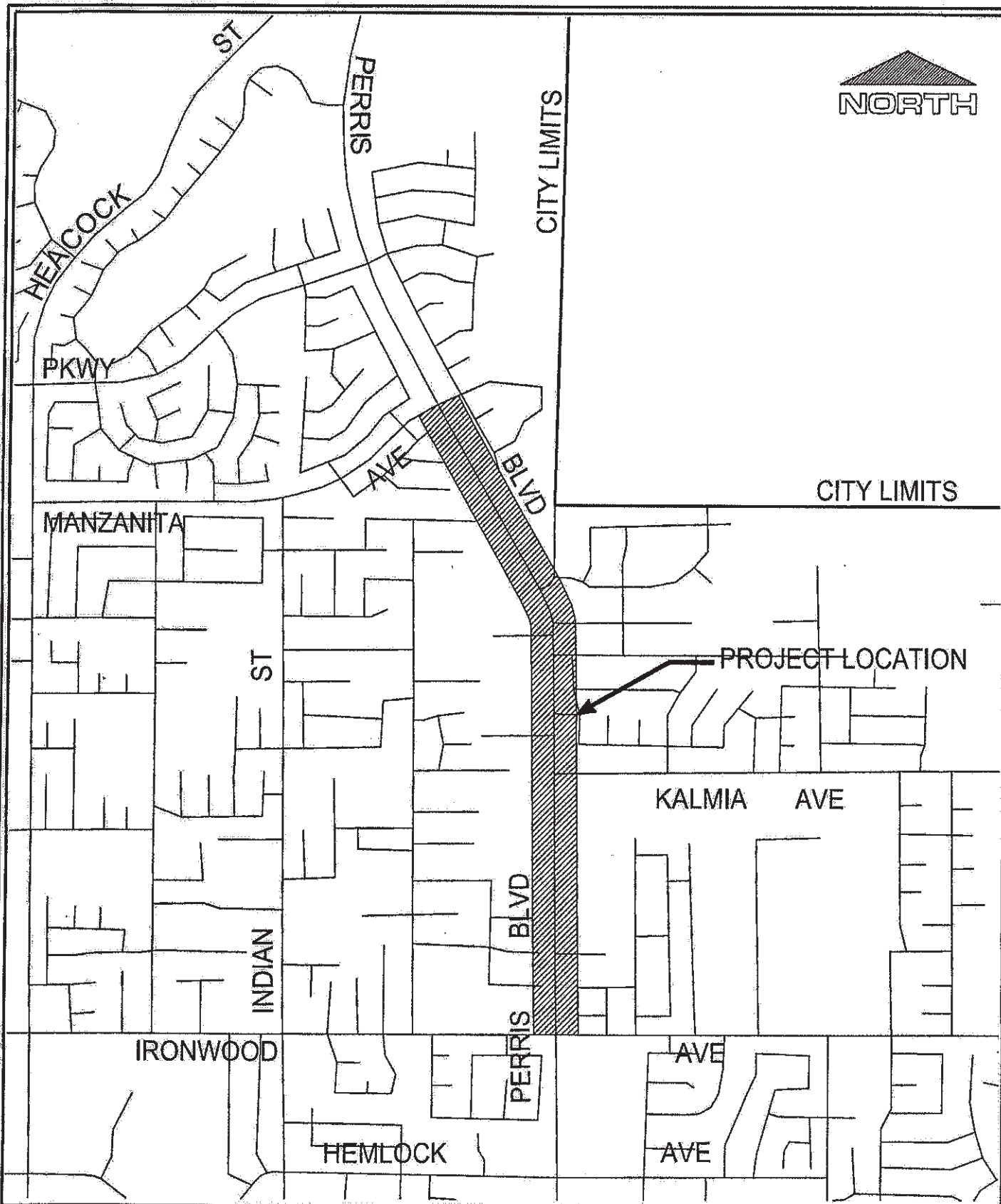
c) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury:

The design of the improvements for the Project in the area contemplated has been carefully considered to minimize the impact of the Project on adjacent privately owned property while addressing the need for proper traffic flow, circulation and safety. The improvements contemplated by the Project to complete the work of the Project require the acquisition of the roadway easement for the installation, operation, and maintenance of the proposed roadway improvements. The roadway easement acquisition is designed to require the take of the minimum amount of property interests necessary to accomplish and permit the construction of the Project. The Project was planned and located in such a manner that the properties to be acquired in the action have no residents, businesses, or agricultural uses that will be displaced by the Project - thereby minimizing private injury.

d) The fee and easement interests are necessary to the project:

The existing right of way for the Project is not large enough to allow for the construction of the proposed roadway improvements. The additional right of way is necessary to allow for the construction, operation, and maintenance of the proposed roadway improvements. The Project will improve traffic safety and circulation in the area.

e) All required offers have been made to the property owner in conformance with and in the manner required by § 7267.2 of the California Government Code.



Public Works Department
Capital Projects Division

Scale: None



LOCATION MAP

PERRIS BLVD IMPROVEMENTS FROM
IRONWOOD AVE TO MANZANITA AVE
PROJECT NO. 11-41570225

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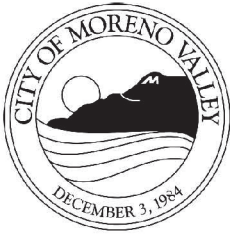
CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a. Mayor Pro Tem Jesse L. Molina Report on Riverside Transit Agency (RTA)**
- b. Council Member Co Report on Riverside County Transportation Commission (RCTC)**
- c. Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)**
- d. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)**

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G. 2 RIVERSIDE COUNTY TRANSPORTATION
COMMISSION (RCTC) 60/215 EAST
JUNCTION CONSTRUCTION PROJECT
**(Informational Oral Presentation - Not for
Council Action)**

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

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the 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: June 14, 2011

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The Moreno Valley CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the service. Each zone provides specific services to designated areas. The Zone D program provides parkway landscape maintenance at the entry of a tract, around its perimeter, or in the median adjacent to the tract.

The Moreno Valley CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, fertilizing, replacing plant material(s) as necessary, maintaining the irrigation systems, weed control, litter removal, payment of water and electric

utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

DISCUSSION

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service areas have incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient fund balances are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. Since the Zone D program was set up to be a full cost recovery program there are no other revenue sources to pay for landscape maintenance. Because the current parcel charges do not provide adequate funding to cover the full cost of landscape maintenance, the CSD is required to ballot the property owners of the affected tracts to seek approval for an increase to the annual charge to maintain services at the standard service level.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, mail ballot proceedings are being conducted to allow property owners within Tracts 19862, 19912, 20941, 21737, 22371, and 31591 the opportunity to approve or oppose the proposed increase in the CSD Zone D annual parcel charge. The proposed CSD Zone D parcel charge for each tract is listed below.

Tract	Number of Parcels	Council District	Location *	2010/11 CSD Zone D Annual Parcel Charge	Proposed 2011/12 CSD Zone D Annual Parcel Charge
19862	35	1	On Ironwood at Weller Place	\$150.80	\$252.00
19912	138	4	Northwest of Kitching & Iris	84.50	129.00
20941	76	3	Northeast of Lasselle & Bay	104.98	166.00
21737	14	1	On Ironwood at Kilgore	214.04	431.00
22371	39	1	Southeast of Eucalyptus & Kitching	291.42	497.00
31591	33	3	Northwest of Eucalyptus & Morrison	462.70	628.00

* Maps identifying the parcels and landscaped areas are included with each mail ballot packet.

The CSD Zone D charges are subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 14, 2011 and the Public Hearing on June 28, 2011.

If a tract approves the proposed increase by a simple majority (50%+1) of the returned valid ballots, the proposed CSD Zone D parcel charge will be levied on the 2011/12 Riverside County property tax bill. If a tract does not approve the proposed increase by a simple majority of the returned valid ballots, the current CSD Zone D parcel charge shall continue to be levied on the property tax bill, which includes an annual inflation adjustment. The CSD will evaluate the level of landscape service to be provided based on the City Council/CSD Board approved Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Service Plan, General Management Policy #2.30.

If revenues from a tract do not support the lowest level of reduced landscape maintenance service, the property owners will be notified that the CSD is unable to provide the landscape maintenance service.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for the selected tracts for the proposed increase in the CSD Zone D annual parcel charge. *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment in a mail ballot proceeding.*
2. **Do not accept public comments** regarding the mail ballot proceedings for the selected tracts for the proposed increase in the CSD Zone D annual parcel charge. *This alternative would be contrary to state statutes.*

FISCAL IMPACT

There is no impact on the General Fund for the operation of the CSD Zone D program. The CSD provides services through various zones, such as Zone D (Parkway Landscape Maintenance), which are full-cost recovery programs. The collection of the CSD Zone D annual charge is restricted for landscape maintenance services and administration of the CSD Zone D program.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness

Continuation of the Zone D services in the landscaped areas of the selected tracts shall allow the CSD to maintain the current appearance of the area.

Revenue Diversification and Preservation

The proposed CSD Zone D parcel charge for the selected tracts is based upon actual costs, which include maintenance and administration.

SUMMARY

The action before the CSD Board is to accept public comments regarding the mail ballot proceedings for Tracts 19862, 19912, 20941, 21737, 22371, and 31591. All property owners within the described tracts have two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 14, 2011, and the Public Hearing on June 28, 2011, when the results of the ballot proceedings will be announced.

NOTIFICATION

On May 9, 2011, a ballot packet was mailed to each property owner within the affected tracts. The packet included a notice to property owner, 2011/12 budget, map with the location of the landscaping and the contributing parcels, CSD Zone D service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each tract is included as Attachments 1 through 6.

Newspaper advertising for the June 14, 2011, Public Meeting and June 28, 2011, Public Hearing was published in The Press-Enterprise on May 26, 2011. Additionally, the Public Hearing notification was published on June 9 and will be published again on June 16, 2011.

ATTACHMENTS

- Attachment 1: Sample mail ballot packet for Tract 19862
- Attachment 2: Sample mail ballot packet for Tract 19912
- Attachment 3: Sample mail ballot packet for Tract 20941
- Attachment 4: Sample mail ballot packet for Tract 21737
- Attachment 5: Sample mail ballot packet for Tract 22371
- Attachment 6: Sample mail ballot packet for Tract 31591

Prepared by:
Jennifer A. Terry,
Management Analyst

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

Concurred by:
Candace E. Cassel
Special Districts Division Manager

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

W:\SpecialDist\Special Dist Administration\Community Services District CSD\Ballots\Ballots for FY 11.12\Zone D\Stfrpt Zone D PM 06.14.11.doc

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 19862 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

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

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 19862 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately \$8.43 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 1

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 19862 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA *******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 19862. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **umentara aproximadamente \$8.43 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, “The Right to Vote on Taxes Act”, el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level.

Current Charge

The 2010/11 Tract 19862 annual charge for standard landscape maintenance services is \$150.80 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is \$1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to \$252.00 per parcel. This equates to an estimated annual increase of approximately 67% or \$101.20 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 19862.

Per Parcel	
Fiscal Year	Annual Charge
2006-07	\$143.00
2007-08	\$148.00
2008-09	\$148.00
2009-10	\$148.10
2010-11	\$150.80

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD 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.**

¿La Razón por el Incremento?

A través de los años, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 19862 es de \$150.80 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de \$1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a \$252.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 67% o \$101.20 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos años.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 19862.

Por Parcela Residencial	
Año Fiscal	Cargo Anual
2006-07	\$143.00
2007-08	\$148.00
2008-09	\$148.00
2009-10	\$148.10
2010-11	\$150.80

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 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, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of \$252.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **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 which will be held on **Tuesday, June 28, 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.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley.**

<u>Junta Publica</u> Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	<u>Audiencia Publica</u> Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)
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Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de \$252.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información








Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

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.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada*.
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.



Una marca que este mayormente dentro de la caja;



Una X que este mayormente dentro de la caja;



Un punto o marca ovalada que este mayormente dentro de la caja;



Llenar la caja completamente mayormente dentro de las líneas;



Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;



Un circulo alrededor de la caja y/o la cláusula asociada; o



Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

**CSD ZONE D, TRACT 19862
FY 2011/12 BUDGET**

LANDSCAPE AREA	8,805	Square Feet or
	0.20	Acres
 REVENUES		
Proposed Annual Zone D Charge	\$ 252.00	or \$21.00 per month
Number of parcels	35	
Total Revenue	\$ 8,820.00	
 EXPENSES		
Direct Costs		
Base Maintenance Contract	\$ 2,472.48	
Water (Eastern Municipal Water District)	855.63	
Electricity	-	(Solar Powered)
Vandalism Repair	81.70	
Repair and Replacement/Miscellaneous Direct Expenses	650.29	
Landscape Inspectors/Technicians and Support Services	3,249.78	
Parts and Equipment	212.99	
Subtotal Direct Costs	\$ 7,522.87	
Indirect Costs		
Miscellaneous Indirect Expenses	\$ 154.12	
Special Districts Program Administration	377.95	
City Administration	762.88	
Subtotal Indirect Costs	\$ 1,294.95	
Total Expenses	\$ 8,817.82	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement/Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

**CSD ZONA D, FRACCIONAMIENTO 19862
PRESUPUESTO DEL AÑO FISCAL 2011/12**

ÁREA AJARDINADA	8,805	Pies Cuadrados
	0.20	Acres

INGRESOS

Cargo Anual Propuesto para la Zona D	\$ 252.00	o \$21.00 mensual
Números de parcelas	35	
Total de Ingresos	\$ 8,820.00	

EGRESOS

Costos Directos		
Contrato de Mantenimiento Base	\$ 2,472.48	
Agua (Eastern Municipal Water District)	855.63	
Electricidad (SCE)	-	(Reloj Solar)
Reparación de Vandalismo	81.70	
Reparación o Reemplazo/Egresos Misceláneos Directos	650.29	
Inspectores de Jardinería/Servicios de Apoyo Técnicos	3,249.78	
Partes y Equipo	212.99	
Subtotal de Costos Directos	\$ 7,522.87	
Costos Indirectos		
Egresos Misceláneos Indirectos	\$ 154.12	
Administración de Programa de Servicios Especiales	377.95	
Administración de la Ciudad	762.88	
Subtotal de Costos Indirectos	\$ 1,294.95	
Total de Egresos	\$ 8,817.82	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevaecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
GENERAL SERVICE LEVEL GUIDELINES ***

DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	STANDARD MAINTENANCE SERVICE	REDUCED MAINTENANCE SERVICE	STREET TREE MAINTENANCE SERVICE
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A








* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

**DISTRITO DE SERVICIOS COMUNITARIOS
ZONA D (Mantenimiento de Área Ajardinada)
PAUTAS DE NIVEL DE SERVICIO GENERAL***

DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	SERVICIO DE MANTENIMIENTO ESTANDAR	SERVICIO DE MANTENIMIENTO REDUCIDO	SERVICIO DE MANTENIMIENTO STREET TREE
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/ reparar)	Mensualmente (inspección/ajuste/ reparar)	Mensualmente (inspección/ajuste/ reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas por los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Tract/Fraccionamiento 19862

-  Median/Camellon
-  Landscaped Areas/Areas de jardin
-  Roads/Calles
-  Parcels/Parcelas
-  City Boundary/Limite de la ciudad
-  Tract/Fraccionamiento 19862
-  Expanded Landscaped Entry Statement

Map reflects all changes indicated on Riverside County Assessor Maps as of March 29, 2011.

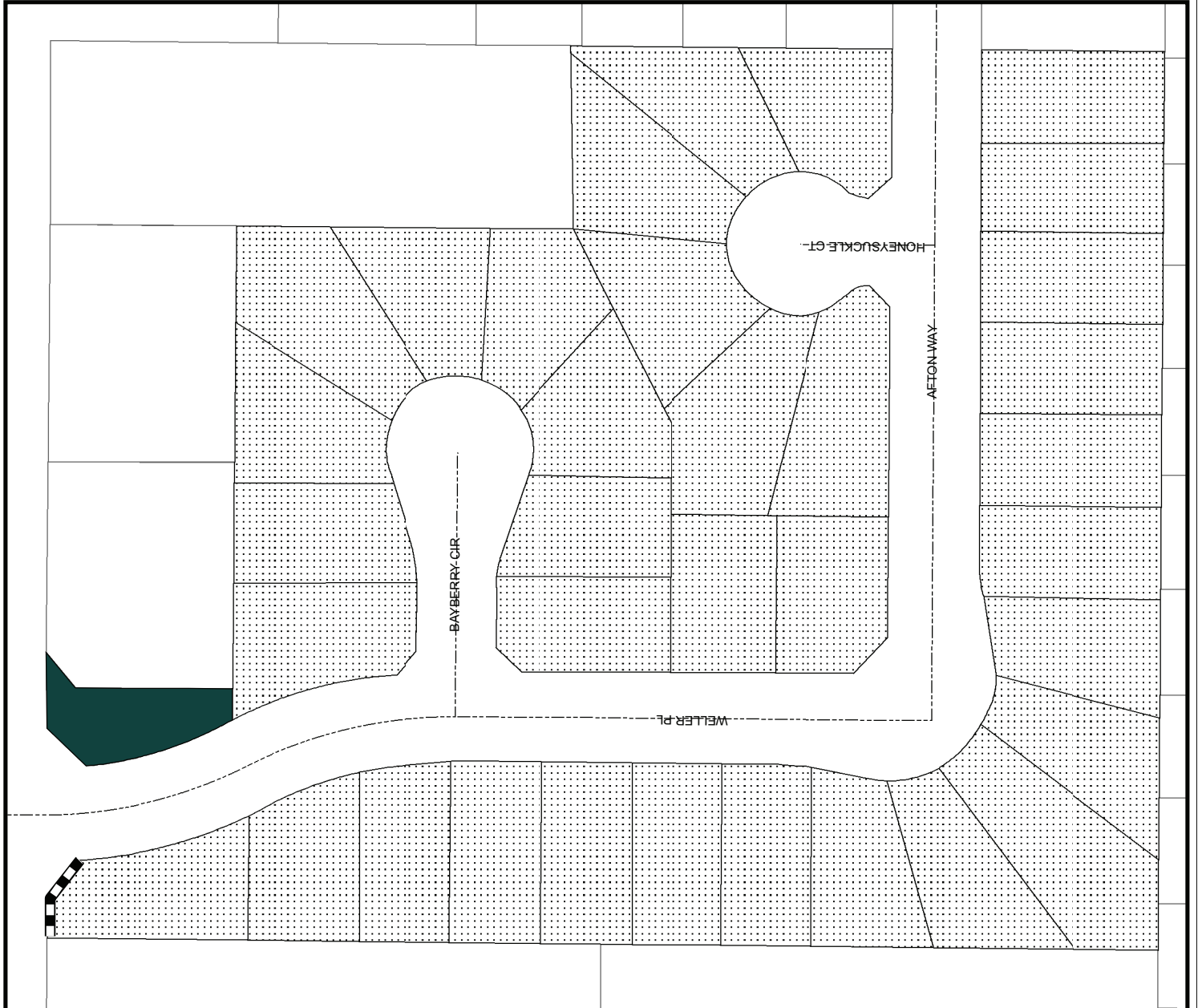


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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification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



MORENO VALLEY
WHERE DREAMS SOAR



OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 481341010
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 19862



Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 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.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

Yes/Si



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, I approve the increase in the annual charge for Zone D services of \$101.20 per parcel (**approximately \$8.43 per month**). The increase will adjust the approved annual charge from \$150.80 to \$252.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Si, yo apruebo el incremento anual a los servicios de la Zona D de \$101.20 por parcela residencial (**aproximadamente \$8.43 mensual**). Dicho incremento resultara en un ajuste al cargo anual aprobado de \$150.80 a \$252.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los años venideros del Departamento de Trabajo.

No/No



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, I do not approve the increase in the annual charge for Zone D services of \$101.20 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, yo no apruebo el incremento anual a los servicios de la Zona D de \$101.20 por parcela residencial. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser discontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000313
 JOSE LUIS CARRILLO

12113 WELLER PL
 MORENO VALLEY CA 92557-7846



Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 19912 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

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

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 19912 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately \$3.71 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 2

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 19912 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA *******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 19912. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **umentara aproximadamente \$3.71 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, “The Right to Vote on Taxes Act”, el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level.

Current Charge

The 2010/11 Tract 19912 annual charge for standard landscape maintenance services is \$84.50 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is \$1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to \$129.00 per parcel. This equates to an estimated annual increase of approximately 53% or \$44.50 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 19912.

Per Parcel	
Fiscal Year	Annual Charge
2006-07	\$77.00
2007-08	\$80.00
2008-09	\$83.00
2009-10	\$83.00
2010-11	\$84.50

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD 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.**

¿La Razón por el Incremento?

A través de los años, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de las áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 19912 es de \$84.50 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recauda para el programa de la Zona D durante el año fiscal 2010/11 es de \$1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a \$129.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 53% o \$44.50 por parcela.

Ajuste Anual

El cargo anual estará sujeto a un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos años.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 19912.

Por Parcela Residencial	
Año Fiscal	Cargo Anual
2006-07	\$77.00
2007-08	\$80.00
2008-09	\$83.00
2009-10	\$83.00
2010-11	\$84.50

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 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, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of \$129.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **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 which will be held on **Tuesday, June 28, 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.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley.**

<u>Junta Publica</u> Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	<u>Audiencia Publica</u> Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)
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Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de \$129.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

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.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada*.
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.



Una marca que este mayormente dentro de la caja;



Una X que este mayormente dentro de la caja;



Un punto o marca ovalada que este mayormente dentro de la caja;



Llenar la caja completamente mayormente dentro de las líneas;



Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;



Un circulo alrededor de la caja y/o la cláusula asociada; o



Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

**CSD ZONE D, TRACT 19912
FY 2011/12 BUDGET**

LANDSCAPE AREA	11,750	Square Feet or 0.27 Acres
 REVENUES		
Proposed Annual Zone D Charge	\$ 129.00	or \$10.75 per month
Number of parcels	138	
Total Revenue	\$ 17,802.00	
 EXPENSES		
Direct Costs		
Base Maintenance Contract	\$ 3,299.40	
Water (Eastern Municipal Water District)	3,135.21	
Electricity (SCE)	299.00	
Vandalism Repair	81.23	
Repair and Replacement/Miscellaneous Direct Expenses	1,368.27	
Landscape Inspectors/Technicians and Support Services	6,549.92	
Parts and Equipment	429.27	
Subtotal Direct Costs	\$ 15,162.30	
Indirect Costs		
Miscellaneous Indirect Expenses	\$ 310.64	
Special Districts Program Administration	761.76	
City Administration	1,537.58	
Subtotal Indirect Costs	\$ 2,609.98	
Total Expenses	\$ 17,772.28	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

**CSD ZONA D, FRACCIONAMIENTO 19912
PRESUPUESTO DEL AÑO FISCAL 2011/12**

ÁREA AJARDINADA	11,750	Pies Cuadrados
	0.27	Acres
 INGRESOS		
Cargo Anual Propuesto para la Zona D	\$ 129.00	o \$10.75 mensual
Números de parcelas	138	
Total de Ingresos	\$ 17,802.00	
 EGRESOS		
Costos Directos		
Contrato de Mantenimiento Base	\$ 3,299.40	
Agua (Eastern Municipal Water District)	3,135.21	
Electricidad (SCE)	299.00	
Reparación de Vandalismo	81.23	
Reparación o Reemplazo/Egresos Misceláneos Directos	1,368.27	
Inspectores de Jardinería/Servicios de Apoyo Técnicos	6,549.92	
Partes y Equipo	429.27	
Subtotal de Costos Directos	\$ 15,162.30	
Costos Indirectos		
Egresos Misceláneos Indirectos	\$ 310.64	
Administración de Programa de Servicios Especiales	761.76	
Administración de la Ciudad	1,537.58	
Subtotal de Costos Indirectos	\$ 2,609.98	
Total de Egresos	\$ 17,772.28	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevaecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
GENERAL SERVICE LEVEL GUIDELINES ***

DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	STANDARD MAINTENANCE SERVICE	REDUCED MAINTENANCE SERVICE	STREET TREE MAINTENANCE SERVICE
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A




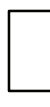
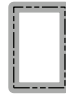
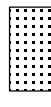
* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

**DISTRITO DE SERVICIOS COMUNITARIOS
ZONA D (Mantenimiento de Área Ajardinada)
PAUTAS DE NIVEL DE SERVICIO GENERAL***

DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	SERVICIO DE MANTENIMIENTO ESTANDAR	SERVICIO DE MANTENIMIENTO REDUCIDO	SERVICIO DE MANTENIMIENTO STREET TREE
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas por los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Tract/Fraccionamiento 19912

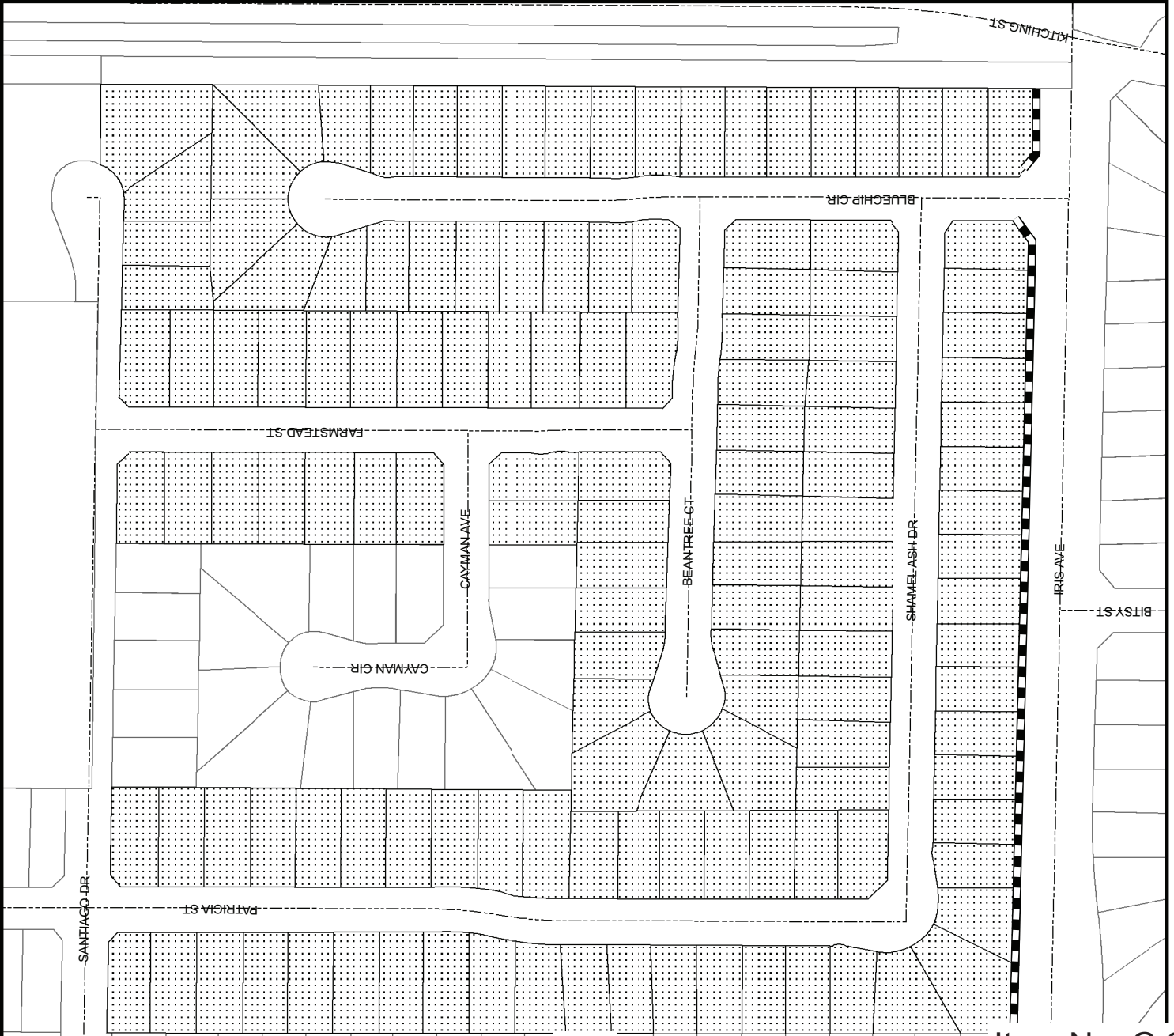
-  Median/Camellon
-  Landscaped Areas/Areas de jardin
-  Roads/Calles
-  Parcels/Parcelas
-  City Boundary/Limite de la ciudad
-  Tract/Fraccionamiento 19912

Map reflects all changes indicated on Riverside County Assessor Maps as of March 28, 2011.



G:\AVP\SDA\Zone D Tract 19912.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.



OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 481341010
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 19862



Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 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.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

 Yes/Si

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, I approve the increase in the annual charge for Zone D services of \$101.20 per parcel (**approximately \$8.43 per month**). The increase will adjust the approved annual charge from \$150.80 to \$252.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Si, yo apruebo el incremento anual a los servicios de la Zona D de \$101.20 por parcela residencial (**aproximadamente \$8.43 mensual**). Dicho incremento resultara en un ajuste al cargo anual aprobado de \$150.80 a \$252.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los años venideros del Departamento de Trabajo.

 No/No

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, I do not approve the increase in the annual charge for Zone D services of \$101.20 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, yo no apruebo el incremento anual a los servicios de la Zona D de \$101.20 por parcela residencial. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000313
JOSE LUIS CARRILLO

12113 WELLER PL
MORENO VALLEY CA 92557-7846



Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 20941 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

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

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 20941 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately \$5.09 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 3

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 20941 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA *******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 20941. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **umentara aproximadamente \$5.09 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, “The Right to Vote on Taxes Act”, el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level.

Current Charge

The 2010/11 Tract 20941 annual charge for standard landscape maintenance services is \$104.98 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is \$1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to \$166.00 per parcel. This equates to an estimated annual increase of approximately 58% or \$61.02 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 20941.

Per Parcel	
Fiscal Year	Annual Charge
2006-07	\$96.00
2007-08	\$99.00
2008-09	\$103.00
2009-10	\$103.10
2010-11	\$104.98

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD 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.**

¿La Razón por el Incremento?

A través de los años, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 20941 es de \$104.98 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de \$1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a \$166.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 58% o \$61.02 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos años.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 20941.

Por Parcela Residencial	
Año Fiscal	Cargo Anual
2006-07	\$96.00
2007-08	\$99.00
2008-09	\$103.00
2009-10	\$103.10
2010-11	\$104.98

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 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, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of \$166.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **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 which will be held on **Tuesday, June 28, 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.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley.**

<u>Junta Publica</u> Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	<u>Audiencia Publica</u> Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)
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Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de \$166.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

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.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada*.
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.



Una marca que este mayormente dentro de la caja;



Una X que este mayormente dentro de la caja;



Un punto o marca ovalada que este mayormente dentro de la caja;



Llenar la caja completamente mayormente dentro de las líneas;



Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;



Un circulo alrededor de la caja y/o la cláusula asociada; o



Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

**CSD ZONE D, TRACT 20941
FY 2011/12 BUDGET**

LANDSCAPE AREA	9,600	Square Feet or
	0.22	Acres

REVENUES

Proposed Annual Zone D Charge	\$	166.00	or \$13.83 per month
Number of parcels		76	

Total Revenue	\$	12,616.00
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EXPENSES

Direct Costs			
Base Maintenance Contract	\$	2,695.68	
Water (Eastern Municipal Water District)		1,132.40	
Electricity (SCE)		301.07	
Repair and Replacement/Miscellaneous Direct Expenses		1,676.36	
Landscape Inspectors/Technicians and Support Services		4,646.84	
Parts and Equipment		304.55	
Subtotal Direct Costs	\$	10,756.90	

Indirect Costs			
Miscellaneous Indirect Expenses	\$	220.38	
Special Districts Program Administration		540.43	
City Administration		1,090.83	
Subtotal Indirect Costs	\$	1,851.64	

Total Expenses	\$	12,608.54
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Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

**CSD ZONA D, FRACCIONAMIENTO 20941
PRESUPUESTO DEL AÑO FISCAL 2011/12**

ÁREA AJARDINADA	9,600	Pies Cuadrados
	0.22	Acres
 INGRESOS		
Cargo Anual Propuesto para la Zona D	\$ 166.00	o \$13.83 mensual
Números de parcelas	<u>76</u>	
Total de Ingresos	\$ 12,616.00	
 EGRESOS		
Costos Directos		
Contrato de Mantenimiento Base	\$ 2,695.68	
Agua (Eastern Municipal Water District)	1,132.40	
Electricidad (SCE)	301.07	
Reparación o Reemplazo/Egresos Misceláneos Directos	1,676.36	
Inspectores de Jardinería/Servicios de Apoyo Técnicos	4,646.84	
Partes y Equipo	<u>304.55</u>	
Subtotal de Costos Directos	\$ 10,756.90	
Costos Indirectos		
Egresos Misceláneos Indirectos	\$ 220.38	
Administración de Programa de Servicios Especiales	540.43	
Administración de la Ciudad	<u>1,090.83</u>	
Subtotal de Costos Indirectos	\$ 1,851.64	
Total de Egresos	\$ 12,608.54	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
GENERAL SERVICE LEVEL GUIDELINES ***

DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	STANDARD MAINTENANCE SERVICE	REDUCED MAINTENANCE SERVICE	STREET TREE MAINTENANCE SERVICE
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A







* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

**DISTRITO DE SERVICIOS COMUNITARIOS
ZONA D (Mantenimiento de Área Ajardinada)
PAUTAS DE NIVEL DE SERVICIO GENERAL***

DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	SERVICIO DE MANTENIMIENTO ESTANDAR	SERVICIO DE MANTENIMIENTO REDUCIDO	SERVICIO DE MANTENIMIENTO STREET TREE
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas por los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Tract/Fraccionamiento 20941

-  Median/Camellon
-  Landscaped Areas/Areas de jardin
-  Roads/Calles
-  Parcels/Parcelas
-  City Boundary/Limite de la ciudad
-  Tract/Fraccionamiento 20941

Map reflects all changes indicated on Riverside County Assessor Maps as of March 28, 2011.

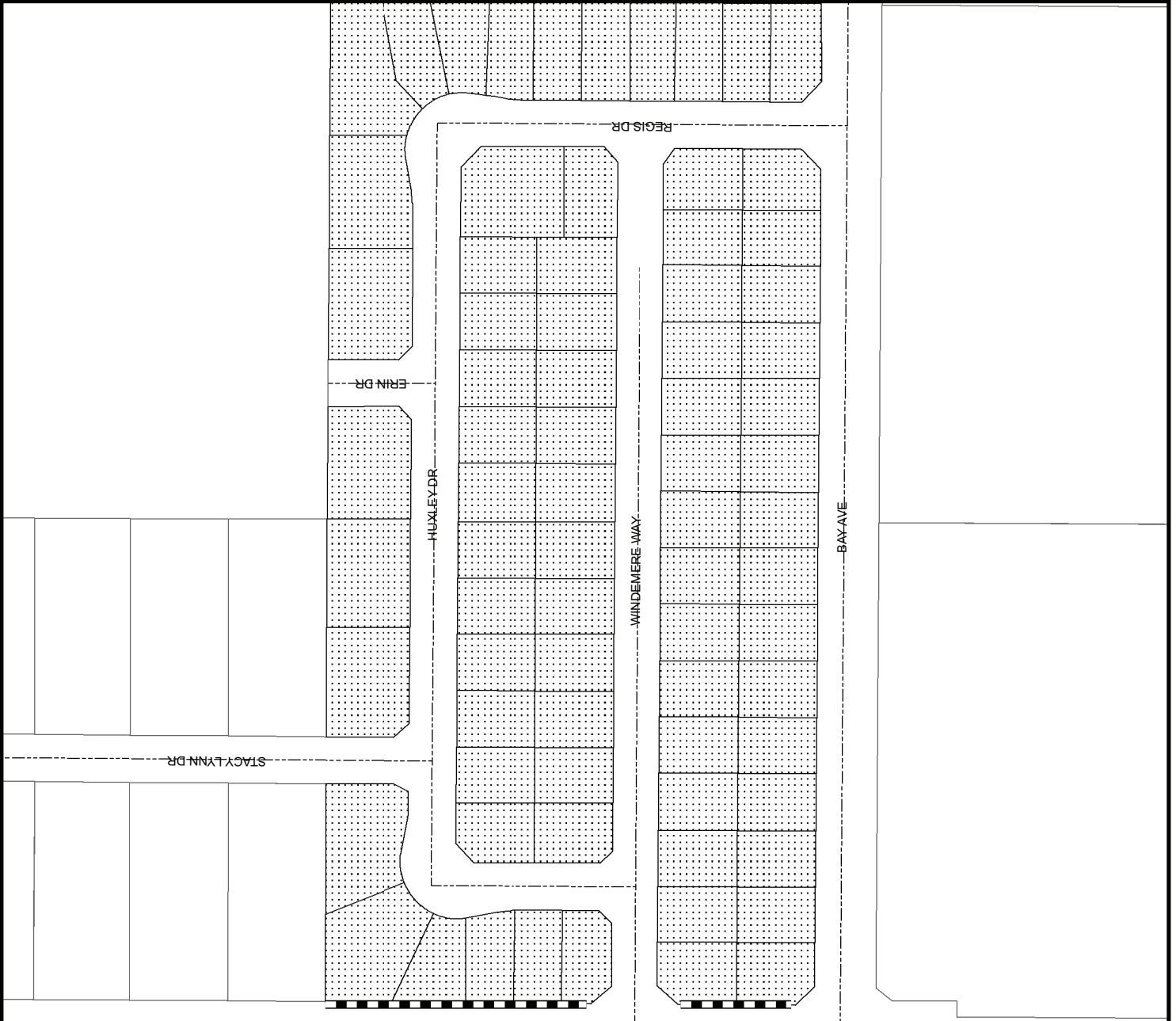


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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification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



MORENO VALLEY
WHERE DREAMS SOAR



**OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. «PARCEL»
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 20941**



Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 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.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

Yes/Si



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, I approve the increase in the annual charge for Zone D services of \$61.02 per parcel (**approximately \$5.09 per month**). The increase will adjust the approved annual charge from \$104.98 to \$166.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Si, yo apruebo el incremento anual a los servicios de la Zona D de \$61.02 por parcela (**aproximadamente \$5.09 mensual**). Dicho incremento resultara en un ajuste al cargo anual aprobado de \$104.98 a \$166.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los años venideros del Departamento de Trabajo.

No/No



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, I do not approve the increase in the annual charge for Zone D services of \$61.02 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, yo no apruebo el incremento anual a los servicios de la Zona D de \$61.02 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser discontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

«endorse» «sequence»
«Owner1»
«co»
«MAIL_TO_STREET_ADDRESS»
«MAIL_TO_CITY» «State» «zip»

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 21737 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

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

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 21737 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately \$21.63 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 4

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 21737 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA *******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 21737. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **umentara aproximadamente \$21.63 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, “The Right to Vote on Taxes Act”, el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level. This is a direct-benefit charge for your community. There are no other revenue sources to pay for landscape maintenance.

Current Charge

The 2010/11 Tract 21737 annual charge for standard landscape maintenance services is \$214.04 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is \$1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to \$468.00 per parcel. This equates to an estimated annual increase of approximately 119% or \$253.96 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 21737.

Per Parcel	
Fiscal Year	Annual Charge
2006-07	\$196.00
2007-08	\$202.00
2008-09	\$210.00
2009-10	\$210.20
2010-11	\$214.04

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD 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.**

¿La Razón por el Incremento?

A través de los años, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 21737 es de \$214.04 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de \$1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a \$468.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 119% o \$253.96 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos años.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 21737.

Por Parcela Residencial	
Año Fiscal	Cargo Anual
2006-07	\$196.00
2007-08	\$202.00
2008-09	\$210.00
2009-10	\$210.20
2010-11	\$214.04

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 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, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of \$468.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **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 which will be held on **Tuesday, June 28, 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.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley.**

<u>Junta Publica</u> Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	<u>Audiencia Publica</u> Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)
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Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de \$468.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información









Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

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 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.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada*.
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.



Una marca que este mayormente dentro de la caja;



Una X que este mayormente dentro de la caja;



Un punto o marca ovalada que este mayormente dentro de la caja;



Llenar la caja completamente mayormente dentro de las líneas;



Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;



Un circulo alrededor de la caja y/o la cláusula asociada; o



Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

**CSD ZONE D, TRACT 21737
FY 2011/12 BUDGET**

LANDSCAPE AREA	3,920	Square Feet or
	0.09	Acres
REVENUES		
Proposed Annual Zone D Charge	\$ 431.00	or \$35.92 per month
Number of parcels	14	
Total Revenue	\$ 6,034.00	
EXPENSES		
Direct Costs		
Base Maintenance Contract	\$ 1,100.76	
Water (Eastern Municipal Water District)	515.51	
Electricity (SCE)	299.23	
Repair and Replacement/Miscellaneous Direct Expenses	862.83	
Landscape Inspectors/Technicians and Support Services	2,223.83	
Parts and Equipment	145.75	
Subtotal Direct Costs	\$ 5,147.91	
Indirect Costs		
Miscellaneous Indirect Expenses	\$ 105.47	
Special Districts Program Administration	258.63	
City Administration	522.04	
Subtotal Indirect Costs	\$ 886.14	
Total Expenses	\$ 6,034.05	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

**CSD ZONA D, FRACCIONAMIENTO 21737
PRESUPUESTO DEL AÑO FISCAL 2011/12**

ÁREA AJARDINADA	3,920	Pies Cuadrados
	0.09	Acres
 INGRESOS		
Cargo Anual Propuesto para la Zona D	\$ 431.00	o \$35.92 mensual
Números de parcelas	14	
Total de Ingresos	\$ 6,034.00	
 EGRESOS		
Costos Directos		
Contrato de Mantenimiento Base	\$ 1,100.76	
Agua (Eastern Municipal Water District)	515.51	
Electricidad (SCE)	299.23	
Reparación o Reemplazo/Egresos Misceláneos Directos	862.83	
Inspectores de Jardinería/Servicios de Apoyo Técnicos	2,223.83	
Partes y Equipo	145.75	
Subtotal de Costos Directos	\$ 5,147.91	
Costos Indirectos		
Egresos Misceláneos Indirectos	\$ 105.47	
Administración de Programa de Servicios Especiales	258.63	
Administración de la Ciudad	522.04	
Subtotal de Costos Indirectos	\$ 886.14	
Total de Egresos	\$ 6,034.05	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevaletientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
GENERAL SERVICE LEVEL GUIDELINES ***

DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	STANDARD MAINTENANCE SERVICE	REDUCED MAINTENANCE SERVICE	STREET TREE MAINTENANCE SERVICE
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A








* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

**DISTRITO DE SERVICIOS COMUNITARIOS
ZONA D (Mantenimiento de Área Ajardinada)
PAUTAS DE NIVEL DE SERVICIO GENERAL***

DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	SERVICIO DE MANTENIMIENTO ESTANDAR	SERVICIO DE MANTENIMIENTO REDUCIDO	SERVICIO DE MANTENIMIENTO STREET TREE
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas por los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Tract/Fraccionamiento 21737

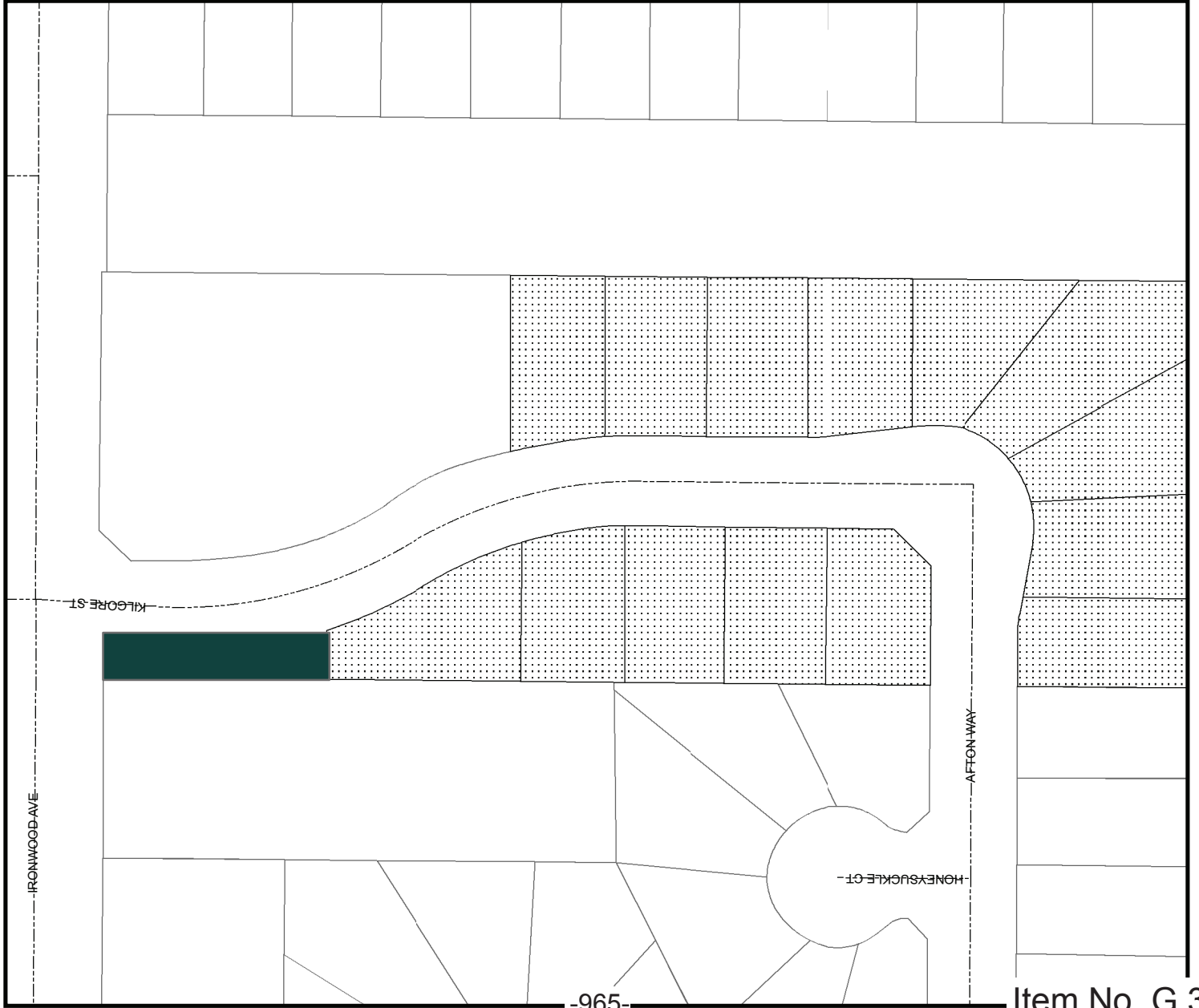
-  Median/Camellon
-  Landscaped Areas/Areas de jardin
-  Roads/Calles
-  Parcels/Parcelas
-  City Boundary/Limite de la ciudad
-  Tract/Fraccionamiento 21737
-  Expanded Landscaped Entry Statement

Map reflects all changes indicated on Riverside County Assessor Maps as of April 4, 2011.



G:\AVP\SDA\Zone D Tract 21737.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.



OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 481341024
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 21737



Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 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.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

Yes/Si

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA



Yes, I approve the increase in the annual charge for Zone D services of \$216.96 per parcel (**approximately \$18.08 per month**) The increase will adjust the approved annual charge from \$214.04 to \$431.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Si, yo apruebo el incremento anual a los servicios de la Zona D de \$216.96 por parcela (**aproximadamente \$18.08 mensual**). Dicho incremento resultara en un ajuste al cargo anual aprobado de \$214.04 a \$431.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los años venideros del Departamento de Trabajo.

No/No

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA



No, I do not approve the increase in the annual charge for Zone D services of \$216.96 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, yo no apruebo el incremento anual a los servicios de la Zona D de \$216.96 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000295
 MANUEL ENRIGUEZ

24697 AFTON WAY
 MORENO VALLEY CA 92557-7842



Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 22371 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

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

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 22371 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately \$20.72 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 5

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 22371 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA *******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 22371. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **umentara aproximadamente \$20.72 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-1 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, “The Right to Vote on Taxes Act”, el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level. This is a direct-benefit charge for your community. There are no other revenue sources to pay for landscape maintenance.

Current Charge

The 2010/11 Tract 22371 annual charge for standard landscape maintenance services is \$291.42 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is \$1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to \$540.00 per parcel. This equates to an estimated annual increase of approximately 85% or \$248.58 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 22371.

Per Parcel	
Fiscal Year	Annual Charge
2006-07	\$265.00
2007-08	\$274.00
2008-09	\$286.00
2009-10	\$286.20
2010-11	\$291.42

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD 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.**

¿La Razón por el Incremento?

A través de los años, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 22371 es de \$291.42 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de \$1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a \$540.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 85% o \$248.58 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos años.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 22371.

Por Parcela Residencial	
Año Fiscal	Cargo Anual
2006-07	\$265.00
2007-08	\$274.00
2008-09	\$286.00
2009-10	\$286.20
2010-11	\$291.42

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 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, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of \$540.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **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 which will be held on **Tuesday, June 28, 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.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley.**

<u>Junta Publica</u> Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	<u>Audiencia Publica</u> Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)
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Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de \$540.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información









Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

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 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.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada*.
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.



Una marca que este mayormente dentro de la caja;



Una X que este mayormente dentro de la caja;



Un punto o marca ovalada que este mayormente dentro de la caja;



Llenar la caja completamente mayormente dentro de las líneas;



Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;



Un circulo alrededor de la caja y/o la cláusula asociada; o



Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

**CSD ZONE D, TRACT 22371
FY 2011/12 BUDGET**

LANDSCAPE AREA	17,844	Square Feet or
	0.41	Acres
 REVENUES		
Proposed Annual Zone D Charge	\$ 497.00	or \$41.42 per month
Number of parcels	39	
Total Revenue	\$ 19,383.00	
 EXPENSES		
Direct Costs		
Base Maintenance Contract	\$ 5,010.60	
Water (Eastern Municipal Water District)	2,199.50	
Electricity (SCE)	302.38	
Repair and Replacement/Miscellaneous Direct Expenses	1,406.96	
Landscape Inspectors/Technicians and Support Services	7,139.29	
Parts and Equipment	467.90	
Subtotal Direct Costs	\$ 16,526.63	
Indirect Costs		
Miscellaneous Indirect Expenses	\$ 338.59	
Special Districts Program Administration	830.31	
City Administration	1,675.93	
Subtotal Indirect Costs	\$ 2,844.83	
Total Expenses	\$ 19,371.46	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

**CSD ZONA D, FRACCIONAMIENTO 22371
PRESUPUESTO DEL AÑO FISCAL 2011/12**

ÁREA AJARDINADA	17,844	Pies Cuadrados
	0.41	Acres
 INGRESOS		
Cargo Anual Propuesto para la Zona D	\$ 497.00	o \$41.42 mensual
Números de parcelas	39	
Total de Ingresos	\$ 19,383.00	
 EGRESOS		
Costos Directos		
Contrato de Mantenimiento Base	\$ 5,010.60	
Agua (Eastern Municipal Water District)	2,199.50	
Electricidad (SCE)	302.38	
Reparación o Reemplazo/Egresos Misceláneos Directos	1,406.96	
Inspectores de Jardinería/Servicios de Apoyo Técnicos	7,139.29	
Partes y Equipo	467.90	
Subtotal de Costos Directos	\$ 16,526.63	
Costos Indirectos		
Egresos Misceláneos Indirectos	\$ 338.59	
Administración de Programa de Servicios Especiales	830.31	
Administración de la Ciudad	1,675.93	
Subtotal de Costos Indirectos	\$ 2,844.83	
Total de Egresos	\$ 19,371.46	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevaecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
GENERAL SERVICE LEVEL GUIDELINES ***

DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	STANDARD MAINTENANCE SERVICE	REDUCED MAINTENANCE SERVICE	STREET TREE MAINTENANCE SERVICE
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

**DISTRITO DE SERVICIOS COMUNITARIOS
ZONA D (Mantenimiento de Área Ajardinada)
PAUTAS DE NIVEL DE SERVICIO GENERAL***

DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	SERVICIO DE MANTENIMIENTO ESTANDAR	SERVICIO DE MANTENIMIENTO REDUCIDO	SERVICIO DE MANTENIMIENTO STREET TREE
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Tract/Fraccionamiento 22371

- Median/Camellon
- - - Landscaped Areas/Areas de jardin
- · - · - Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- ▤ Tract/Fraccionamiento 22371

Map reflects all changes indicated on Riverside County Assessor Maps as of March 29, 2011.

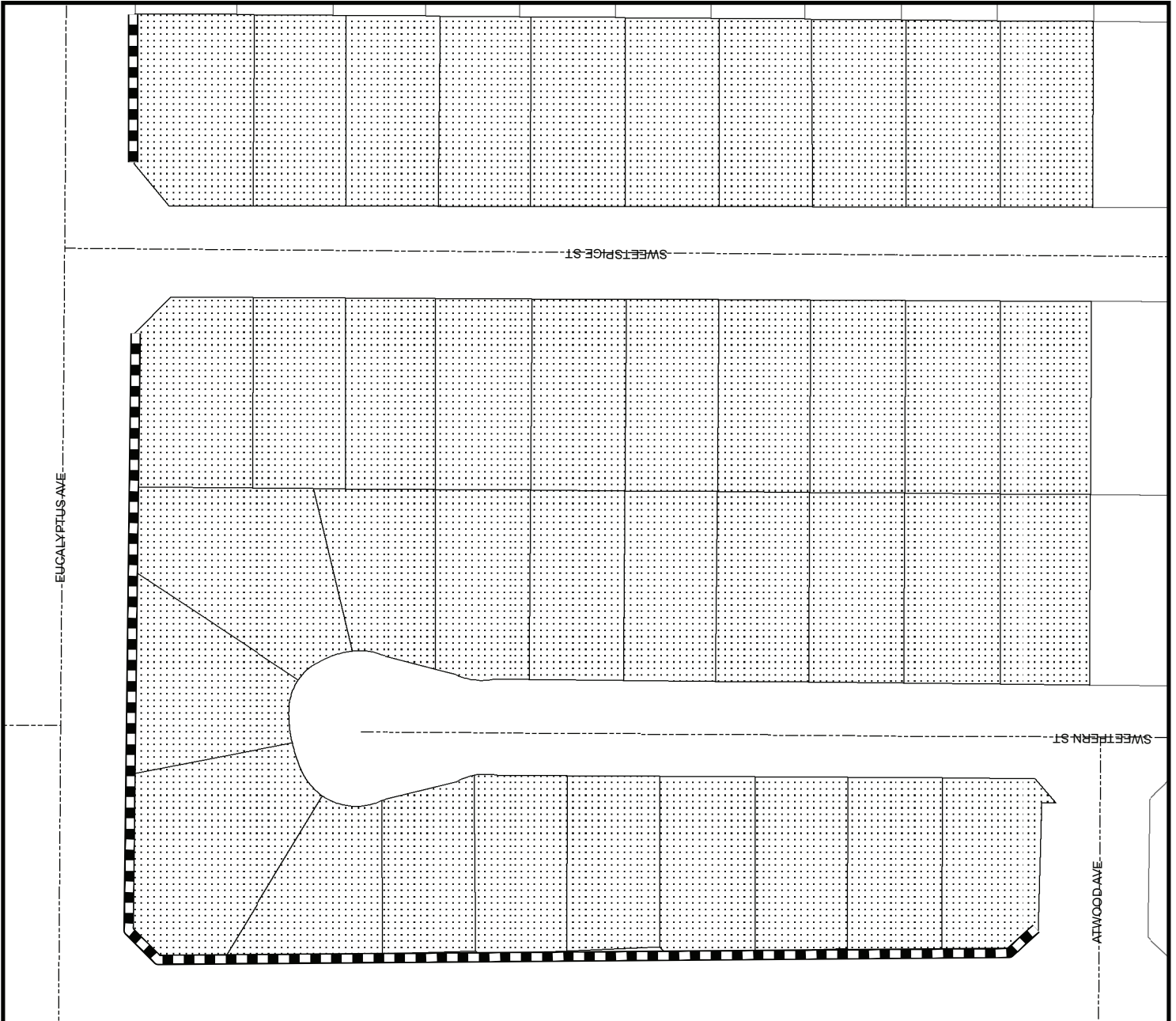


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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification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



MORENO VALLEY
WHERE DREAMS SOAR



EUCALYPTUS AVE

SWEETSPICE ST

SWEETFERN ST

ATWOOD AVE

KITCHING ST

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 479524018
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 22371



Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 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.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

Yes/Si



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, I approve the increase in the annual charge for Zone D services of \$205.58 per parcel (**approximately \$17.13 per month**). The increase will adjust the approved annual charge from \$291.42 to \$497.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Si, yo apruebo el incremento anual a los servicios de la Zona D de \$205.58 por parcela (**aproximadamente \$17.13 mensual**). Dicho incremento resultara en un ajuste al cargo anual aprobado de \$291.42 a \$497.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los años venideros del Departamento de Trabajo.

No/No



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, I do not approve the increase in the annual charge for Zone D services of \$205.58 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, yo no apruebo el incremento anual a los servicios de la Zona D de \$205.58 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000332
LOS ARCOS INV INC

390 N MCKINLEY ST STE 106
CORONA CA 92879-6572



Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 31591 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

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

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 31591 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately \$18.19 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 6

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 31591 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA *******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 31591. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **umentara aproximadamente \$18.19 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona Des un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, “The Right to Vote on Taxes Act”, el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level. This is a direct-benefit charge for your community. There are no other revenue sources to pay for landscape maintenance.

Current Charge

The 2010/11 Tract 31591 annual charge for standard landscape maintenance services is \$462.70 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is \$1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to \$681.00 per parcel. This equates to an estimated annual increase of approximately 47% or \$218.30 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 31591.

Per Parcel	
Fiscal Year	Annual Charge
2007-08	\$454.00
2008-09	\$454.00
2009-10	\$454.40
2010-11	\$462.70

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD 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.**

¿La Razón por el Incremento?

A través de los años, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 31591 es de \$462.70 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de \$1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a \$681.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 47% o \$218.30 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos años.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 31591.

Por Parcela Residencial	
Año Fiscal	Cargo Anual
2007-08	\$454.00
2008-09	\$454.00
2009-10	\$454.40
2010-11	\$462.70

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 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, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of \$681.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **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 which will be held on **Tuesday, June 28, 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.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley.**

<u>Junta Publica</u> Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	<u>Audiencia Publica</u> Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)
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Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de \$681.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

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.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada*.
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.



Una marca que este mayormente dentro de la caja;



Una X que este mayormente dentro de la caja;



Un punto o marca ovalada que este mayormente dentro de la caja;



Llenar la caja completamente mayormente dentro de las líneas;



Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;



Un circulo alrededor de la caja y/o la cláusula asociada; o



Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

**CSD ZONE D, TRACT 31591
FY 2011/12 BUDGET**

LANDSCAPE AREA	16,445	Square Feet or 0.38 Acres
 REVENUES		
Proposed Annual Zone D Charge	\$ 628.00	or \$52.33 per month
Number of parcels	33	
Total Revenue	\$ 20,724.00	
 EXPENSES		
Direct Costs		
Base Maintenance Contract	\$ 4,617.60	
Water (Eastern Municipal Water District)	3,043.65	
Electricity (SCE)	306.94	
Vandalism Repair	93.02	
Repair and Replacement/Miscellaneous Direct Expenses	1,467.38	
Landscape Inspectors/Technicians and Support Services	7,626.86	
Parts and Equipment	499.85	
Subtotal Direct Costs	\$ 17,655.30	
Indirect Costs		
Miscellaneous Indirect Expenses	\$ 361.71	
Special Districts Program Administration	887.01	
City Administration	1,790.39	
Subtotal Indirect Costs	\$ 3,039.11	
Total Expenses	\$ 20,694.41	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

**CSD ZONA D, FRACCIONAMIENTO 31591
PRESUPUESTO DEL AÑO FISCAL 2011/12**

ÁREA AJARDINADA	16,445 Pies Cuadrados 0.38 Acres
INGRESOS	
Cargo Anual Propuesto para la Zona D	\$ 628.00 o \$52.33 mensual
Números de parcelas	<u>33</u>
Total de Ingresos	\$ 20,724.00
EGRESOS	
Costos Directos	
Contrato de Mantenimiento Base	\$ 4,617.60
Agua (Eastern Municipal Water District)	3,043.65
Electricidad (SCE)	306.94
Reparación de Vandalismo	93.02
Reparación o Reemplazo/Egresos Misceláneos Directos	1,467.38
Inspectores de Jardinería/Servicios de Apoyo Técnicos	7,626.86
Partes y Equipo	<u>499.85</u>
Subtotal de Costos Directos	\$ <u>17,655.30</u>
Costos Indirectos	
Egresos Misceláneos Indirectos	\$ 361.71
Administración de Programa de Servicios Especiales	887.01
Administración de la Ciudad	<u>1,790.39</u>
Subtotal de Costos Indirectos	\$ <u>3,039.11</u>
Total de Egresos	\$ 20,694.41

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermedia y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envío, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

**COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
GENERAL SERVICE LEVEL GUIDELINES ***

DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	STANDARD MAINTENANCE SERVICE	REDUCED MAINTENANCE SERVICE	STREET TREE MAINTENANCE SERVICE
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A




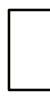
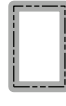
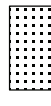
* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

**DISTRITO DE SERVICIOS COMUNITARIOS
ZONA D (Mantenimiento de Área Ajardinada)
PAUTAS DE NIVEL DE SERVICIO GENERAL***

DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	SERVICIO DE MANTENIMIENTO ESTANDAR	SERVICIO DE MANTENIMIENTO REDUCIDO	SERVICIO DE MANTENIMIENTO STREET TREE
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Tract/Fraccionamiento 31591

-  Median/Camellon
-  Landscaped Areas/Areas de jardin
-  Roads/Calles
-  Parcels/Parcelas
-  City Boundary/Limite de la ciudad
-  Tract/Fraccionamiento 31591

Map reflects all changes indicated on Riverside County Assessor Maps as of March 29, 2011.

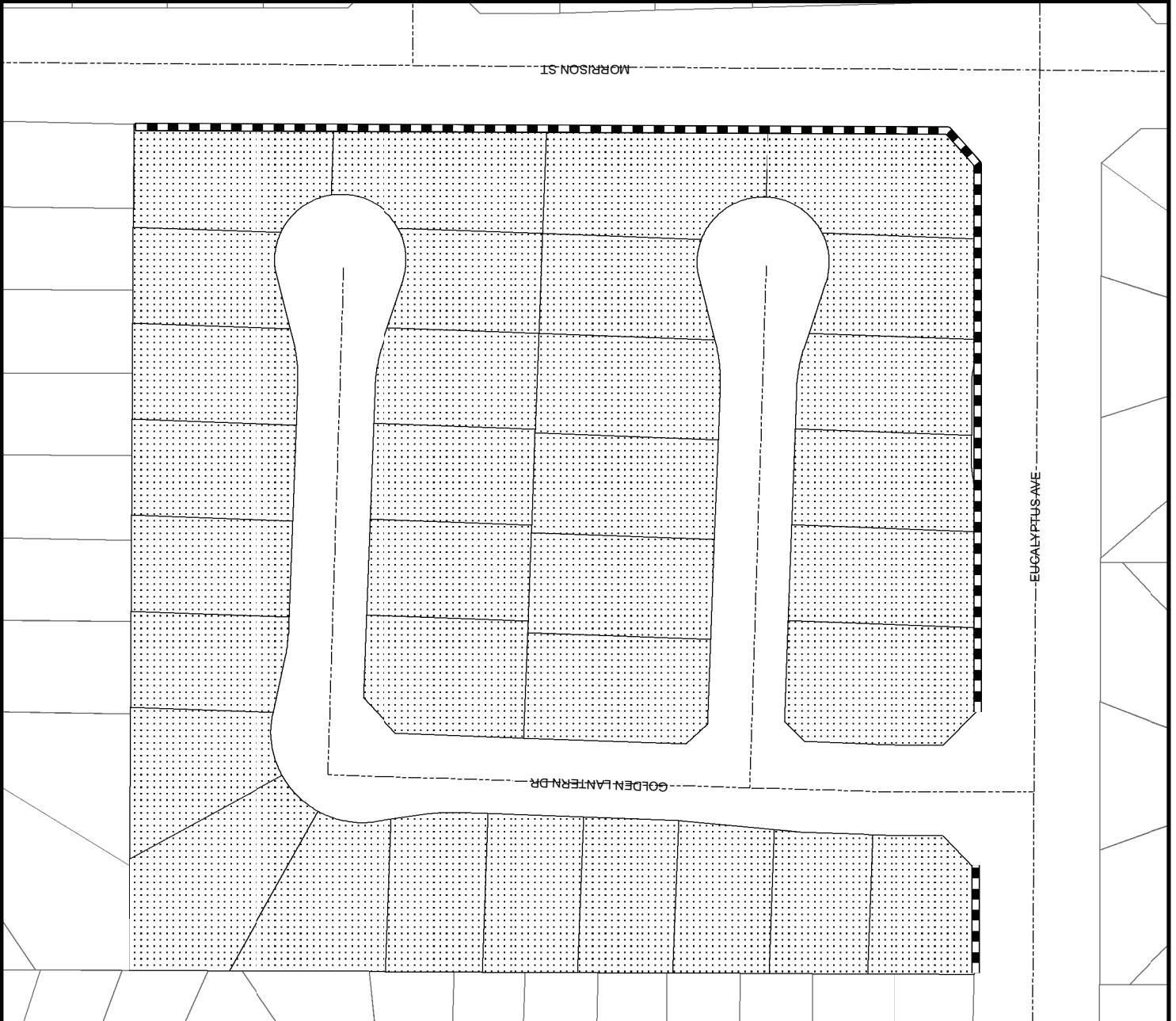


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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification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



MORENO VALLEY
WHERE DREAMS SOAR



OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 487310027
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 31591



Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 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.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

Yes/Si



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, I approve the increase in the annual charge for Zone D services of \$165.30 per parcel (**approximately \$13.78 per month**). The increase will adjust the approved annual charge from \$462.70 to \$628.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Si, yo apruebo el incremento anual a los servicios de la Zona D de \$165.30 por parcela (**aproximadamente \$13.78 mensual**). Dicho incremento resultara en un ajuste al cargo anual aprobado de \$462.70 a \$628.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los años venideros del Departamento de Trabajo.

No/No



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, I do not approve the increase in the annual charge for Zone D services of \$165.30 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, yo no apruebo el incremento anual a los servicios de la Zona D de \$165.30 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

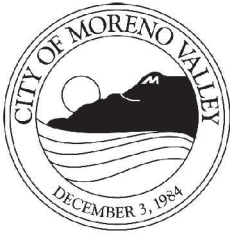
Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000332
LOS ARCOS INV INC

390 N MCKINLEY ST STE 106
CORONA CA 92879-6572





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

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the 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: June 14, 2011

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED SUB-ZONES FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for the proposed increase in the CSD Zone E annual parcel charge for Zone E-1 (TownGate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East) landscape areas.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The Moreno Valley CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the service. Each zone provides specific services to designated areas. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to commercial and residential properties in designated areas that have landscaped perimeters, open space, medians, and/or entry statements.

The CSD provides extensive landscape maintenance to the landscape areas in Zones E-1, E-2, E-3A, and E-4. Special Districts staff manages private landscape maintenance firms to ensure landscape preservation activities are completed on a regular schedule. Landscape

maintenance includes mowing, trimming, pruning, fertilizing, replacing plant material(s) as necessary, maintaining the irrigation systems, weed control, litter removal, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

DISCUSSION

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service areas have incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient fund balances are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. Since the Zone E program was set up to be a full cost recovery program there are no other revenue sources to pay for landscape maintenance. Because the current parcel charges do not provide adequate funding to cover the full cost of landscape maintenance, the CSD is required to ballot the property owners of the affected sub-zones to seek approval for an increase in the annual charge to maintain landscape services at the standard service level.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, mail ballot proceedings are being conducted to allow property owners within Zones E-1, E-2, E-3A, and E-4 the opportunity to approve or oppose the proposed increase in the CSD Zone E annual parcel charge. The proposed CSD Zone E parcel charges for each sub-zone are listed below.

CSD Zone	2010/11 CSD Zone E Annual Parcel Charge			Proposed 2011/12 CSD Zone E Annual Parcel Charge		
	Per Residential Parcel or Equivalent Dwelling Unit for Undeveloped Parcels	Per Condo Unit	Per Acre	Per Residential Parcel or Equivalent Dwelling Unit for Undeveloped Parcels	Per Condo Unit	Per Acre
E-1	\$126.36	\$57.02	\$505.44	\$152.00	\$69.00	\$608.00
E-2	398.46	N/A	N/A	518.00	N/A	N/A
E-3A	67.20	N/A	N/A	108.00	N/A	N/A
E-4	110.00	N/A	440.00	240.00	N/A	960.00

The CSD Zone E charges may be subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The proposed increase in the CSD Zone E (extensive landscape maintenance) parcel charge for each designated sub-zone will be annually levied through the property tax bill process if a simple majority (50%+1) of the returned valid ballots are marked in favor of the increase.

If a majority of the valid ballots returned do not approve the proposed annual parcel charge for each designated sub-zone, the parcel charge shall continue to be levied on the property tax bill at the current rate, which may include an annual inflation adjustment. The CSD will evaluate the level of landscape service to be provided based on the City Council/CSD Board approved Moreno Valley Community Services District Zone E (Extensive Parkway Landscape Maintenance) Service Plan, General Management Policy #2.41. If revenues from a sub-zone do not support the lowest level of reduced landscape maintenance service, the property owners will be notified that the CSD is unable to provide the landscape maintenance service.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for the proposed increase in the annual parcel charges for CSD Zones E-1, E-2, E-3A, and E-4. *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment in a mail ballot proceeding.*
2. **Do not accept public comments** regarding the mail ballot proceeding for the proposed increase in the annual parcel charges for CSD Zones E-1, E-2, E-3A, and E-4. *This alternative would be contrary to state statutes.*

FISCAL IMPACT

There is no impact on the General Fund for the operation of the Community Services District Zone E program. The CSD provides services through various zones, such as Zone E (Extensive Landscape Maintenance), which is a full-cost recovery program. The collection of the CSD Zone E annual charge is restricted for landscape maintenance services and administration of the Zone E program.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

The proposed increase in the CSD Zone E parcel charges for Zones E-1, E-2, E-3A, and E-4 are based upon actual costs, which include maintenance and administration.

Community Image, Neighborhood Pride and Cleanliness

Continuation of the Zone E services in the landscaped areas within the described sub-zones will allow the CSD to maintain the current appearance of the areas.

SUMMARY

The action before the CSD Board is to accept public comments regarding the proposed increase in the Zone E annual parcel charge for Zones E-1, E-2, E-3A, and E-4. All property owners within the described zones have two opportunities to address the legislative body.

These two opportunities are the Public Meeting on June 14, 2011, and the Public Hearing on June 28, 2011, when the results of the ballot proceedings will be announced.

NOTIFICATION

On May 9, 2011, a ballot packet was mailed to each property owner within the affected sub-zones. The packet included a notice to property owner, 2011/12 budget, map with the location of the landscaping and the contributing parcels, CSD Zone E service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each sub-zone is included as Attachments 1 through 4.

Newspaper advertising for the June 14, 2011, Public Meeting and June 28, 2011, Public Hearing was published in The Press-Enterprise on May 26, 2011. Additionally, the Public Hearing notification was published on June 9 and will be published again on June 16, 2011.

ATTACHMENTS

- Attachment 1: Sample mail ballot packet for Zone E-1
- Attachment 2: Sample mail ballot packet for Zone E-2
- Attachment 3: Sample mail ballot packet for Zone E-3A
- Attachment 4: Sample mail ballot packet for Zone E-4

Prepared by:
Jennifer A. Terry,
Management Analyst

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

Concurred by:
Candace E. Cassel
Special Districts Division Manager

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

W:\SpecialDist\Special Dist Administration\Community Services District CSD\Ballots\Ballots for FY 11.12\Zone E\Zone E PM Strprt 06.14.11.doc

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

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-1 ANNUAL CHARGE

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

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-1 annual charges. If approved, beginning in FY 2011/12 each residential parcel's annual charge shall be **increased by approximately \$2.14 per month** to meet current costs. The Zone E-1 charges will be collected on the County of Riverside property tax bills. The Zone E-1 annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-1 are divided proportionally by the number of parcels, acres, or condo units to determine the annual charge per parcel, acre, or condo unit.

ATTACHMENT 1

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-1

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-1. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente \$2.14 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-1 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, “The Right to Vote on Taxes Act”, el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-1 son divididos en proporción al número de parcelas, unidades de condominio y acres para determinar el costo anual por parcela, unidades de condominio y acre.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-1 annual charges for standard landscape maintenance services are \$126.36 per residential parcel, \$505.44 per acre for nonresidential or undeveloped parcels, or \$57.02 per condo unit. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-1 program for FY 2010/11 is \$281,584.08.

Proposed Charge

To meet current costs, the Zone E-1 charges are proposed to be adjusted to \$152 per residential parcel, \$608 per acre for nonresidential or undeveloped parcels, or \$69 per condo unit. This equates to an estimated annual increase of approximately 20% or \$25.64 per residential parcel, \$102.56 per acre for nonresidential or undeveloped parcels, or \$11.98 per condo unit.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Zone E-1 Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel		Per Acre (Nonresidential or Undeveloped)		Per Condo Unit	
Fiscal Year	Annual Charge	Fiscal Year	Annual Charge	Fiscal Year	Annual Charge
2005-06	\$110.00	2005-06	\$440.00	2005-06	N/A
2006-07	\$115.00	2006-07	\$460.00	2006-07	N/A
2007-08	\$119.00	2007-08	\$476.00	2007-08	N/A
2008-09	\$124.00	2008-09	\$496.00	2008-09	\$56.00
2009-10	\$124.10	2009-10	\$496.40	2009-10	\$56.00
2010-11	\$126.36	2010-11	\$505.44	2010-11	\$57.02

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

¿La Razón por el Incremento?

A través de los años, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-1 es de \$126.36 por parcela residencial, \$505.44 por acre no residencial o parcelas subdesarrolladas, o \$57.02 por unidad de condominio. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-1 durante el año fiscal 2010/11 es de \$281,584.08.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-1 para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a \$152 por parcela residencial, \$608 por acre no residencial o parcelas subdesarrolladas y \$69 por unidad de condominio. Este ajuste equivaldría a un aumento anual aproximado de 20% o \$25.64 por parcela residencial, \$102.56 por acre no residencial o parcelas subdesarrolladas y \$11.98 por unidad de condominio.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos años.

Historial de Cargos Por Parcela Para La Zona E-1

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial		Por Acre (No Residencial/ Subdesarrollado)		Por Unidad de Condominio	
Año Fiscal	Cargo Anual	Año Fiscal	Cargo Anual	Año Fiscal	Cargo Anual
2005-06	\$110.00	2005-06	\$440.00	2005-06	N/A
2006-07	\$115.00	2006-07	\$460.00	2006-07	N/A
2007-08	\$119.00	2007-08	\$476.00	2007-08	N/A
2008-09	\$124.00	2008-09	\$496.00	2008-09	\$56.00
2009-10	\$124.10	2009-10	\$496.40	2009-10	\$56.00
2010-11	\$126.36	2010-11	\$505.44	2010-11	\$57.02

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD 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, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 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, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approves the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of \$152 per residential parcel, \$608 per acre for nonresidential or undeveloped parcels, or \$69 per condo unit shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **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.*

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley.**

<u>Junta Publica</u> Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	<u>Audiencia Publica</u> Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)
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Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de \$152 por parcela residencial, \$608 por acre no residencial o parcelas subdesarrolladas y \$69 por unidad de condominio será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.

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 which will be held on **Tuesday, June 28, 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.

2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada*.
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

	Una marca que este mayormente dentro de la caja;
	Una X que este mayormente dentro de la caja;
	Un punto o marca ovalada que este mayormente dentro de la caja;
	Llenar la caja completamente mayormente dentro de las líneas;
	Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales.
	Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;
	Un circulo alrededor de la caja y/o la cláusula asociada; o
	Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

**CSD ZONE E-1
FY 2011/12 BUDGET**

LANDSCAPE AREA	442,569	Square Feet or 10.16 Acres
REVENUES		
Single Family Parcels (1,042)	\$ 152.00	or \$12.67 per month
Condo Units (67)	\$ 69.00	or \$5.75 per month
Nonresidential/undeveloped Acres (289.19 acres)	\$ 608.00	or \$50.67 per month
Total Revenue	\$ 338,834.52	
EXPENSES		
Direct Costs		
Base Maintenance Contract	\$ 88,430.00	
Water (Eastern Municipal Water District)	69,200.00	
Electricity (SCE)	4,000.00	
Vandalism Repair	3,400.00	
Repair and Replacement	40,143.52	
Other (mulching, plant material replacement, etc.)	25,400.00	
Landscape Inspectors/Technicians and Support Services	65,511.00	
Parts and Equipment/Miscellaneous Direct Expenses	14,383.00	
Subtotal Direct Costs	<u>\$ 310,467.52</u>	
Indirect Costs		
Miscellaneous Indirect Expenses	\$ 2,625.00	
Special Districts Program Administration	8,256.31	
City Administration	17,485.69	
Subtotal Indirect Costs	<u>\$ 28,367.00</u>	
Total Expenses	\$ 338,834.52	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-1
PRESUPUESTO DEL AÑO FISCAL 2011/12

ÁREA AJARDINADA	442,569	Pies Cuadrados
	10.16	Acres

INGRESOS

Parcelas de Unidades Familiar (1042)	\$	152.00	o \$12.67 mensual
Unidades de Condominio (67)	\$	69.00	o \$5.75 mensual
Acres No Residenciales o Subdesarrollados (289.19 acres)	\$	608.00	o \$50.67 mensual

Total de Ingresos **\$ 338,834.52**

EGRESOS

Costos Directos

Contrato de Mantenimiento Base	\$	88,430.00
Agua (Eastern Municipal Water District)		69,200.00
Electricidad (SCE)		4,000.00
Reparación de Vandalismo		3,400.00
Reparación o Reemplazo		40,143.52
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)		25,400.00
Inspectores de Jardinería/Servicios de Apoyo Técnicos		65,511.00
Partes y Equipo/Egresos Misceláneos Directos		14,383.00
Subtotal de Costos Directos	\$	310,467.52

Costos Indirectos

Egresos Misceláneos Indirectos	\$	2,625.00
Administración de Programa de Servicios Especiales		8,256.31
Administración de la Ciudad		17,485.69
Subtotal de Costos Indirectos	\$	28,367.00

Total de Egresos **\$ 338,834.52**

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermedia y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envío, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

**COMMUNITY SERVICES DISTRICTS
ZONE E (Extensive Landscape Maintenance)
GENERAL SERVICE LEVEL GUIDELINES ***

DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	STANDARD MAINTENANCE SERVICE	REDUCED MAINTENANCE SERVICE	STREET TREE MAINTENANCE SERVICE
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

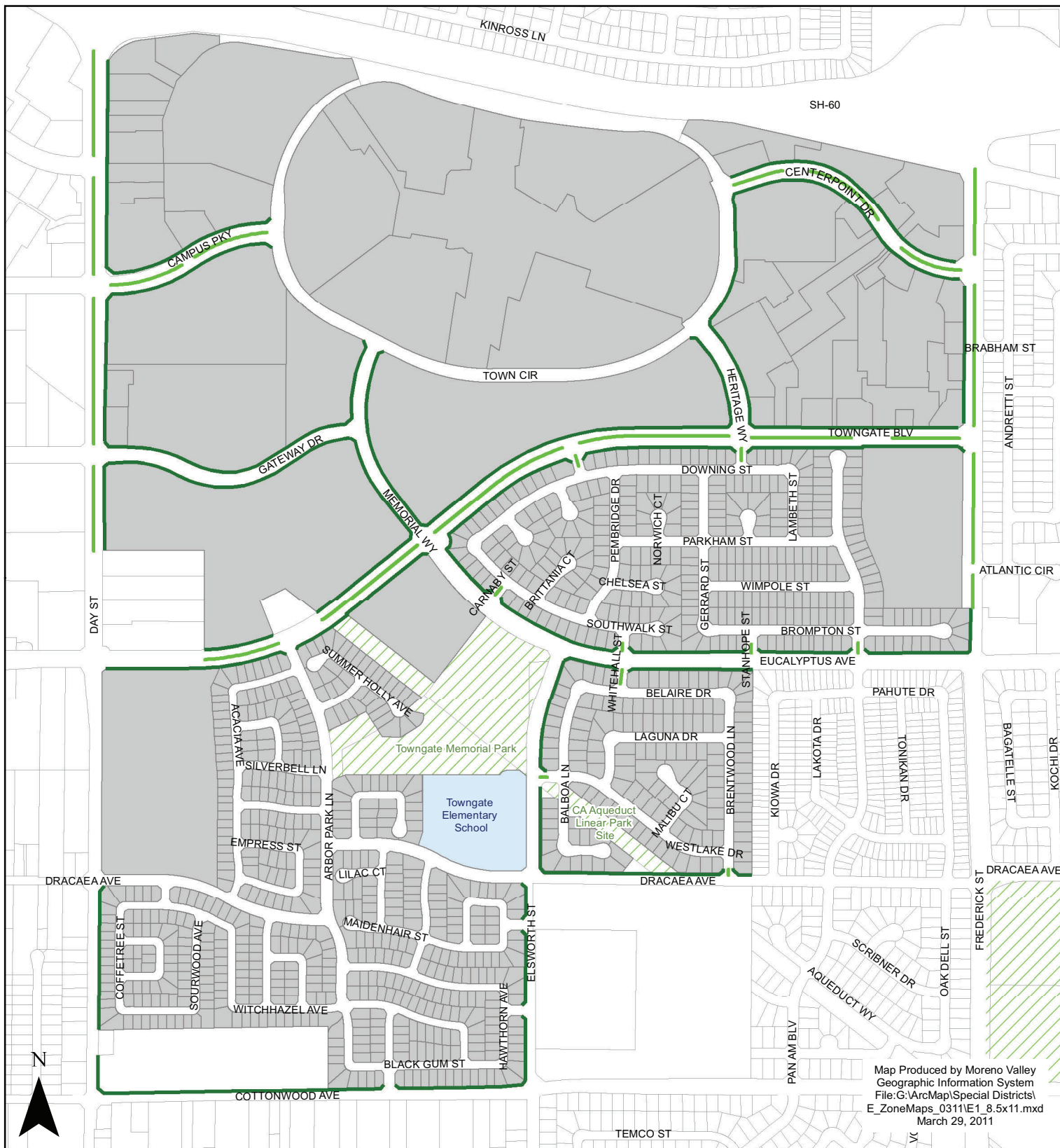
**DISTRITO DE SERVICIOS COMUNITARIOS
ZONA E (Mantenimiento de Jardín Extensivo)
PAUTAS DE NIVEL DE SERVICIO GENERAL***

DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	SERVICIO DE MANTENIMIENTO ESTANDAR	SERVICIO DE MANTENIMIENTO REDUCIDO	SERVICIO DE MANTENIMIENTO STREET TREE
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District Extensive Landscape Maintenance (*Jardineria y mantenimiento general*)

Zone (Zona) E-1 • Towngate



Map Produced by Moreno Valley
Geographic Information System
File:G:\ArcMap\Special Districts\
E_ZoneMaps_0311\E1_8.5x11.mxd
March 29, 2011

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.

 Landscaped Median (*Medianas Ajardinadas*)

 Landscaped Parkway (*Areas Ajardinadas*)

 Zone E-1 Parcels (*Zona E-1 Parcelas*)

**OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 291535016
CSD ZONE E-1 (EXTENSIVE LANDSCAPE MAINTENANCE)**



Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-1 annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 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.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-1. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

Yes/Si



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, I approve the increase in the annual charge for Zone E-1 services of \$25.64 per residential parcel (**approximately \$2.14 per month**). The increase will adjust the approved annual charge from \$126.36 to \$152.00 per parcel for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Si, yo apruebo el incremento anual a los servicios de la Zona E-1 de \$25.64 por parcela residencial (**aproximadamente \$2.14 mensual**). Dicho incremento resultara en un ajuste al cargo anual aprobado de \$126.36 a \$152.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los años venideros del Departamento de Trabajo.

No/No



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, I do not approve the increase in the annual charge for Zone E-1 services of \$25.64 per residential parcel. I understand landscaping services for Zone E-1 shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, yo no apruebo el incremento anual a los servicios de la Zona E-1 de \$25.64 por parcela residencial. Entiendo que los servicios de jardinería de la Zona E-1 serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

MIXED AADC 923 0001169
FEDERAL NATL MORTGAGE ASSN
C/O IBM LENDER BUSINESS PROC SVCS
14523 SW MILLIKAN WAY STE 200
BEAVERTON OR 97005-2352



Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-2 ANNUAL CHARGE

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

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-2 annual charges. If approved, beginning in FY 2011/12 annual charge shall be **increased by approximately \$9.96 per month per residential parcel or Equivalent Dwelling Unit (EDU) for undeveloped parcels** to meet current costs. The Zone E-2 charge is collected on the County of Riverside property tax bills. The Zone E-2 annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-2 are divided proportionally by the number of residential parcels or EDUs to determine the annual charge per parcel or EDU.

ATTACHMENT 2

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-2

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-2. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual **por parcela residencial o Unidad de Vivencia Equivalente en parcelas subdesarrolladas (UVE) aumentara aproximadamente \$9.96 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-2 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, “The Right to Vote on Taxes Act”, el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-2 son divididos en proporción al número de parcelas residenciales o UVE’s para determinar el costo anual por parcela residencial o UVE.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize these cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-2 annual charges for standard landscape maintenance services are \$398.46 per residential parcel or EDU. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-2 program for FY 2010/11 is \$480,941.22.

Proposed Charge

To meet current costs, the Zone E-2 charges are proposed to be adjusted to \$518.00 per residential parcel or EDU. This equates to an estimated annual increase of approximately 30% or \$119.54 per residential parcel or EDU.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Zone E-2 Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel		Per Equivalent Dwelling Unit (Undeveloped Parcels)	
Fiscal Year	Annual Charge	Fiscal Year	Annual Charge
2007-08	\$375.00	2007-08	\$375.00
2008-09	\$391.00	2008-09	\$391.00
2009-10	\$391.30	2009-10	\$391.30
2010-11	\$398.46	2010-11	\$398.46

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD 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.**

¿La Razón por el Incremento?

A través de los años, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-2 es de \$398.46 por parcela residencial o UVE. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-2 durante el año fiscal 2010/11 es de \$480,941.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-2 para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a \$518.00 por parcela residencial o UVE. Este ajuste equivaldría a un aumento anual aproximado de 30% o \$119.54 por parcela residencial o UVE.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos años.

Historial de Cargos Por Parcela Para La Zona E-2

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial		Por Unidad de Vivienda Equivalente (Parcelas Subdesarrolladas)	
Año Fiscal	Cargo Anual	Año Fiscal	Cargo Anual
2007-08	\$375.00	2007-08	\$375.00
2008-09	\$391.00	2008-09	\$391.00
2009-10	\$391.30	2009-10	\$391.30
2010-11	\$398.46	2010-11	\$398.46

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 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, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of \$518.00 per residential parcel or EDU shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **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 which will be held on **Tuesday, June 28, 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.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley.**

<u>Junta Publica</u> Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	<u>Audiencia Publica</u> Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)
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Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de \$518 por parcela residencial o UVE será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada*.
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer

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.

- su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.



Una marca que este mayormente dentro de la caja;



Una X que este mayormente dentro de la caja;



Un punto o marca ovalada que este mayormente dentro de la caja;



Llenar la caja completamente mayormente dentro de las líneas;



Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;



Un circulo alrededor de la caja y/o la cláusula asociada; o



Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

**CSD ZONE E-2
FY 2011/12 BUDGET**

LANDSCAPE AREA	3,574,098	Square Feet or
	82.05	Acres
REVENUES		
Proposed Annual Zone E-2 Charge	\$ 518.00	or \$43.16 per month
Number of parcels/EDUs	1,207	
Total Revenue	\$ 625,226.00	
EXPENSES		
Direct Costs		
Base Maintenance Contract	\$ 188,400.00	
Water (Eastern Municipal Water District)	105,300.00	
Electricity (SCE)	6,300.00	
Vandalism Repair	5,400.00	
Repair and Replacement	94,070.00	
Other (mulching, plant material replacement, etc.)	47,700.00	
Landscape Inspectors/Technicians and Support Services	114,929.00	
Parts and Equipment/Miscellaneous Direct Expenses	14,284.00	
Subtotal Direct Costs	\$ 576,383.00	
Indirect Costs		
Miscellaneous Indirect Expenses	\$ 4,602.00	
Special Districts Program Administration	13,565.66	
City Administration	30,675.34	
Subtotal Indirect Costs	\$ 48,843.00	
Total Expenses	\$ 625,226.00	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-2
PRESUPUESTO DEL AÑO FISCAL 2011/12

ÁREA AJARDINADA	3,574,098	Pies Cuadrados
	82.05	Acres
 INGRESOS		
Cargo Anual Propuesto para la Zona E-2	\$ 518.00	o \$43.16 mensual
Números de parcelas/UVE	1,207.00	
Total de Ingresos	\$ 625,226.00	
 EGRESOS		
Costos Directos		
Contrato de Mantenimiento Base	\$ 188,400.00	
Agua (Eastern Municipal Water District)	105,300.00	
Electricidad (SCE)	6,300.00	
Reparación de Vandalismo	5,400.00	
Reparación o Reemplazo	94,070.00	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)	47,700.00	
Inspectores de Jardinería/Servicios de Apoyo Técnicos	114,929.00	
Partes y Equipo/Egresos Misceláneos Directos	14,284.00	
Subtotal de Costos Directos	\$ 576,383.00	
Costos Indirectos		
Egresos Misceláneos Indirectos	\$ 4,602.00	
Administración de Programa de Servicios Especiales	13,565.66	
Administración de la Ciudad	30,675.34	
Subtotal de Costos Indirectos	\$ 48,843.00	
Total de Egresos	\$ 625,226.00	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envío, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

**COMMUNITY SERVICES DISTRICTS
ZONE E (Extensive Landscape Maintenance)
GENERAL SERVICE LEVEL GUIDELINES ***

DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	STANDARD MAINTENANCE SERVICE	REDUCED MAINTENANCE SERVICE	STREET TREE MAINTENANCE SERVICE
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

**DISTRITO DE SERVICIOS COMUNITARIOS
ZONA E (Mantenimiento de Jardín Extensivo)
PAUTAS DE NIVEL DE SERVICIO GENERAL***

DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	SERVICIO DE MANTENIMIENTO ESTANDAR	SERVICIO DE MANTENIMIENTO REDUCIDO	SERVICIO DE MANTENIMIENTO STREET TREE
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District Extensive Landscape Maintenance (*Jardineria y mantenimiento general*)

Zone (Zona) E-2 • Hidden Springs






Box Springs Regional Park



Box Springs Regional Park

Map Produced by Moreno Valley Geographic Information System
File: G:\ArcMap\Special Districts\E_ZoneMaps_0311\E2_8.5x11.mxd
March 28, 2011

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.

-  Landscaped Parkway (*Areas Ajardinadas*)
-  Landscaped Open Space (*Area abierta Ajardinada*)
-  Zone E-2 Properties (*Zona E-2 Propiedades*)

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 260413014
CSD ZONE E-2 (EXTENSIVE LANDSCAPE MAINTENANCE)



Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-2 annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 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.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-2. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

Yes/Si



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, I approve the increase in the annual charge for Zone E-2 services of \$119.54 per residential parcel or Equivalent Dwelling Unit (**approximately \$9.96 per month**). The increase will adjust the approved annual charge from \$398.46 to \$518.00 per residential parcel or Equivalent Dwelling Unit for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Si, yo apruebo el incremento anual a los servicios de la Zona E-2 de \$119.54 por parcela residencial o Unidad de Vivienda Equivalente (**aproximadamente \$9.96 mensual**). Dicho incremento resultara en un ajuste al cargo anual aprobado de \$398.46 a \$518.00 por parcela o Unidad de Vivienda Equivalente para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los años venideros del Departamento de Trabajo.

No/No



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, I do not approve the increase in the annual charge for Zone E-2 services of \$119.54 per residential parcel or Equivalent Dwelling Unit. I understand landscaping services for Zone E-2 shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, yo no apruebo el incremento anual a los servicios de la Zona E-2 de \$119.54 por parcela residencial o Unidad de Vivienda Equivalente. Entiendo que los servicios de jardinería de la Zona E-2 serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser discontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SCH 5-DIGIT 92554 000001
YASER R TELLO

11411 STEEPLECHASE DR
MORENO VALLEY CA 92555-1407



Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-3A ANNUAL CHARGE

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

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. In order to maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-3A annual charges. If approved, beginning in FY 2011/12 each residential parcel's annual charge shall be **increased by \$3.40 per month** to meet current costs. The Zone E-3A charges are collected on the County of Riverside property tax bills. The Zone E-3A annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-3A are divided proportionally by the number of parcels to determine the annual charge per parcel.

ATTACHMENT 3

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-1

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-3A. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **umentara a \$3.40 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-3A es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, “The Right to Vote on Taxes Act”, el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-3A son divididos en proporción al número de parcelas para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-3A annual charges for standard landscape maintenance services are \$67.20 per residential parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-3A program for FY 2010/11 is \$31,516.80.

Proposed Charge

To meet current costs, the Zone E-3A charges are proposed to be adjusted to \$108.00 per residential parcel. This equates to an estimated annual increase of approximately 61% or \$40.80 per residential parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Zone E-3A Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel	
Fiscal Year	Annual Charge
2005-06	\$63.00
2006-07	\$63.00
2007-08	\$63.00
2008-09	\$66.00
2009-10	\$66.00
2010-11	\$67.20

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD 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.**

¿La Razón por el Incremento?

A través de los años, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-3A es de \$67.20 por parcela residencial. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-3A durante el año fiscal 2010/11 es de \$31,516.80.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-3A para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a \$108.00 por parcela residencial. Este ajuste equivaldría a un aumento anual aproximado de 61% o \$40.80 por parcela residencial.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos años.

Historial de Cargos Por Parcela Para La Zona E-3A

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial	
Año Fiscal	Cargo Anual
2005-06	\$63.00
2006-07	\$63.00
2007-08	\$63.00
2008-09	\$66.00
2009-10	\$66.00
2010-11	\$67.20

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 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, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of \$108.00 per residential parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **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 which will be held on **Tuesday, June 28, 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.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley.**

<p><u>Junta Publica</u> Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)</p>	<p><u>Audiencia Publica</u> Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)</p>
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Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de \$108 por parcela residencial será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*

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.

3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.



Una marca que este mayormente dentro de la caja;



Una X que este mayormente dentro de la caja;



Un punto o marca ovalada que este mayormente dentro de la caja;



Llenar la caja completamente mayormente dentro de las líneas;



Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;



Un circulo alrededor de la caja y/o la cláusula asociada; o



Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

**CSD ZONE E-3A
FY 2011/12 BUDGET**

LANDSCAPE AREA	771,002.80	Square Feet or
	1.63	Acres
 REVENUES		
Proposed Annual Zone E-3A Charge	\$ 108.00	or \$9.00 per month
Number of parcels	470	
Total Revenue	\$ 50,760.00	
 EXPENSES		
Direct Costs		
Base Maintenance Contract	\$ 12,000.00	
Water (Eastern Municipal Water District)	2,400.00	
Electricity (SCE)	1,100.00	
Vandalism Repair	1,500.00	
Repair and Replacement	1,420.00	
Other (mulching, plant material replacement, etc.)	7,300.00	
Landscape Inspectors/Technicians and Support Services	15,604.00	
Parts and Equipment/Miscellaneous Direct Expenses	2,291.00	
Subtotal Direct Costs	\$ 43,615.00	
Indirect Costs		
Miscellaneous Indirect Expenses	\$ 625.00	
Special Districts Program Administration	2,354.99	
City Administration	4,165.01	
Subtotal Indirect Costs	\$ 7,145.00	
Total Expenses	\$ 50,760.00	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-3A
PRESUPUESTO DEL AÑO FISCAL 2011/12

ÁREA AJARDINADA	771,002.80	Pies Cuadrados
	1.63	Acres
INGRESOS		
Carga Anual Propuesto para la Zona E-3A	\$ 108.00	o \$9.00 mensual
Numero de parcelas	470.00	
Total de Ingresos	\$ 50,760.00	
EGRESOS		
Costos Directos		
Contrato de Mantenimiento Base	\$ 12,000.00	
Agua (Eastern Municipal Water District)	2,400.00	
Electricidad (SCE)	1,100.00	
Reparación de Vandalismo	1,500.00	
Reparación o Reemplazo	1,420.00	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)	7,300.00	
Inspectores de Jardinería/Servicios de Apoyo Técnicos	15,604.00	
Partes y Equipo/Egresos Misceláneos Directos	2,291.00	
Subtotal de Costos Directos	\$ 43,615.00	
Costos Indirectos		
Egresos Misceláneos Indirectos	\$ 625.00	
Administración de Programa de Servicios Especiales	2,354.99	
Administración de la Ciudad	4,165.01	
Subtotal de Costos Indirectos	\$ 7,145.00	
Total de Egresos	\$ 50,760.00	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envío, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

**COMMUNITY SERVICES DISTRICTS
ZONE E (Extensive Landscape Maintenance)
GENERAL SERVICE LEVEL GUIDELINES ***

DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	STANDARD MAINTENANCE SERVICE	REDUCED MAINTENANCE SERVICE	STREET TREE MAINTENANCE SERVICE
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

**DISTRITO DE SERVICIOS COMUNITARIOS
ZONA E (Mantenimiento de Jardín Extensivo)
PAUTAS DE NIVEL DE SERVICIO GENERAL***

DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	SERVICIO DE MANTENIMIENTO ESTANDAR	SERVICIO DE MANTENIMIENTO REDUCIDO	SERVICIO DE MANTENIMIENTO STREET TREE
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 308511024
CSD ZONE E-3A (EXTENSIVE LANDSCAPE MAINTENANCE)



Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-3A annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 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.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-3A. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

Yes/Si



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, I approve the increase in the annual charge for Zone E-3A services of \$40.80 per residential parcel (**\$3.40 per month**). The increase will adjust the approved annual charge from \$67.20 to \$108.00 per parcel for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Si, yo apruebo el incremento anual a los servicios de la Zona E-3A de \$40.80 por parcela residencial (**a \$3.40 mensual**). Dicho incremento resultara en un ajuste al cargo anual aprobado de \$67.20 a \$108.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los años venideros del Departamento de Trabajo.

No/No



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, I do not approve the increase in the annual charge for Zone E-3A services of \$40.80 per residential parcel. I understand landscaping services for Zone E-3A shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, yo no apruebo el incremento anual a los servicios de la Zona E-3A de \$40.80 por parcela residencial. Entiendo que los servicios de jardinería de la Zona E-3A serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 000095
ROSA ESPINOZA

16556 WITHERS WAY
MORENO VALLEY CA 92555-3343



Item No. G.4

-1040-

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

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-4 ANNUAL CHARGE

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

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-4 annual charges. If approved, beginning in FY 2011/12 each residential parcel's annual charge shall be **increased by approximately \$10.83 per month** to meet current costs. The Zone E-4 annual charges are collected on the County of Riverside property tax bills. The Zone E-4 annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-4 are divided proportionally by the number of parcels or acres to determine the annual charge per parcel or acre.

ATTACHMENT 4

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-4

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-4. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente \$10.83 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-4 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, “The Right to Vote on Taxes Act”, el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-4 son divididos en proporción al número de parcelas o acres para determinar el costo anual por parcela o acres.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-4 annual charges for standard landscape maintenance services are \$110.00 per residential parcel or \$440.00 per acre for nonresidential or undeveloped parcels. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-4 program for FY 2010/11 is \$251,873.60.

Proposed Charge

To meet current costs, the Zone E-4 charges are proposed to be adjusted to \$240.00 per residential parcel or \$960.00 per acre for nonresidential or undeveloped parcels. This equates to an estimated annual increase of approximately 118% or \$130.00 per residential parcel or \$520.00 per acre for nonresidential or undeveloped parcels.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Zone E-4 Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel		Per Acre (Nonresidential or Undeveloped)	
Fiscal Year	Annual Charge	Fiscal Year	Annual Charge
2007-08	\$110.00	2007-08	\$440.00
2008-09	\$110.00	2008-09	\$440.00
2009-10	\$110.00	2009-10	\$440.00
2010-11	\$110.00	2010-11	\$440.00

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD 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.**

¿La Razón por el Incremento?

A través de los años, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-4 es de \$110.00 por parcela residencial, \$960.00 por acre no residencial o parcelas subdesarrolladas. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-4 durante el año fiscal 2010/11 es de \$251,873.60.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-4 para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a \$240 por parcela residencial, \$960 por acre no residencial o parcelas subdesarrolladas. Este ajuste equivaldría a un aumento anual aproximado de 118% o \$130.00 por parcela residencial, \$520.00 por acre no residencial o parcelas subdesarrolladas.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos años.

Historial de Cargos Por Parcela Para La Zona E-4

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial		Por Acre (No Residencial/ Subdesarrollado)	
Año Fiscal	Cargo Anual	Año Fiscal	Cargo Anual
2007-08	\$110.00	2007-08	\$440.00
2008-09	\$110.00	2008-09	\$440.00
2009-10	\$110.00	2009-10	\$440.00
2010-11	\$110.00	2010-11	\$440.00

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 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, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of \$240.00 per residential parcel or \$960.00 per acre for nonresidential or undeveloped parcels shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

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

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **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 which will be held on **Tuesday, June 28, 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.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley.**

<u>Junta Publica</u> Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	<u>Audiencia Publica</u> Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)
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Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de \$240 por parcela residencial, \$960 por acre no residencial o parcelas subdesarrolladas será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk).

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.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada*.
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.



Una marca que este mayormente dentro de la caja;



Una X que este mayormente dentro de la caja;



Un punto o marca ovalada que este mayormente dentro de la caja;



Llenar la caja completamente mayormente dentro de las líneas;



Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;



Un circulo alrededor de la caja y/o la cláusula asociada; o



Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

**CSD ZONE E-4
FY 2011/12 BUDGET**

LANDSCAPE AREA	1,205,727	Square Feet or
	27.80	Acres
 REVENUES		
Single Family Parcels (2,063)	\$ 240.00	or \$20.00 per month
Nonresidential/undeveloped parcels (56.69 acres)	\$ 960.00	or \$80.00 per month
Total Revenue	\$ 549,542.40	
 EXPENSES		
Direct Costs		
Base Maintenance Contract	\$ 173,985.00	
Water (Eastern Municipal Water District)	39,700.00	
Electricity (SCE)	3,500.00	
Vandalism Repair	1,900.00	
Other (mulching, plant material replacement, etc.)	101,586.40	
Landscape Inspectors/Technicians and Support Services	146,320.00	
Parts and Equipment/Miscellaneous Direct Expenses	19,801.00	
Subtotal Direct Costs	<u>\$ 486,792.40</u>	
Indirect Costs		
Miscellaneous Indirect Expenses	\$ 5,858.00	
Special Districts Program Administration	17,838.04	
City Administration	39,053.96	
Subtotal Indirect Costs	<u>\$ 62,750.00</u>	
Total Expenses	\$ 549,542.40	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-4
PRESUPUESTO DEL AÑO FISCAL 2011/12

ÁREA AJARDINADA	1,205,727	Pies Cuadrados
	27.80	Acres
 INGRESOS		
Parcelas de Unidades Familiar (2063)	\$ 240.00	o \$20.00 mensual
Acres No Residenciales o Subdesarrollados (56.69 acres)	\$ 960.00	o \$80.00 mensual
	\$ 549,542.40	
 EGRESOS		
Costos Directos		
Contrato de Mantenimiento Base	\$ 173,985.00	
Agua (Eastern Municipal Water District)	39,700.00	
Electricidad (SCE)	3,500.00	
Reparación de Vandalismo	1,900.00	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)	101,586.40	
Inspectores de Jardinería/Servicios de Apoyo Técnicos	146,320.00	
Partes y Equipo/Egresos Misceláneos Directos	19,801.00	
Subtotal de Costos Directos	\$ 486,792.40	
Costos Indirectos		
Egresos Misceláneos Indirectos	\$ 5,858.00	
Administración de Programa de Servicios Especiales	17,838.04	
Administración de la Ciudad	39,053.96	
Subtotal de Costos Indirectos	\$ 62,750.00	
 Total de Egresos	 \$ 549,542.40	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envío, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

**COMMUNITY SERVICES DISTRICTS
ZONE E (Extensive Landscape Maintenance)
GENERAL SERVICE LEVEL GUIDELINES ***

DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	STANDARD MAINTENANCE SERVICE	REDUCED MAINTENANCE SERVICE	STREET TREE MAINTENANCE SERVICE
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

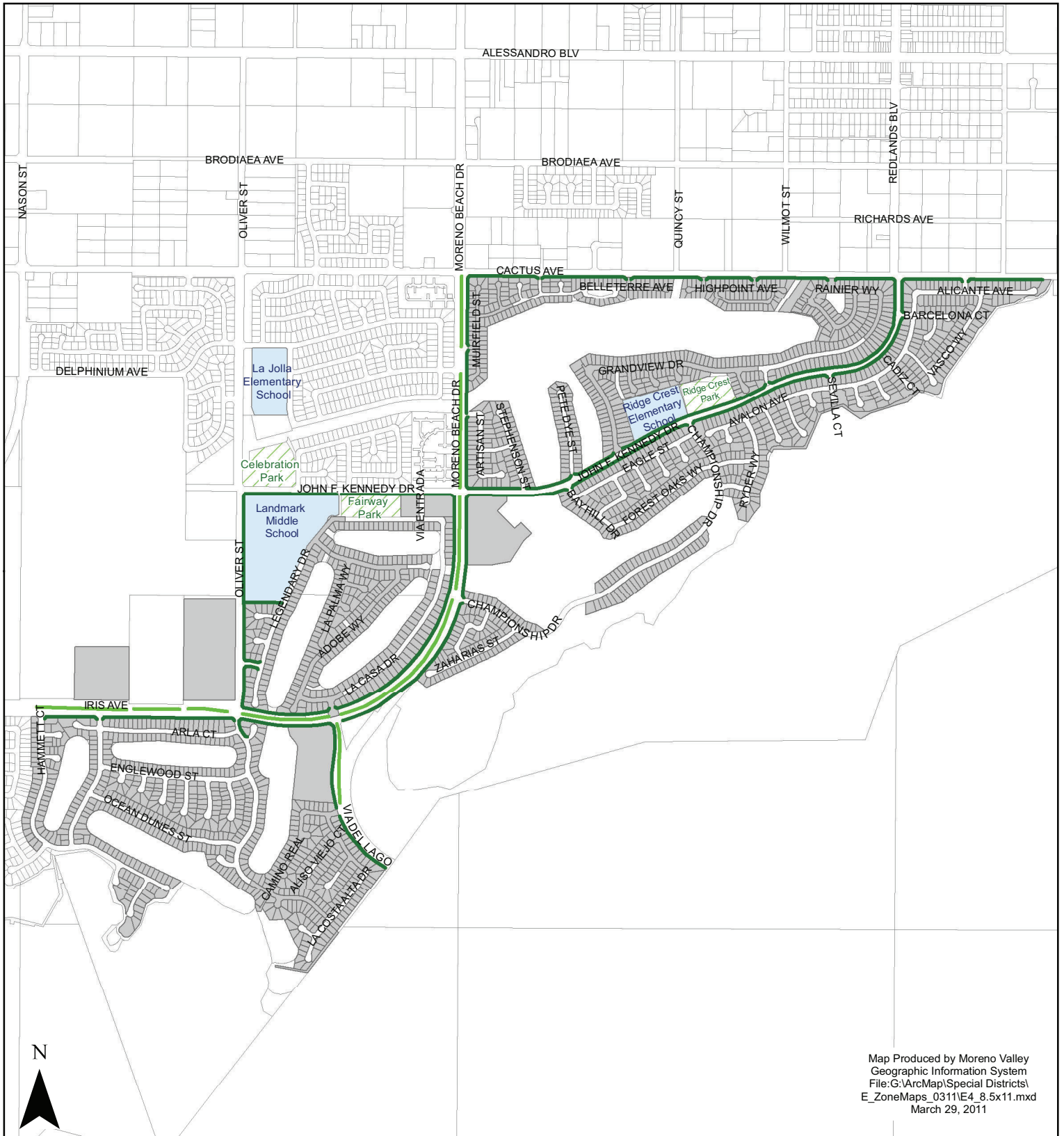
**DISTRITO DE SERVICIOS COMUNITARIOS
ZONA E (Mantenimiento de Jardín Extensivo)
PAUTAS DE NIVEL DE SERVICIO GENERAL***

DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	SERVICIO DE MANTENIMIENTO ESTANDAR	SERVICIO DE MANTENIMIENTO REDUCIDO	SERVICIO DE MANTENIMIENTO STREET TREE
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District Extensive Landscape Maintenance (*Jardineria y mantenimiento general*)

Zone (Zona) E-4 • Moreno Valley Ranch - East (Este)



Map Produced by Moreno Valley
Geographic Information System
File:G:\ArcMap\Special Districts\
E_ZoneMaps_0311\E4_8.5x11.mxd
March 29, 2011

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.

- Landscaped Parkway (*Areas Ajardinadas*)
 - Landscaped Median (*Medianas Ajardinadas*)
 - Zone E-4 Parcels (*Zona E-4 Parcelas*)
- 1053-

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 304153013
CSD ZONE E-4 (EXTENSIVE LANDSCAPE MAINTENANCE)



Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-4 annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 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.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-4. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

Yes/Si



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, I approve the increase in the annual charge for Zone E-4 services of \$130.00 per residential parcel (**approximately \$10.83 per month**). The increase will adjust the approved annual charge from \$110.00 to \$240.00 per parcel for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase 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 in future years.

Si, yo apruebo el incremento anual a los servicios de la Zona E-4 de \$130.00 por parcela residencial (**aproximadamente \$10.83 mensual**). Dicho incremento resultara en un ajuste al cargo anual aprobado de \$110.00 a \$240.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

No/No



PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, I do not approve the increase in the annual charge for Zone E-4 services of \$130.00 per residential parcel. I understand landscaping services for Zone E-4 shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

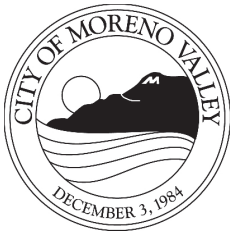
No, yo no apruebo el incremento anual a los servicios de la Zona E-4 de \$130.00 por parcela residencial. Entiendo que los servicios de jardinería de la Zona E-4 serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0002069
PETTY ERNESTINE DEFINED PENSIO
C/O RENEE PETTY
4200 PARK BLV NO 202
OAKLAND CA 94602





APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Sonny Morkus, Human Resources Director

AGENDA DATE: June 14, 2011

TITLE: Adoption of a Resolution of Intention to Approve an Amendment to the CalPERS Contract to provide the 2% at Age 55 and Three Years Highest Average Compensation Calculation Retirement Benefits for Newly Hired Employees Starting on August 19, 2011, and Conduct the First Reading of the Related Ordinance as required by CalPERS.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-59, to announce the City's intention to approve an amendment to the CalPERS Contract to provide the 2% at Age 55 and Three Years Highest Average Compensation Calculation Retirement Benefits for newly hired employees starting on August 19, 2011, and conduct the first reading of the related ordinance as required by CalPERS.

ADVISORY BOARD/COMMISSION RECOMMENDATION

"Not applicable."

BACKGROUND

During the Meet & Confer Process for the FY 2011/12 successor MOU's for the City three employees associations, the City's labor negotiating team introduced the proposal of providing the 2% at Age 55 and Three Years Highest Average Compensation Calculation CalPERS retirement benefits for new hires starting on August 19, 2011.

DISCUSSION

There is a three-month schedule that CalPERS requires for an amendment to the City's current contract with CalPERS for the provision of retirement benefits. The first step in the process is the adoption of a Resolution of Intent and the first reading of the related

ordinance. This staff report and City Council action will start the schedule process. On July 12, 2011, another staff report will be submitted for City Council recommending the approval of a Resolution Adopting the Amendment to the CalPERS Contract, and the adoption of the related ordinance. It is anticipated that the Meet & Confer process with the three employees associations will be concluded prior to the actual effective date of the amendment to the City's CalPERS Contract. If for any reason the Meet & Confer process is not completed prior to the City Council meeting on July 12, 2011, City staff will postpone the final adoption of the resolution and the adoption of the related ordinance.

ALTERNATIVES

The action of the City Council to approve the attached resolution and to conduct the first reading of the related ordinance relates to the current labor negotiations with the three employee associations: Moreno Valley City Employees Association; Moreno Valley Management Association; and Moreno Valley Confidential Management Employees.

FISCAL IMPACT

The implementation of the 2% at Age 55 and Three Years Highest Average Compensation Calculation CalPERS retirement benefits for new hires is expected to reduce the cost to the City budget for benefits between a range of \$1,710.00 to \$3,000.00 per employee per year, depending on the employees' compensation levels. The City's CalPERS Employer Rate will be reduced from 19.344% to 15.922% for the new hires. The newly hired employees will be required to pay for the 7% employee's member contribution, and the City will not pay any portion of the employee's member contribution.

CITY COUNCIL GOALS

The action of the City Council to approve the attached resolution will contribute to one of the City Council's goals, i.e. "Positive Environment: Create a positive environment for the development of Moreno Valley's future."

NOTIFICATION

The three employee associations have been notified of the staff report and staff recommendation for City Council to approve the attached resolution and related ordinance. Copies of this staff report and attached resolution were sent to the employee associations, and two of the three concur with the recommended City Council action. MVCEA is not in support at this time.

ATTACHMENTS/EXHIBITS

1. Resolution of Intent to Approve an Amendment to the CalPERS Contract.
2. Ordinance related to the amendment of the CalPERS Contract.

Prepared and Approved By:

Sonny Morkus
Human Resources Director

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

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**RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
CITY OF MORENO VALLEY**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide 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.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: _____
Presiding Officer

Title

Date adopted and approved

(Amendment)
CON-302 (Rev. 4/96)

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, 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 _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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 A, 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 28th day of June, 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, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)



EXHIBIT: A

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.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

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.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

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).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- 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

AMENDMENT ER# 1384
PERS-CON-702A

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Actuarial and Employer Services Branch
Public Agency Contract Services
(888) CalPERS (225-7377)

SUMMARY OF MAJOR PROVISIONS

2% @ 55 Formula (Section 21354)
Local Miscellaneous Members

SERVICE RETIREMENT

To be eligible for service retirement, a member must be at least age 50 and have five years of CalPERS credited service. There is no compulsory retirement age.

The monthly retirement allowance is determined by age at retirement, years of service credit and final compensation. The basic benefit is 2% of final compensation for each year of credited service upon retirement at age 55. If retirement is earlier than age 55, the percentage of final compensation decreases for each quarter year of attained age to 1.426% at age 50. If retirement is deferred beyond age 55, the percentage of final compensation increases for each quarter year of attained age to 2.418% at age 63.

Final compensation is the average monthly pay rate during the last consecutive 36 months of employment, or 12 months if provided by the employer's contract, unless the member designates a different period of 36 or 12 consecutive months when the average pay rate was higher.

DISABILITY RETIREMENT

Members substantially incapacitated from performing the usual duties for the position for his/her current employer, and from performing the usual duties of the position for other CalPERS covered employers (including State agencies, schools, and local public agencies), and where similar positions with these other employers with reasonably comparable in pay, benefits, and promotional opportunities are not available, would be eligible for disability retirement provided they have at least five years of service credit. The monthly retirement allowance is 1.8% of final compensation for each year of service. The maximum percentage for members who have between 10.000 and 18.518 years of service credit is one-third of their final compensation. If the member is eligible for service retirement the member will receive the highest allowance payable, service or disability. If provided by the employer's contract, the benefit would be a minimum of 30% of final compensation for the first five years of service credit, plus 1% for each additional year of service to a maximum benefit of 50% of final compensation.

INDUSTRIAL DISABILITY RETIREMENT

If provided by the employer's contract, members permanently incapacitated from performing their duties, as defined above under Disability Retirement, and the disability is a result of a job-related injury or illness may receive an Industrial Disability Retirement benefit equal to 50% of their final compensation. If provided in the employer's contract and the member is totally disabled, the disability retirement allowance would equal 75% of final compensation in lieu of the disability retirement allowance otherwise provided. If the member is eligible for service retirement, the service retirement allowance is payable. The total allowance cannot exceed 90% of final compensation.

PRE-RETIREMENT DEATH BENEFITS

Basic Death Benefit: This benefit is a refund of the member's contributions plus interest and up to six months' pay (one month's salary rate for each year of current service to a maximum of six months).

1957 Survivor Benefit: An eligible beneficiary may elect to receive either the Basic Death Benefit or the 1957 Survivor Benefit. The 1957 Survivor Benefit provides a monthly allowance equal to one-half of the highest service retirement allowance the member would have received had he/she retired on the date of death. The 1957 Survivor Benefit is payable to the surviving spouse or registered domestic partner until death or to eligible unmarried children until age 18.

1959 Survivor Benefit: (If provided by the employer's contract and the member is not covered under social security.) A surviving spouse or registered domestic partner and eligible children may receive a monthly allowance as determine by the level of coverage. This benefit is payable in addition to the Basic Death Benefit or 1957 Survivor Benefit. Children are eligible if under age 22 and unmarried.

Pre-Retirement Optional Settlement 2 Death Benefit: (If provided by the employer's contract.) The spouse or registered domestic partner of a deceased member, who was eligible to retire for service at the time of death, may to elect to receive the Pre-Retirement Optional Settlement 2 Death Benefit in lieu of the lump sum Basic Death Benefit. The benefit is a monthly allowance equal to the amount the member would have received if he/she had retired for service on the date of death and elected Optional Settlement 2, the highest monthly allowance a member can leave a spouse or registered domestic partner.

COST-OF-LIVING ADJUSTMENTS

The cost of living allowance increases are limited to a maximum of 2% compounded annually unless the employer's contract provides a 3, 4, or 5% increase.

DEATH AFTER RETIREMENT

The lump sum death benefit is \$500 (or \$600, \$2,000, \$3,000, \$4,000 or \$5,000 if provided by the employer's contract) regardless of the retirement plan chosen by the member at the time of retirement.

TERMINATION OF EMPLOYMENT

Members who have separated from employment may elect to leave their contributions on deposit or request a refund of contributions and interest. Those who leave their contributions on deposit may apply at a later date for a monthly retirement allowance if the minimum service and age requirements are met. Members who request a refund of their contributions terminate their membership and are not eligible for any future benefits unless they return to CalPERS membership.

EMPLOYEE CONTRIBUTIONS

Miscellaneous members covered by the 2% @ 55 formula contribute 7% of reportable earnings. Those covered under a modified formula (coordinated with Social Security) do not contribute on the first \$133.33 earned.

The employer also contributes toward the cost of the benefits. The amount contributed by the employer for current service retirement benefits generally exceeds the cost to the employee. In addition, the employer bears the entire cost of prior service benefits (the period of time before the employer provided retirement coverage under CalPERS). All employer contribution rates are subject to adjustment by the CalPERS Board of Administration.



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 and Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District and Mayor and City Council Acting in their Capacity as Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: ADOPTION OF FISCAL YEAR 2011/12 – 2012/13 OPERATING BUDGET

RECOMMENDED ACTION

Staff recommends that the City Council take the following actions:

1. Adopt Resolution No. 2011-60, approving the Operating Budget for the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;
2. Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2011-20, approving the Operating Budget for the Moreno Valley Community Services District for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;
3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-07, approving the Operating Budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;
4. Approve the position control as detailed on pages 3-7 in the Proposed Operating Budget Book presented as Attachment A.

5. Approve the elimination of Fire Truck 58 in FY 2011/12 and direct staff to reserve the additional \$1.2 million in savings for the purchase of a fire engine and the balance of savings for the operating costs to open the Morrison Park Fire Station.

BACKGROUND

The Proposed Operating Budget presents projected operating revenues and expenditures for the two fiscal years: Fiscal Years (FY) 2011/12 – 2012/13. The budget includes all component units of the City, including the General Fund, Community Services District and Redevelopment Agency.

Although the Proposed Operating Budget includes a summary of capital improvement project requests, the projects are compiled in a separate Proposed Capital Improvement Plan (CIP). The CIP is a multi-year plan that identifies and prioritizes funding for future capital improvements such as land acquisitions, buildings and infrastructure.

DISCUSSION

The approach to this budget process has been unique. The City Council recently adopted a Three-Year Deficit Elimination Plan (DEP) that identified expense reductions and a few revenue increases with a goal of stabilizing the City's revenue and expense structure by FY 2013/14. Specific actions for balancing the General Fund budget were adopted by Council through the DEP on April 19, 2011. A copy of the DEP can be found in the Appendices tab of the Proposed Operating Budget. The Plan focuses primarily on eliminating the deficit of \$14.2 million in the City's General Fund. The Proposed Operating Budget applies the actions approved in the first two years of the DEP against the base budget of FY 2010/11 to create a two-year operating budget for FY 2011/12 and FY 2012/13. The DEP reduces the General Fund Deficit by \$5.1 million in FY 2011/12 and an additional \$5.5 million in FY 2012/13.

The DEP represented significant effort on the part of the City Council and staff to construct a reasonable balance of expenditure and service reductions to significantly reduce the deficit each year, while maintaining core City services. This was and is a significant challenge since the City had already experienced major reductions in staffing, expenditures and services during the previous three fiscal years.

As the City experiences stability in the General Fund revenue sources, the City is returning to the "best practice" of utilizing a Two-Year Operating Budget. Although the economic recovery that we are experiencing will be slow and gradual, the two-year budget allows the City to lock in two years of expense reductions to ensure achievement of the financial goal of balancing the General Fund budget.

During this period of gradual economic recovery, the City Council will be kept apprised of the City's financial condition through First Quarter and Mid-Year Budget Reviews. This practice has been utilized the past three years and will be continued during FY

2011/12 to ensure that the City Council is apprised of the revenue and expense progress compared to the plan. Staff anticipates few variances from the plan. Any unexpected increases in revenue are proposed to be applied toward the third year of the DEP to try to avoid the extent of reductions proposed in the final year. Any unexpected decreases in revenue will be analyzed and addressed quickly to maintain the integrity of the Three-Year DEP. As a result, few service changes that deviate from the two-year budget are anticipated.

Despite the challenges in balancing the FY 2011/12 – 2012/13 General Fund Operating Budget, the two budget years are balanced using \$6.7 and \$4.3 million in General Fund “fund balance” in FY 2011/12 and FY 2012/13, respectively.

City Council Prioritized Goals

On May 18, 2011, the Mayor and City Council participated in a goal setting workshop to establish prioritized goals and provide direction and expected actions to staff to achieve those goals. The departments have each established their own goals, which complement the prioritized goals and are included in the Appendices tab of this document. The following prioritized goals established by the City Council at their workshop provide additional direction to staff and illustrate the priorities on which the City Council and staff will focus its combined efforts during the 2011/12 and 2012/13 Fiscal Years. Each prioritized goal has specific actions assigned to a specific department; these actions will help guide our efforts in moving Moreno Valley forward:

No.	City Council Prioritized Goal
1	Job Development (including maximizing vacant land opportunities) Actions to include identifying specific land uses and locations; identifying corresponding infrastructure; and identifying and attracting related support services
2	Focus on Medical Corridor and Health Services/Educational Opportunities Actions to include coordinating planning and development activities with the expansions of Moreno Valley College, Kaiser Permanente, and Riverside County Regional Medical Center; facilitating medical office development; coordinating economic development activities with March LifeCare; and working with Highland Fairview to “retool” the AquaBella project area.
3	Maximize Transportation and Infrastructure Opportunities Actions to include improving arterial streets to their ultimate configuration and increasing the City’s regional presence at WRCOG, RCTC, etc.
4	Economic and Tax Base Development Actions to include reviewing the current development application process; reviewing State v. Self Imposed restrictions or impediments; using Moreno Valley Utility as an economic development tool; and evaluating the City’s use of incentives.
5	Enhance City Image Actions to include the development of a Media and Communications Strategy to include increased use of social networks, e-mail blasts, expanding

communication outreach and networking opportunities, and establishing Council District Town hall meetings; and development of a Corridor Beautification strategy.

Economic Development Action Plan

Through the goal setting workshop, the City Council is prepared to capitalize on the opportunities that the dynamic changes in the real estate and housing market have created. The City Council and staff worked together to prepare a two-year Economic Development Action Plan to capitalize on this opportunity. The plan focuses on the following objectives:

- Create jobs locally to address the City's high unemployment rate
- Address the community's jobs to housing imbalance
- Strengthen and broaden the City's economic foundation
- Enhance City revenue generation to improve the quality of life in the community

Budget Issues for FY 2011/12 – 2012-13

The General Fund Operating Budget is decreasing from \$82.4 million in FY 2010/11 to \$78.3 million in FY 2011/12. This reflects a reduction of \$4.1 million in operating expenses. The DEP planned for expenditure reductions of \$4.5 million. The \$400,000 difference reflects the increase in the CalPERS employer rate, which increased by over 3% of payroll, or about \$300,000 in added General Fund expense. Police contract costs are estimated to increase by 2-2.5% which is included in the rollover base budget. The Fire services contract costs are assumed to be within the rollover budget base. Staff has been requested to contact all vendors that provide service under contract with the City to lower their contract rates or amounts by 10% for the next year. A number of vendors have responded positively to this request, allowing the base budget to absorb uncontrollable cost increases, such as fuel and utilities. One example is the response from our copier contract vendor, who responded with a 23% price reduction, saving the City over \$81,000 during the next three years.

The General Fund expenditure budget in FY 2012/13 totals \$77.2 million or \$1.2 million less than FY 2011/12. The DEP planned reductions of \$4.2 million. The primary difference from the plan is due to Police and Fire contracts increasing by 5% each, which increased costs by \$1.5 million and \$300,000 respectively. The CalPERS costs are also budgeted to increase an additional 3% of payroll in the second budget year, adding another \$300,000 in expense.

Staff is focused on delivering the planned expense reductions committed through the approval of the DEP. Based on the two-year budget plan, the City's deficit will reduce from \$14 million as a preliminary base budget, to \$4.2 million at the end of FY 2012/13.

The proposed position control reflects the decrease of 34.5 positions City-wide in the first budget year, from 411.0 in FY 2010/11 to 376.5 in FY 2011/12. An additional 6.5 positions are reduced in FY 2012/13, for a total of 370.0 positions. In addition, staff is

proposing to reorganize positions in the City Clerks office that varies from the DEP approved by City Council. The proposal reflects the reduction of one part-time Senior Office Assistant and one temporary Senior Office Assistant while adding one Executive Assistant I position to the staffing roster. This change is cost neutral and will provide the necessary skills to meet the workload of the City Clerk department with the reduced staffing level. The temporary Sr. Office Assistant position is scheduled for elimination in year two and the part-time Sr. Office Assistant position is scheduled for elimination in year three of the plan; the Executive Assistant position will follow this planned schedule.

The budget and position control also reflect the addition of one part-time Customer Service Assistant to assist at the one-stop customer counter. This position is funded by salary savings in the City Manager's department budget. Based upon the resignation of the Sr. Administrative Assistant in the Fire Prevention Division, staff is recommending eliminating the vacated position and changing position control to retain the Permit Technician that was on the layoff list as an element of the DEP. The Library Services Division Manager is funded in the budget and remains currently under-filled by a Principal Librarian. Five additional positions that have been under-filled for over one year are being reclassified to the lower level positions.

Staff is also reviewing potential alternative reductions in the Community and Economic Development Department to retain the shopping cart retrieval program in the amount of \$48,000 per year. This change will have no net budget effect

Staff is also requesting that the City Council direct the elimination of Fire Truck 58 in FY 2011/12 (originally slated for the second year of the DEP) and that staff reserve the additional savings of \$1.2 million to be used for the purchase of one fire engine for approximately \$500,000 and the balance for the first year or more of operating the engine when the Morrison Park Fire Station is completed.

The Proposed Operating Budget addresses the City's challenges to balance the budget and maintain core services in a positive manner as summarized below:

- Maintains a high priority on public safety services, deferring the budgetary reductions to later in the DEP timeframe, while maintaining the possibility that the Year 3 reductions may be avoided if revenues increase;
- Maintains essential City services;
- Minimizes the number of staff layoffs;
- Addresses the General Fund structural deficit by reducing expenditures by \$5.1 million in year one and \$5.5 million in year 2;
- Provides a reasonable balance between General Fund expenditure reductions and use of reserves (fund balance);
- Maintains General Fund contingency reserve policy at or above 20% of budgeted expenditures;

- Addresses operating deficits in non General Funds by implementing budgetary reductions in the respective funds.

Budget Adoption Actions

Resolutions Adopting the FY 2011/12 – 2012/13 Proposed Operating Budget (Exhibits “A”, “B” and “C”) - As a long-standing practice, each of the City’s primary entities (the City, Community Services District, and Redevelopment Agency) will adopt separate resolutions to approve their respective operating budgets.

ALTERNATIVES

1. Approve the Fiscal Year 2011/12 – 2012/13 Operating Budget.
2. Provide staff with further direction.

Staff recommends Alternative 1.

FISCAL IMPACT

The FY 2011/12 – 2012/13 Operating Budget provides the funding and expenditure plan for all operating funds. As such, it serves as the City’s financial plan for the upcoming two fiscal years. The City Council will be kept apprised regarding actual operating results through First Quarter and Mid-Year Budget Reviews occurring in November and February of each fiscal year. The mid-year budget review in February 2012 will also include an update of the FY 2012/13 projected revenues and any recommended modification for that fiscal year budget at that time.

CITY COUNCIL GOALS

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

ATTACHMENTS/EXHIBITS

Exhibit A - Resolution No. 2011-60, A Resolution of the City Council of the City of Moreno Valley, California, adopting the operating budget for Fiscal Years 2011/12 – 2012/13

Exhibit B - Resolution No. CSD 2011-20, A resolution of the Moreno Valley Community Services District, adopting the operating budget for Fiscal Years 2011/12 – 2012/13

Exhibit C - Resolution No. RDA 2011-07, A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California, adopting the operating budget for Fiscal Years 2011/12 – 2012/13

Attachment A – City of Moreno Valley Proposed Operating Budget for Fiscal Years 2011/12 – 2012/13

Prepared By:
Cynthia Fortune
Financial Operations Division Manager

Department Head Approval:
Richard Teichert
Interim 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. 2011-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE OPERATING BUDGET FOR FISCAL YEARS 2011/12 – 2012/13

WHEREAS, the City Manager has heretofore submitted to the City Council a Proposed Operating Budget for the City for Fiscal Years 2011/12 – 2012/13, a copy of which, as may have been amended by the City Council, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed Operating Budget contains estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the City; and

WHEREAS, the said Proposed Operating Budget contains the estimates of uses of fund balance as required to stabilize the delivery of City services during periods of operational deficits; and

WHEREAS, the City Council has made such revisions to the Proposed Operating Budget as so desired; and

WHEREAS, the Proposed Operating Budget, as herein approved, will enable the City Council to make adequate financial plans and will ensure that City officers can administer their respective functions in accordance with such plans.

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

1. The Proposed Operating Budget, as Attachment A to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the City Council, is hereby approved and adopted as the Annual Operating Budget of the City of Moreno Valley for the Fiscal Years 2011/12 – 2012/13.
2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal years.
3. Direct staff to reserve \$1.2 million of fund balance reflecting the additional savings from eliminating Fire Truck 58 for the purchase of a fire engine and/or the operating costs for opening the Morrison Park Fire Station.

1
Exhibit A

Resolution No. 2011-60
Date adopted: June 14, 2011

4. Pursuant to Section 53901 of the California Government Code, by not later than August 14, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.
5. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2
Exhibit A

Resolution No. 2011-60
Date adopted: June 14, 2011

RESOLUTION JURAT

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

I, _____, 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 ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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RESOLUTION NO. CSD 2011-20

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, ADOPTING THE OPERATING BUDGET FOR FISCAL YEARS 2011/12-2012/13

WHEREAS, the City Manager has heretofore submitted to the President and Board Members of the Moreno Valley Community Services District a Proposed Operating Budget for the District for Fiscal Years 2011/12-2012/13, a copy of which, as may have been amended by the District's Board of Directors, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed Operating Budget contains estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the Community Services District; and

WHEREAS, the said Proposed Operating Budget contains the estimates of uses of fund balance as required to stabilize the delivery of City; and

WHEREAS, the President and Board of Directors have made such revisions to the Proposed Operating Budget as so desired; and

WHEREAS, the Proposed Operating Budget, as herein approved, will enable the Community Services District to make adequate financial plans and will ensure that District officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed Operating Budget, as Attachment A to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the Community Services District's Board of Directors, is hereby approved and adopted as the Annual Operating Budget of the Moreno Valley Community Services District for the Fiscal Years 2011/12-2012/13.
2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal year.
3. Pursuant to Section 61047 of the California Government Code, compensation for the City Council acting in the capacity of the Directors of the Community Services District, shall be \$100 per meeting or for each day's service rendered as a Director, not to exceed six days or \$600 in any calendar month. In addition, the Directors shall be compensated for actual and necessary

traveling and incidental expenses incurred while on official business.

4. Pursuant to Section 53901 of the California Government Code, by no later than August 14, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.
5. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor of the City of Moreno Valley
Acting in the capacity of President
of the Moreno Valley
Community Services District

ATTEST:

City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

City Attorney, acting in the capacity
of General Counsel of the Moreno Valley
Community Services District

RESOLUTION JURAT

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

I, _____, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that CSD Resolution No. _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vice-President and President)

SECRETARY

(SEAL)

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RESOLUTION NO. RDA 2011-07

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA ADOPTING THE OPERATING BUDGET FOR FISCAL YEARS 2011/12-2012/13

WHEREAS, the City Manager has heretofore submitted to the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley a Proposed Operating Budget for the Agency for Fiscal Years 2011/12-2012/13, a copy of which, as may have been amended by the Agency Members, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed Operating Budget contains estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the Community Redevelopment Agency; and

WHEREAS, the said Proposed Operating Budget contains the estimates of uses of fund balance as required to stabilize the delivery of City services; and

WHEREAS, the Chairperson and Agency Members have made such revisions to the Proposed Operating Budget as so desired; and

WHEREAS, the Proposed Operating Budget, as herein approved, will enable the Community Redevelopment Agency to make adequate financial plans and will ensure that Agency officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed Operating Budget, as Attachment A to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the Agency Members, is hereby approved and adopted as the Annual Operating Budget of the Community Redevelopment Agency of the City of Moreno Valley for the Fiscal Years 2011/12-2012/13.
2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal year.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 14, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.
4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor of the City of Moreno Valley
Acting in the capacity of Chairperson
of the Community Redevelopment
Agency of the City of Moreno Valley

ATTEST:

City Clerk, acting in the capacity
of Secretary of the Community
Redevelopment Agency of the City of
Moreno Valley

APPROVED AS TO FORM:

City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the City of
Moreno Valley

2
Exhibit C

Resolution No. RDA 2011-07
Date adopted: June 14, 2011

RESOLUTION JURAT

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

I, _____, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that RDA Resolution No. _____ was duly and regularly adopted by the Agency Members of the Community Redevelopment Agency of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

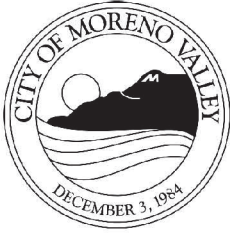
ABSTAIN:

(Agency Members, Vice Chairman and Chairman)

SECRETARY

(SEAL)

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

AGENDA DATE: June 14, 2011

TITLE: ADOPTION OF FY 2011-12 CAPITAL IMPROVEMENT PLAN

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").
2. Acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2011-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").
3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

BACKGROUND

The purpose of the Proposed CIP is to identify needed improvements and establish long-term funding priorities. The Proposed CIP contains the list of projects comprising the budget and expenditures that will enable the City Council to make adequate financial plans and will ensure that City officers can administer their respective functions in accordance with such plans.

DISCUSSION

The Proposed CIP identifies and projects the costs of constructing the following types of projects anticipated through build-out of the City:

- Street Improvements
- Buildings
- Electric Utility
- Parks
- Underground Utilities
- Bridges
- Drainage, Sewers, and Waterlines
- Landscaping
- Traffic Signals

City staff has completed a full review of all project needs through “build-out” of the City. The priorities, as proposed, are based on status and funding of existing projects, availability of matching federal, state, or regional grant funds, and anticipated development trends within the City.

During the Study Session on May 17, 2011, City Council had an opportunity to review the project forms in the FY 2011–12 Proposed CIP and staff subsequently incorporated necessary revisions resulting from receiving updated information. All revisions are documented in Attachment “A”.

Capital Budget Adoption Actions

Revisions to the Proposed Capital Improvement Plan (Attachment “A”) - This is a list of revisions, resulting from receiving updated information, that were incorporated in the Proposed CIP following the Study Session on May 17, 2011. The list includes proposed revisions to the Proposed CIP that would, upon City Council approval, be incorporated in the Adopted CIP. By incorporating Revisions to the Proposed CIP, the Adopted CIP, as the capital budget for the City of Moreno Valley for FY 2011-12, will be a more accurate, current, and superior document.

Resolutions Adopting the Capital Improvement Plan for Fiscal Year 2011-12 (Attachments “B”, “C”, and “D”) – As a long-standing best practice, each of the City’s primary entities (the City, RDA, and CSD) will adopt separate resolutions to approve their respective budget.

ALTERNATIVES

1. Adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment “A”), acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2011-61, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to

the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), and acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"). *This alternative will allow needed improvements.*

2. Do not adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, do not adopt Resolution No. CSD 2011-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), and acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, do not adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"). *This alternative will result in the delaying of needed improvements.*

FISCAL IMPACT

Projects have been identified as funded, partially funded, and unfunded for FY 2011-12 through FY 2015-16 and Beyond. The Capital Improvement Plan provides the funding and expenditure plan for FY 2011-12.

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

POSITIVE ENVIRONMENT:

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

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

Staff recommends that the City Council adopt the Resolutions Adopting the Capital Improvement Plan for Fiscal Year 2011-12 (Attachments “B”, “C”, and “D”), approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley, Community Services District, and Community Redevelopment Agency for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment “A”).

ATTACHMENT

Attachment “A” – Revisions to the Proposed Capital Improvement Plan

Attachment “B” – Proposed Resolution No. 2011-61

Attachment “C” – Proposed Resolution No. CSD 2011-21

Attachment “D” – Proposed Resolution No. RDA 2011-08

Prepared By:
 Larry Gonzales
 Senior Engineer, P.E.

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

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

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

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**CITY OF MORENO VALLEY
REVISIONS TO THE PROPOSED CAPITAL IMPROVEMENT PLAN
FY 2011-2012 CIP BUDGET**

Funded Projects

Reference Page No.	Project Name	Submitted Amount (\$)	Revised Amount (\$)	Reason/Justification
33	Cactus Avenue / Lasselle Street to Nason Street	2,300,000	9,900,000	Project moved from Partially Funded to Funded and made cost adjustments
34	Citywide Annual Pavement Resurfacing Program	1,650,000	1,400,000	Revised Funding Sources and made cost adjustments
44	Nason Street / Cactus Avenue to Iris Avenue	1,200,000	13,400,000	Project moved from Partially Funded to Funded and made cost adjustments
53	Street Improvement Program (SIP)	1,605,734	1,713,734	Cost adjustment approved at 04/26/11 City Council meeting
Added	Renovation of City Hall Annex #1	0	1,000,000	Added new project as directed by Financial and Administrative Services Department / Purchasing & Facilities Division
342	Lasselle Street / Margaret Avenue Traffic Signal	270,000	300,000	Cost adjustment

Note: City Council's decision to fund and accelerate the SR-60 / Moreno Beach Drive South Side of Interchange (Phase 1) project at the March 8, 2011 City Council meeting was already incorporated in the Proposed CIP when presented to City Council during the May 17, 2011 Study Session.

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RESOLUTION NO. 2011-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2011-12

WHEREAS, the City Manager has heretofore submitted to the City Council a Proposed Capital Improvement Plan (CIP) for the City for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed CIP contains the list of projects comprising the budget, and contains expenditure requirements, and the resources available to the City; and

WHEREAS, the City Council has made such revisions to the Proposed CIP as appears to be desirable; and

WHEREAS, the Proposed CIP, as herein approved, will enable the City Council to make adequate financial plans and will ensure that City officers can administer their respective functions in accordance with such plans.

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

1. The Proposed CIP, as amended by the City Council per the Revisions to the Proposed Capital Improvement Plan (Attachment "A"), is hereby approved and adopted as the capital budget of the City of Moreno Valley for the Fiscal Year 2011-12.
2. The projects are hereby appropriated as the capital budget for said fiscal year.
3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.
4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately

Resolution No. 2011-61
Date adopted: June 14, 2011

Attachment "B"

upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. CSD 2011-21

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2011-12

WHEREAS, the City Manager has heretofore submitted to the President and Board Members of the Moreno Valley Community Services District a Proposed Capital Improvement Plan (CIP) for the Agency for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed CIP contains the list of projects comprising the budget, and contains expenditure requirements, and the resources available to the Community Services District; and

WHEREAS, the President and Board of Directors have made such revisions to the Proposed CIP as appears to be desirable; and

WHEREAS, the Proposed CIP, as herein approved, will enable the Community Services District to make adequate financial plans and will ensure that District officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed CIP, as amended by the President and Board of Directors per the Revisions to the Proposed Capital Improvement Plan (Attachment "A"), is hereby approved and adopted as the capital budget of the Moreno Valley Community Services District for the Fiscal Year 2011-12.
2. The projects are hereby appropriated as the capital budget for said fiscal year.
3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.
4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Resolution No. CSD 2011-21
Date adopted: June 14, 2011

Attachment "C"

Mayor of the City of Moreno Valley
acting in the capacity of President
of the Moreno Valley
Community Services District

ATTEST:

City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

City Attorney, acting in the capacity
of General Counsel of the Moreno Valley
Community Services District

RESOLUTION NO. RDA 2011-08

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2011-12

WHEREAS, the City Manager has heretofore submitted to the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley a Proposed Capital Improvement Plan (CIP) for the Agency for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed CIP contains the list of projects comprising the budget, and [contains expenditure requirements, and the resources available to the Redevelopment Agency](#); and

WHEREAS, the Chairperson and Agency Members have made such revisions to the Proposed CIP as appears to be desirable; and

WHEREAS, the Proposed CIP, [as herein approved](#), will enable the Redevelopment Agency to make adequate financial plans and will ensure that Agency officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed CIP, as amended by [the Chairperson and Agency Members per the Revisions to the Proposed Capital Improvement Plan \(Attachment "A"\)](#), is hereby approved and adopted as the capital budget of the Redevelopment Agency of the City of Moreno Valley for the Fiscal Year 2011-12.
2. The projects are hereby appropriated as the capital budget for said fiscal year.
3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.
4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be

Resolution No. RDA 2011-08
Date adopted: June 14, 2011

Attachment "D"

posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Mayor of the City of Moreno Valley
acting in the capacity of Chairperson
of the Community Redevelopment
Agency of the City of Moreno Valley

ATTEST:

City Clerk, acting in the capacity
of Secretary of the Community
Redevelopment Agency of the City of
Moreno Valley

APPROVED AS TO FORM:

City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the City of
Moreno Valley

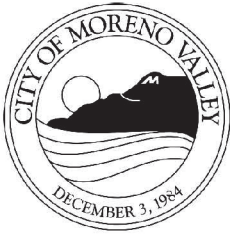
G. 8 4TH OF JULY PARADE AT A REDUCED
COST (STEWART)

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CITY MANAGER'S REPORT

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

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

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: June 14, 2011

TITLE: INTRODUCTION OF ORDINANCE NO. 827 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS

RECOMMENDED ACTION

Staff recommends that the City Council waive the reading of Ordinance No. 827, in its entirety and read by title only (roll call required) and introduce Ordinance No. 827 an Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The federal Clean Water Act requires that urban runoff entering Waters of the U.S. from Municipal Separate Storm Sewer Systems (MS4)s be regulated under the National Pollutant Discharge Elimination System (NPDES) permit. As a discharger of urban runoff to Waters of the U.S., the City of Moreno Valley was regulated under the 2002 NPDES MS4 permit. That permit has since expired and has been superseded by the new 2010 NPDES MS4 permit, effective January 29, 2010. This new permit requires that by July 29, 2011, the City revise, where feasible its ordinances, codes, building and landscape design standards to promote green infrastructure/Low Impact Development (LID) techniques. The proposed changes to Title 8 of the MVMC complement the

proposed changes to Title 9 of the MVMC, which was approved by the Planning Commission on May 12, 2011.

DISCUSSION

City staff is recommending an update to Title 8 of the MVMC in order to remain in compliance with the MS4 permit. The changes include adding/revising and grammatical cleanup of various subsections throughout section 8.10 and 8.21 of Title 8. Staff has not listed the grammatical changes, however, listed below are key proposed changes to the existing municipal code:

- Allow more types of LID techniques within the City such as rain gardens and green roofs.
- Add definitions pertaining to LID and other green infrastructure.
- Update information pertaining to the 2010 NPDES MS4 permit.

ALTERNATIVES

1. Approve waive the reading and introduce the proposed Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.10, regarding Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations. **This alternative is recommended by staff.** *Approval would put the City in compliance with the MS4 permit.*

2. Do not approve waive the reading and introduce the proposed Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.10, regarding Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading; maintain the current ordinance without revision. **This alternative is not recommended by staff.** *The City would be in violation of the MS4 permit and would be subject to fines by the State Water Resources Control Board.*

FISCAL IMPACT

There are no fiscal impacts associated with the proposed action.

CITY COUNCIL GOALS

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

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

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment 1 - Proposed Ordinance No. 827

Attachment 2 - Proposed Ordinance No. 827 with revisions

Prepared By:
Hoang Nguyen
Associate Engineer

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

Concurred By:
Kent Wegelin
Storm Water Program Manager

Concurred By:
Mark W. Sambito
Engineering Division Manager

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

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ORDINANCE NO. 827
AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MORENO VALLEY, CALIFORNIA,
AMENDING TITLE 8 OF THE CITY OF MORENO
VALLEY MUNICIPAL CODE BY REPEALING AND
REENACTING CHAPTER 8.10 STORM
WATER/URBAN RUNOFF MANAGEMENT AND
DISCHARGE CONTROLS AND CHAPTER 8.21
GRADING REGULATIONS.

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

SECTION 1 PRIOR ENACTMENTS REPEALED:

1.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.10, as set forth in Section 2 of this Ordinance

1.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.21, as set forth in Section 2 of this Ordinance

SECTION 2 REENACTMENT OF CHAPTER 8.10 AND CHAPTER 8.21:

2.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

8.10.010 Purpose and intent.

The purpose of this chapter is to protect the health, safety and welfare of the public by:

- A. Reducing pollutants in storm water discharges to the maximum extent practicable;
- B. Regulating illicit connections and discharges to the storm drain system; and
- C. Regulating nonstorm water discharges to the storm drain system.

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The intent of this chapter is to protect and enhance the water quality of watercourses, water bodies, ground water and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act, the state Porter-Cologne Water Quality Control Act and the conditions of any NPDES permit issued to the City.

8.10.020 Definitions.

The terms as used in this chapter shall have the following meanings:

“Best Management Practices” (BMPs) mean any activities, prohibitions, practices, procedures, programs or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs mean and include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for municipal, industrial/commercial, new development and redevelopment and construction activity and other measures approved by the City Engineer.

“City” means the City of Moreno Valley.

“City Engineer” means the City Engineer of the City.

“Discharge” means, when used as a verb, to allow pollutants to directly or indirectly enter storm water, or to allow storm water or nonstorm water to directly or indirectly enter the MS4 or receiving waters from an activity or operation. When used as a noun, “discharge” means the pollutants, stormwater and non-storm water that are discharged.

“Discharger” shall mean any person engaged in activities or operations, or owning facilities, which may result in pollutants entering storm water, the MS4 or receiving waters. Dischargers include, but are not limited to, real property owners, occupants, tenants, lessees, contractors, developers, managers and employees.

“Green Infrastructure” shall mean an array of products, technologies, and practices that use natural or engineered systems that mimic natural processes to enhance overall environmental quality. As a general principal, Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspire, and/or recycle stormwater runoff.

“Illicit discharge” shall mean any discharge to the MS4 that is not composed entirely of storm water runoff except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana Regional Water Quality Control Board.

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“Illicit connection” shall mean any physical connection to a MS4 which has not been permitted by the City, the Riverside County Flood Control and Water Conservation District or other appropriate public agency.

“Low Impact Development (LID)” shall mean any ecosystem-based approach to designing a hydrologically functional site that mimics predevelopment conditions.

“Low volume road” shall mean roads with traffic indexes less than or equal to six (6.0).

“MS4—Municipal Separate Storm Sewer System” shall mean any facility within the City limits by which storm water may be conveyed to waters of the United States. MS4 includes, but is not limited to, any roads with drainage systems, streets, curbs, gutters, catch basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.

“Municipal NPDES permit” shall mean an area-wide NPDES permit issued to a government agency or agencies for the discharge of storm water from a MS4.

“Non-storm water discharge” shall mean any discharge to the MS4 that is not entirely composed of storm water.

“National Pollutant Discharge Elimination System (NPDES) permit” shall mean a storm water discharge permit issued by the Santa Ana Regional Water Quality Control Board or the State Water Resources Control Board in compliance with the Clean Water Act.

“Person” shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

“Pollutant” shall mean anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Pollutants may include, but are not limited to, paints, oil and other automotive fluids, soil, rubbish, trash, garbage, debris, refuse, waste, fecal matter, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.

“Premises” shall mean any building, lot, parcel of land, land or portion of land whether improved or unimproved.

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“Storm water runoff” shall mean surface runoff and drainage associated with rainstorm events and snow melt.

8.10.030 Responsibility for administration.

This chapter shall be administered for the City by the City Engineer. The City Engineer may appoint and authorize one or more members of the City staff to act as his/her designee[s] to administer or enforce this chapter. In the context of this chapter, the phrase “City Engineer” includes each and all persons designated by the City Engineer to assist in the administration and enforcement of this chapter, as limited by the terms of the delegation

8.10.040 Regulatory consistency.

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act, the Porter-Cologne Water Quality Control Act and acts amending or supplementary thereto, applicable implementing regulations and any existing or future municipal NPDES permits and any amendments or revisions thereto or reissuance thereof.

8.10.050 Reduction of pollutants in storm water runoff.

A. In General. It is a violation of this chapter to throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any pollutant in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City. The only exception is where such pollutant is temporarily placed in an appropriate container with a spill containment system for later collection and removal. It is a violation of this chapter to cause or permit any dumpster, solid waste bin or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City.

B. Construction Sites. Any person performing construction work in the City shall comply with the provisions of the ordinance codified in this chapter and other City ordinances for erosion and sediment control.

C. New Development and Redevelopment. New development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to

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prevent such deterioration and shall identify the manner of implementation. The BMPs may include, but are not limited to the following and may, among other things, require new developments or redevelopments to do any of the following:

1. Increase permeable areas by leaving highly porous soil and low lying areas undisturbed; by incorporating landscaping, green roofs and open space into the project design, by using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways and by incorporating detention ponds and infiltration pits into the project design;
2. Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and french drains; by installing rain-gutters oriented towards permeable areas; by modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and by designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas;
3. Maximize storm water storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.
4. Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.

D. Existing Development. Existing development shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation.

8.10.060 Illicit connections or discharges.

It is a violation of this chapter to establish, use, maintain or continue illicit connections to the storm drain system, or to commence or continue any illicit discharges to the storm drain system. This prohibition against illicit connections and discharges is expressly retroactive and applies to connections and discharges made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection or discharge.

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8.10.070 Non-storm water discharges.

The discharge of non-storm water into the storm drain system is a violation of this chapter except as specified below.

A. The discharge prohibition shall not apply to any discharge regulated under a NPDES permit or waiver issued to the discharger and administered by the state of California under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulations.

B. Discharges from the following activities will not be considered a violation of this chapter when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensate, springs, individual residential car washing, flows from riparian habitats and wetlands, swimming pool discharges or flows from fire fighting.

8.10.080 Discharges in violation of permit.

A. Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of an existing or future municipal NPDES permit(s) or any amendment or revision thereto or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge

B. NPDES Permit for Industrial/Commercial and Construction Activity. Any industrial discharger, discharger associated with construction activity or other discharger subject to any NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Santa Ana Regional Water Quality Control Board, shall comply with all requirements of such permit. Such discharges shall specifically comply with the following permits: the industrial storm water general permit, and the dewatering general permit. Proof of compliance with said NPDES general permits may be required in a form acceptable to the City Engineer prior to issuance of any City grading, building, or occupancy permits.

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8.10.090 Permits and approvals.

Compliance with this chapter shall be a condition of every permit, license or approval granted or issued by the City. Failure to comply with the chapter shall be grounds for revocation of any such permit, license or approval.

8.10.100 City authority to sample, inspect and monitor.

A. Regulatory Inspections. The City Engineer may inspect the premises of any discharger at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If a discharger refuses to allow entry for inspection, an inspection warrant shall be obtained prior to inspection.

B. Scope of Inspections. Inspections may include all actions necessary to determine whether any illicit discharge/connection exist, whether the BMPs installed and implemented are adequate to comply with the chapter, whether those BMPs are being properly maintained and whether the discharger complies with other requirements of this chapter. This may include sampling, metering, monitoring, visual inspections and records review. Records, reports, analyses or other required information may be inspected and copied, and photographs may be taken for purposes of enforcement of this chapter.

8.10.110 Establishment of a fee.

The City Council may establish a fee by resolution to recover the cost of inspection, sampling, metering and monitoring by the City Engineer.

8.10.120 Orders by the City Engineer.

The City Engineer is authorized to issue cease and desist orders or stop-work orders to any person who is in violation of this chapter. Failure to comply with a written order of the City Engineer shall be a violation of this chapter and shall be grounds for the imposition of civil penalties described in this chapter.

8.10.130 Notice of violation.

Whenever the City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City Engineer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

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- A. The performance of monitoring, analyses and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices or operations cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- E. Payment of a fine to cover administrative and remediation costs;
and
- F. The implementation or maintenance of source control and treatment control BMPs.

If an abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Engineer and the expense thereof shall be charged to the violator pursuant to Chapter 6.04 of this code. A notice issued under this chapter shall identify the provisions of this chapter which have been violated and shall state the recipient has a right to appeal as set forth in Chapter 1.10 of this code.

The notice shall be served upon the recipient as set forth in Chapter 1.10 of this code.

8.10.140 Violations—Misdemeanors or infractions.

A violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter, shall constitute an infraction. Repeated violations may be prosecuted as misdemeanors at the discretion of the City attorney.

8.10.150 Penalty for violation.

Upon conviction of a misdemeanor for violating any provision of this chapter, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth by law. Upon conviction of an infraction for violating any provision of this chapter, a person shall be subject to payment of a fine, not to exceed the limits set forth by law

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8.10.160 Separate offenses.

A person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

8.10.170 Violations deemed a public nuisance.

The City Council hereby declares that any violation of this chapter is a threat to the public health, safety and welfare, and is therefore a public nuisance which may be summarily abated. The cost of such abatement shall be borne by the owner of the premises and the cost thereof may be imposed as a lien upon the premises, and such lien shall continue in existence until it is paid.

8.10.180 Administrative enforcement powers.

In addition to any other enforcement powers and remedies established by this chapter, an authorized enforcement officer has the authority to issue civil citations and fines for violations of this chapter pursuant to Chapter 1.10 of this code.

8.10.190 Civil actions.

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, and the court may grant, as appropriate, any or all of the following remedies:

- A. A temporary and/or permanent injunction;
- B. Assessment of the violator for the costs of any investigation, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
- C. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation; or
- D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life

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8.10.200 Severability.

If any provision, clause, sentence or paragraph of the ordinance codified in this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of that ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.

2.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

Chapter 8.21 GRADING REGULATIONS

8.21.010 General.

8.21.020 Permits required.

8.21.030 Hazards.

8.21.040 Definitions.

8.21.050 Grading permit requirements.

8.21.060 Fees.

8.21.070 Grading security.

8.21.080 Cuts.

8.21.090 Fills.

8.21.100 Setbacks.

8.21.110 Drainage and terracing.

8.21.120 Retaining walls.

8.21.130 Expansive soils.

8.21.140 Asphalt paving.

8.21.150 Permeable surface designs.

8.21.160 Erosion control.

8.21.170 National Pollutant Discharge Elimination System (NPDES).

8.21.180 Grading inspection.

8.21.190 Completion of work.

8.21.200 Penalty for violation.

8.21.010 General.

- A. Name. This chapter shall be known as the "Grading Regulations."
- B. Purpose. The purpose of this chapter is to establish an official set of standards regulating the design and construction of building sites and the development of property by grading; to regulate the alteration of the ground

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surface to protect and preserve the public health, safety, and general welfare; to minimize differential settlement and the slipping or sliding of earth; to protect adjacent properties from damage caused by blockage or diversion of natural runoff waters; to require engineering analysis of expansive soil conditions, erosion control and drainage; and criteria to provide a basis for the design of footings and floor slabs for structures proposed to be erected on parcels of land whose natural topography has been altered as described herein; to establish the administrative procedure for issuance of permits; and to provide for approval of plans and inspection of grading construction.

C. Intent. It is the intent of this chapter and the erosion control procedures contained within this chapter to establish a guideline enabling the City with the ability to regulate grading operations as well as to protect environmentally sensitive areas and biological and wildlife resources within and surrounding the City of Moreno Valley. The procedures established by this chapter and the conditions of approval implemented with all discretionary approvals and permits are intended to accomplish this protection. However, in the event that City staff encounter situations that are deemed to endanger environmental resources, the City Engineer is authorized to take necessary action to protect the environment pursuant to this chapter and other applicable laws, provided there is no conflict with other City regulations or codes.

“Environmentally sensitive areas” are any lands in a natural condition subject to an open space easement; any natural lake, stream, creek or riparian area; any wildlife habitat area identified in an environmental impact report, initial study or other environmental assessment; or any land determined by the City to be environmentally sensitive with respect to any particular grading activity based on an environmental assessment, initial study, CEQA guidelines or other information in connection with the proposed grading activity.

D. Scope. This chapter sets forth rules and relations to control excavation, grading and earthwork construction, including fills and embankments, and establishes administrative requirements for issuance of permits and approval of plans and inspection of grading construction in accordance with the requirements for grading and excavation as contained in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) with deletions, modifications, or amendments to meet local conditions.

E. Powers and Duties of the City Engineer. All references in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) to “Building Official” shall mean the “City Engineer” in this chapter.

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8.21.020 Permits required.

A. Grading Permits. No person shall conduct any grading, clearing, brushing or grubbing on natural or existing grade that is preparatory to grading, without first having obtained a grading permit from the City Engineer.

Exceptions to this requirement are:

1. An excavation below finish grade for basements and footings of a building, mobile home, retaining wall, or other structure authorized by a valid building permit or construction permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure, or an unsupported excavation with vertical banks more than two feet high. This shall not prohibit a minimum fee grading permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the City Engineer, stability considerations warrant such inspection;

2. An excavation which does not exceed fifty (50) cubic yards on any one site and which is less than two feet in vertical depth, and which does not create a cut slope greater than five feet in vertical height and steeper than one and one-half to one (1.5:1) horizontal to vertical;

3. Cemetery graves;

4. Refuse disposal sites controlled by other regulations;

5. Earthwork construction regulated by federal, state, county, or city governments, or by a local agency as defined by Government Code Sections 53090 through 53095 (special districts); pipeline or conduit excavation and backfill conducted by local agencies or public utilities; earthwork construction performed by railway companies. This exemption, however, shall apply only when the earthwork takes place on the property, or dedicated rights-of-way or easements of the aforementioned agencies;

6. Excavation and backfill for installation of underground utilities by public utility companies or companies operating under the authority of a franchise or public property permit;

7. Mining, quarrying, excavating, processing, stock-piling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property, or alter the orientation of natural water courses which may result in adverse changes on adjoining property;

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8. Exploratory excavations under the direction of a soil engineer, engineering geologist, archaeologists or paleontologists, provided all excavations are properly backfilled and compacted or otherwise restored. All excavations and trenches are subject to the applicable sections of the state of California, Division of Safety or Cal-OSHA;

9. A fill less than one foot in depth, placed on natural grade with a slope flatter than five horizontal to one vertical (5:1), which does not exceed fifty (50) cubic yards on any one lot and does not obstruct any drainage course;

10. A fill less than three feet in depth, not intended to support structures or mobile homes, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course;

11. Clearing, brushing, and minor grading for agricultural purposes provided such operations do not affect the lateral support or increase stresses in or pressures on any contiguous property, or alter the orientation of natural water courses which may result in adverse changes on nearby or adjoining property or result in dumping of organic or hazardous waste not regulated by law. This grading includes, but is not limited to, contour grading to provide for orchard planting, minor leveling not exceeding three vertical feet of either excavation or fill for row crops, installation of irrigation systems, and stockpiling of fertilizer or other amendments.

B. Grading Permit, Paving. No person shall construct pavement surfacing in excess of five thousand (5,000) square feet, on natural or existing grade for the purpose of a private road or driveway, commercial, industrial, or multi-residential parking lot or travelway without a valid grading permit unless waived by the City Engineer or a separate improvement plan is approved and signed by the City Engineer. Resurfacing or maintenance of paved surfaces is exempt from this requirement.

8.21.030 Hazards.

A. Hazardous Conditions.

1. Hazardous conditions exist when the state of any natural ground, natural slopes, excavation, fill or drainage devices are situated on private property in such a manner that they are a hazard to life or limb, or a danger to public safety, or endangers the safety, usability, or stability of adjacent property, structures or public facilities. The maintenance of any hazardous condition shall constitute a public nuisance.

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2. The City Engineer or designee (including City code compliance) may examine, or cause to be examined, every condition reported as hazardous as set forth in subsection (A)(1) of this section.

3. Upon confirmation of a hazardous condition, the City Engineer or designee (including code compliance) shall provide written notification to the owner or agent in control of property with confirmed hazardous condition requiring mitigation of said hazardous condition and stipulation of an acceptable time frame for compliance.

4. The owner or agent in control shall comply with any demand for corrective work or repairs as required. In the event that corrective action is not completed within the period as specified in writing, the City may exercise any available legal recourse for correction of said hazardous condition.

8.21.040 Definitions.

The words and phrases set out in this section, when used in this chapter, shall, for the purpose of this chapter, have the following respective meanings except where the context clearly indicates a different meaning:

“Approval” means a written engineering or geological opinion by the responsible engineer, geologist of record, or responsible principal of the engineering company, whichever is applicable, concerning the satisfactory progress and completion of the grading work, unless it specifically refers to the City Engineer.

“Approved plans” means the current grading plans, which bear the City Engineer’s signature of approval on the plans.

“Approved testing agency” means the facility whose testing operations are controlled and monitored by a registered civil engineer and which is equipped to perform and certify the tests required by this chapter and is approved by the City Engineer.

“As-graded” means the surface configuration upon completion of grading.

“Bedrock” means in-place solid rock or sufficient solid in-place soil and rock to be classified by a registered geologist, geotechnical engineer or registered civil engineer, as bedrock.

“Bench” means a relatively level step excavated into stable earth material on which fill is to be placed.

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“Borrow” means earth material acquired from an offsite location for use in grading on a site.

“Borrow Site Permit” means a permit that is issued to complete borrow grading operations as defined above.

“California Building Code (CBC)” means the California Code of Regulations Title 24 as adopted by ordinance by the City Council of the City of Moreno Valley.

“Civil engineer” means a professional engineer registered in the State of California authorized to practice in the field of civil engineering. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Civil engineering” means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Clearing, brushing and grubbing” means the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.

“Compaction” means the densification of a fill by mechanical means.

“Earth material” means any rock, natural soil, or fill and/or any combination thereof.

“Engineering geologist” means a geologist certified in the state of California to practice engineering geology. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Engineering geology” means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Erosion” means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

“Erosion control system” means a combination of desilting facilities, and erosion protection, including effective planting and the maintenance thereof, to

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protect adjacent private property, watercourses, public facilities, and receiving waters from the deposition of sediment or dust.

“Excavation” means the mechanical removal of earth material.

“Fault” means a fracture in the earth’s crust along which movement has occurred. A fault is considered active if movement has occurred within the last eleven thousand (11,000) years (Holocene geologic time).

“Fill” means the deposit of earth material placed by artificial means.

“Geotechnical engineer” see “soil engineer”. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Geotechnical report” means a report, which contains all appropriate soil engineering, geologic, hydrologic, and seismic information, evaluation, recommendations, and findings.

“Grade” means the vertical elevation of the ground surface.

Grade, Existing. “Existing grade” means the ground surface prior to grading.

Grade, Finish. “Finish grade” means the final grade of the site, which conforms to the approved plans.

Grade, Natural. “Natural grade” means the ground surface unaltered by artificial means.

Grade, Rough. “Rough grade” means the stage at which the grade approximately conforms to the approved plans.

“Grading” means any excavation or filling or combination thereof.

“Grading contractor” means a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.

“Grading permit” means an official document or certificate issued by the City Engineer authorizing grading activity as specified by approved plans and specifications.

“Hillside site” means a site with a natural slope of ten (10) percent or more as further defined in Section 9.03.040(B) of this code.

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“Indeterminate stockpile” means storage of soil for an indeterminate period of time in excess of the time permitted for a temporary stockpile.

“Key” means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

“Keyway” means an excavated trench into competent earth material beneath the toe of a proposed fill slope.

“Landslide” means the downward and outward movement of soil, rock, fill or a combination thereof.

“Mass grading” means grading that is completed on a large scale over a large area prior to preliminary grading and which when completed is within two vertical feet of the sites final grade elevations.

“Mass grading permit” means a permit that is issued to complete mass grading operations as defined above.

“Massive landslide” means a landslide too large to be stabilized by retaining methods or normal control methods.

“NPDES” stands for National Pollutant Discharge Elimination System.

“Owner” means any person, agency, firm, or corporation having a legal or equitable interest in a given real property.

“Precise grading permit” means a permit that is issued on the basis of approved plans which show the precise structure location, finish elevations and all on-site improvements.

“Permeable Paving” means a special type of pavement that allows rain to pass through the paved surface into the ground beneath, thereby reducing the runoff from a site.

“Preliminary grading permit” means a permit that is issued on the basis of approved plans which need not show a structure location but must show interim building pad drainage to the degree required by the City Engineer.

“References” unless indicated otherwise, or as reasonably appears from the context, references in this chapter to the civil engineer, engineering geologist, geotechnical engineer and soils engineer refer to the professional person(s) preparing, signing, stamping or approving the project plans and specifications which comprise the approved grading plan, and which professional person(s) appears of record pursuant to Section 8.21.170(D) of this chapter, or his/her successor appearing pursuant to Section 8.21.170(E) of this chapter.

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“Retaining wall” means a wall designed to resist the lateral displacement of soil or other materials.

“Rough Grading Permit” means a permit that is issued to complete rough grading operations as defined in this section.

“Site” means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

“Slope” means any inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as a percentage ratio of the vertical distance divided by the horizontal distance times one hundred (100).

“Slope stability—Gross stability” means the factor of safety against failure of the slope material below the surface approximately three to four feet deep measured from and perpendicular to the slope face.

“Slope stability—Surficial stability” means the factor of safety against failure of the outer three to four feet of slope material measured from and perpendicular to the slope face.

“Soil” means naturally occurring surficial deposits overlaying bedrock.

“Soil engineer (geotechnical engineer)” means a civil engineer registered in the State of California experienced and knowledgeable in the area of soil mechanics. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Soil engineering (geotechnical engineering)” is the investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations and other civil engineering works. The practice involves application of the principles of soil mechanics and the earth sciences and requires a knowledge of engineering laws, formulas, construction techniques and performance evaluation of civil engineering works influenced by earth materials.

“Sulfate (SO₄)” means a chemical compound occurring in soil or water, which in concentration, has a corrosive effect on ordinary portland cement concrete and some materials.

“Temporary stockpile” means the temporary storage of earth material greater than fifty (50) cubic yards for a period not to exceed the term of the grading permit issued for the project associated with the stockpile.

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“Terrace” means a relatively level step constructed into the face of a graded sloped surface for drainage and maintenance purposes.

“WDID# means Waste Discharge Identification number.

8.21.050 Grading permit requirements.

A. Application for Permit.

1. The application for a grading permit shall be made on a form as provided by the City Engineer. All required discretionary approvals under the zoning ordinance and municipal code must be obtained prior to issuance of a grading permit.

2. No grading permit for a development project subject to approval by the planning commission, city council or administrative approval process shall be issued until such commission, council or administrative process has approved the grading concept as part of the discretionary approval process. Any application for a grading permit which effects environmentally sensitive areas shall contain information showing that the proposed grading will be accomplished without significant harm to the environment or appropriate environmental mitigation measures that have been identified within an environmental impact report for the proposed site have been complied with.

B. Responsibility of Land Owners.

1. It is unlawful for any persons owning, leasing, occupying or having charge of any real property in the City to stockpile, deposit, or allow the placement, construction or deposition of earth material on any real property in excess of fifty (50) cubic yards without first obtaining a grading permit as hereinafter described (unless exempt as noted in Section 8.21.020 exceptions. Processing of said earth material must result in a relative compaction of at least ninety (90) percent of the maximum density compaction of the surrounding material, unless otherwise provided for as part of an approved grading plan.

2. Clearing, brushing and grubbing of vegetation done in preparation of land development shall not be undertaken until all discretionary approvals for the land development project have been issued and a grading permit for the project has been obtained. For the purposes of this section, land development shall be defined as any use of real property for which discretionary approval is required as further defined in the this code.

3. A grading permit issued by the City Engineer is required prior to any grading or clearing and grubbing operations on:

a. Previously undisturbed land; or

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- b. Land covered by native vegetation; or
- c. Land which has not been used for agricultural purposes for three years immediately prior to the initiation of a grading operation for the purpose of conducting agricultural activities.

A grading permit may be issued by the City Engineer, prior to discretionary approval, if the City Engineer, in cooperation with the planning official, determines that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause the elimination of any significant wildlife habitat for riparian area.

4. This section shall not regulate routine landscape maintenance, the removal of dead or diseased trees or shrubs or the removal of vegetation upon the order of the fire marshal for the elimination of a potential fire hazard.

C. Types of Grading Permits.

1. Either a mass grading permit, borrow site permit, rough grading permit, preliminary grading permit, precise grading permit or a stockpile permit all as defined in Section 8.21.040 of this chapter may be issued for grading work upon completion of a proper application and approval by the City Engineer.

2. Building permits may be issued for a site graded under an approved grading plan and valid grading permit upon completion and approval of rough grade and geotechnical inspection as specified in Section 8.21.170 of this chapter. Building permits for construction of model homes may be issued for the model home sites only, prior to completion of rough grading for the site, provided that rough grading has been completed and approved as noted for the model home sites.

3. Building permits shall not be issued for a site graded under a preliminary grading permit until a new precise grading plan has been approved and a permit has been issued and the provisions as noted above have been satisfied.

D. Stockpile Permits.

1. A temporary stockpile permit is subject to conditions which may include, but not limited to, the following items: a stockpile plan prepared by a registered civil engineer, an erosion control plan prepared by a registered civil engineer, fencing, hydroseeding or other maintenance requirements. Other conditions may be established, even after the permit has been issued, in the interest of public health, safety or welfare, and shall be as determined by the City Engineer.

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2. An indeterminate stockpile permit may be issued for soil that is to be used for the future development of the stockpile site where there is no current project, or for storage of soil for current or future sale, or for some other purpose as stated by the property owner. Requests for indeterminate stockpile permits will be reviewed on a case-by-case basis. Such requests may be considered to be the establishment of a business and may require review by other City department or divisions and shall be subject to all of the conditions of approval for such projects. An indeterminate stockpile permit is subject to all of the same requirements as a temporary stockpile permit.

E. Grading Permit Application. A grading permit application shall consist of the following items and forms completed and signed by the applicant or his/her representative, unless otherwise specified by the City Engineer:

1. Application form;
2. Four sets of grading plans;
3. Two copies of a preliminary soils report (see subsection (M)(1) of this section);
4. Two copies of a preliminary geology report if applicable (see subsection (M)(2) of this section);
5. Two sets of erosion control plans;
6. Payment of the grading plan check and inspection fees.

The City Engineer will inspect the project site as necessary and determine whether additional reports or other data are required prior to issuance of a grading permit. The City Engineer will notify the applicant of his determination.

F. Grading Plan Clearances. The City Engineer shall notify the applicant when clearance is required for the project from other departments or divisions within the City as well as clearance required from other agencies. All required clearances from other departments, divisions or outside agencies shall be the responsibility of and obtained by the applicant prior to issuance of the grading permit. The City Engineer will not notify the applicant for South Coast Air Quality District (SCAQMD) required clearances and permits.

G. Data to Accompany Application.

1. A grading plan, approved and signed by a California registered civil engineer, soils engineer and engineering geologist shall accompany each application for a grading permit, unless waived by the City Engineer. The grading plans shall be prepared on twenty-four (24) inch by thirty-six (36) inch Mylar film

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with a standard City title block, and shall be drawn in ink. The plans shall show the original and designed finish contours, spot elevations, building pads, public improvements, slope ratios, proposed drainage facilities, protective fencing, retaining walls and any structures or buildings on adjacent properties within fifteen (15) feet of the common property lines.

2. Unless waived by the City Engineer, each application for a grading permit shall be accompanied by supporting data consisting of a soils engineering report, engineering geology report, and the grading plans and specifications. All such plans shall be drawn to engineering scales as approved by the City Engineer. The title sheet of the plan set shall contain the names, addresses and phone numbers of the site owner, the civil engineer responsible for the plans preparation, the project soil engineer and engineering geologist, including registration numbers. The title sheet shall also contain a locality sketch of the project site.

3. A statement of quantities shall be furnished, giving the estimated cubic yards of excavation, embankment, fill, and shrinkage or swell factor. Also, types of ditches and down drains, lineal feet and sizes of various types of pipe, the amount of rock to be used for rip-rap or slope protection, the lineal feet of fencing and any other pertinent information useful in determining the extent of the proposed work.

4. The grading plans shall show scaled sections of all stabilization fills, buttress fills, keyways and benching for fill placement.

H. Grading Plan Check. All grading plans submitted to the City will be checked for conformance with the provisions of this chapter, conditions of approval, the City of Moreno Valley Municipal Code, applicable specific plans, other City ordinances, rules and regulations, all applicable Federal and State requirements, 2010 California Code of Regulations Title 24, Chapter 11 accessibility requirements, City technical requirements and plan requirements, and any other applicable requirements for the development.

I. Mass Grading Plans, Rough Grading Plans, Stockpile Plans, Borrow Site Plans and Preliminary Grading Plans. The plans shall include, but not limited to, the following information.

1. Vicinity map of the site;

2. Property limits clearly labeled or otherwise identified, accurate contours of existing ground and details of terrain, and area of drainage a minimum of fifteen (15) feet beyond the property limits (spot elevations may be used on flatland sites);

3. Prominent existing or natural terrain features;

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4. Limiting dimensions, elevations of finish contours to be achieved by the grading, proposed drainage devices, and related construction;

5. Details (plan and section) of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as part of the proposed work, together with a map showing the drainage area and estimated runoff from the area served by the drains;

6. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which may be affected by the proposed grading operations;

7. If the grading project includes the movement of earth material to or from the site in an amount considered substantial by the City engineer, the permittee shall submit a haul route for review and approval by the public works department, land development division. The City Engineer may prescribe as a condition of the grading permit and submitted haul route, alternate routes or special requirement in consideration on the possible impact on the adjacent community environment or effect on the public right-of-way itself;

8. Additional plans, drawings, calculations, environmental impact information, or other reports and information required by the City Engineer.

J. Precise Grading Plans. The plans shall include of the information required in subsection I of this section plus the footprint or allowable building area of all proposed structures (including appurtenances), setback distances between structures and top or toe of slopes, setback distances between structures and property lines, detailed finish grade and finish floor elevations, flow lines for lot drainage including spot elevations for the drainage swales, details for building footings and sideyard swale relationship (including extra height of or deepened footings), and all proposed PCC flatwork and PCC/AC driveways.

K. Grading Plan Correction Sheet. A grading plan standards and correction sheet which is used as the basis for plan checking, is available from the Public Works Department, Land Development Division which identifies the items typically required on grading plans depending on site conditions.

L. Geotechnical Reports. A soil engineering and engineering geology report shall be required for all grading projects unless otherwise waived by the City Engineer. The reports shall include information useful to the site and any additional information required by the City Engineer. Recommendations included in the reports and approved by the City Engineer, shall be incorporated into the grading plans and specifications. The Building Official may require a soil report of additional information related to the building structure in accordance with the California Code of Regulations Title 24 (IBC).

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M. Geotechnical Report Standards. Two copies of each geotechnical report required in subsection L of this section, shall be submitted as part of the application for a grading permit. Each report shall contain information applicable to the project as shall be prepared in accordance with generally accepted geotechnical engineering practice. Recommendations contained in the approved reports shall be incorporated into the grading plans and specifications and shall become conditions of the grading permit.

1. Preliminary Soil Report. Soil engineering reports shall be required for all residential subdivisions, commercial or industrial development projects, multi-residential projects, and similar developments for which a grading permit is required. Soil reports shall also be required for grading or building permits on single lot projects when specified by the City Engineer or Building Official. The preliminary (initial) soil engineering report shall include information and data regarding the nature, distribution, and physical and chemical properties of existing soils, conclusions as to the adequacy of the site for the proposed grading, recommendations for general and corrective grading procedures, foundation and pavement design criteria, and shall provide other recommendations, as necessary, for the project grading and development.

2. Preliminary Engineering Geology Report. Engineering geologic reports shall be required for all developments on hillside sites where geologic conditions are considered to have a substantial effect on existing and/or future site stability. This requirement may be extended to other sites as required by the City Engineer. The preliminary (initial) engineering geology report shall include a comprehensive description of the site topography and geology including, where necessary, a geologic map; and opinion as to the adequacy of the proposed development from an engineering geologic standpoint; and opinion as to the extent that known or as reasonably should be known instability on adjacent properties may adversely effect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed project; and specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development; and shall provide other recommendations as necessary for the project grading and development. The preliminary engineering geology report may be combined with the soil engineering report.

3. Seismicity Report. A seismicity report as determined by the City Engineer, may be required as a condition for issuance of a grading permit and/or building permit for all residential subdivisions, and for commercial or industrial developments, and shall be required as a condition of development for all essential facilities (as defined in the California Building Code) or as determined by the City Engineer, Building Official or Planning Official. Additionally, sites containing earthquake-sensitive earth materials and/or sites that are located on or near potentially active or active faults are required to submit a seismicity report as a condition for issuance of a grading permit. The report shall be prepared by

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an engineering geologist, geophysicist, or a civil engineer with expertise in earthquake technology and its application to buildings or other civil engineering works. The scope of the report shall be commensurate with the proposed development and shall reflect the latest available and accepted technological recommendations related to seismicity. The seismicity report may be combined with the soil and engineering geology reports.

N. Import and Export of Earth Material. Where an excess of five thousand (5,000) cubic yards of earth material for a project site is moved on public roadways to or from the project site as part of the grading operations, all of the following requirements shall apply:

1. Either water or dust preventative spray material (or both) shall be consistently applied for prevention of dust resulting from the loading or transportation of earth to or from the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way, used for transporting materials, in a condition free of dust, earth, or debris attributed to the grading operations.

2. Loading and transporting of earth materials to or from the site must be accomplished within the limitations established in subsection O of this section.

3. Access roads to the site shall be only at points designated on the approved grading plans.

4. At a minimum, the first fifty (50) feet of access road adjacent to the intersection with the public roadway shall have a grade not to exceed five percent. There must be a three hundred (300) foot clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the five percent grade or three hundred (300) foot sight distance requirements can not be obtained due to site constraints, then flagman shall be posted at the access road and shall remain for the entire duration of material transportation operations.

5. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the exit of the access road to the public roadway.

6. Advanced warning signs along with traffic control and safety devices shall be reviewed and approved by the City Engineer and shall be posted on the public roadway in the vicinity of the access intersection as required by the current State of California Department of Transportation "Manual of Traffic Control—Warning Signs, Lights and Devices for use in Performance of Work Upon Highways." The size, shape, color, number, spacing, and other details of all such signs and devices shall conform to the standards contained therein and in the current State of California Department of Transportation "Traffic Manual." The

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advanced warning signs and other devices shall be covered or removed when the access intersection is not in use.

O. Time of Grading Operations. Grading and equipment operations shall only be completed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, excluding holidays and from 8:00 a.m. to 4:00 p.m. on weekends and holidays. The City Engineer may, however, permit grading or equipment operations before or after the allowable hours of operation if he determines that such operations are not detrimental to the health, safety, or welfare of residents or the general public. Permitted hours of operations may be shortened by the City Engineer's finding of a previously unforeseen effect on the health, safety, or welfare of the surrounding community.

P. Responsibility of Permittee. It shall be the responsibility of the permittee to be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in applicable sections of this chapter, and as contained on the approved grading plans and in the approved geotechnical report(s). It shall also be the responsibility of the permittee to be knowledgeable with the obvious and accessible location on the site, and with a copy of the grading plans bearing the stamp or signature of approval by the City Engineer. The applicant will be responsible for obtaining all clearances and permits, if any, directly from the South Coast Air Quality Management District (SCAQMD) prior to beginning grading.

Q. Haul Routes. Where excavation of embankment material is imported or exported from one grading site to another, over public streets, whether or not either site is otherwise subject to grading permit requirements, the City Engineer may specify the route to be used in transportation of the materials on public streets.

Deviation from the designated haul route shall constitute a violation of the condition of the permit issued under this chapter. When the City Engineer does specify a route, he shall do so in writing on the permit document, and shall immediately notify the Traffic Division of the Public Works department as well as the traffic division of the City police department, that said haul route has been specified and approved.

The City Engineer may further specify load limits where, in his opinion, the standard load capacity of vehicles used in such hauling would cause excessive damage to streets on the designated route. Any grading or hauling contractor or project site owner/permittee, moving earth materials in violation of the chapter, shall be financially responsible for any damage to the public streets caused by the hauling vehicles, and shall pay to the City of Moreno Valley the cost, as determined by the City Engineer, of repairing such damage, or shall repair the damage in question to the satisfaction of the City Engineer.

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At least twenty-four (24) hours before hauling is to commence, the applicant shall be required to notify the City of Moreno Valley Public Works Department, Traffic Division, and Land Development Division as well as the City Police Department, Traffic Division. The permit may specify other necessary conditions or restrictions, where the use of public streets would disrupt the normal traffic activities or cause a public inconvenience.

R. Debris on Public Streets. Vehicle Code Section 23112(b) forbids the placing, dumping or depositing of dirt and rocks on public streets or any portion of the public right-of-way. All vehicles engaged in hauling materials under the provisions of this chapter, shall refrain from depositing dirt or debris on public streets by any means, including but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle. The City Engineer may require a cash deposit to insure the clean-up of public streets.

S. Clean-Up. The permittee conducting any earth-moving operation under this chapter which requires vehicles to haul earth materials, including but not limited to, earth, mud, rock or other materials, on any public streets shall be responsible for the complete removal of such materials if spilled, dumped or deposited on a public street within twenty-four (24) hours of noted spill, dumping or deposition. If the permittee fails to remove such spillage, dumping or deposited material within the noted time frame, and it is necessary for the City to complete the removal, the permittee and/or property owner from where the material was removed from or deposited to, shall be liable to pay the City the full cost of such removal work. A cash deposit may be required to insure cleanup of public streets.

T. Dust Control. The contractor or permittee conducting any earth-moving or grading operation under this chapter shall be responsible for controlling dust at all times. The owner, contractor and permittee shall be responsible for implementing any and all Best Management Practices (BMPs) for all grading and earth-moving operations in accordance with the National Pollutant Discharge Elimination System (NPDES) and as required by South Coast Air Quality Management District (SCAQMD).

U. Protection of Adjoining Property. Each adjacent owner is entitled to the lateral and subjacent support which his/her land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to permit or to make an excavation greater than ten (10) feet in depth within fifty (50) feet of his property line(s) shall give reasonable notice to the owner or owners of land abutting the property line(s) affected by such excavation, stating the depth for which such excavation is intended to be made and when the excavation will begin.

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2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken so that the soil of adjoining properties will not cave in or settle without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to of greater depth than are the walls or foundation of an adjoining building or other structure, and the distance from the edge of the excavation to an adjoining building or other structure is less than the depth of the excavation, then the permittee or person completing the excavation must take any and all necessary steps to protect the adjacent building or other structure from possible damage resulting from the excavation or the permittee or person completing the excavation must notify the owner of the adjoining building or other structure and allow at least ten (10) days, if so desired, in which to take measures to protect the same from any damage, or to brace or extend the foundations of the noted building or other structure from possible damage from the excavation.

V. Issuance, Expiration and Renewal.

1. Every grading permit issued shall be valid for a period of one hundred eighty (180) days from the date of issuance.

2. Every permit shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.

3. The time limitations for all grading permits issued by the City are also subject to the following provisions:

a. A permit issued in accordance with these requirements shall expire upon a change of ownership, if the grading work thereon, for which said permit was issued has not been completed, and a new permit shall be required for the completion of the work. If the time limitations as noted above are not applicable, and if no changes have been made to the plans and specifications last submitted to the City Engineer, no charge shall be made for the issuance of a new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the City Engineer, fees based on the valuation of the additional or new work, additional yardage and necessary plan checking shall be charged to the permit applicant.

b. The City Engineer may extend the one hundred eighty (180) day expiration time limit on permits not to exceed three successive periods for one

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hundred eighty (180) days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

4. The City Engineer may require that grading operations and project designs be modified if delays occur which incur weather-related problems not considered at the time the permit was issued.

5. If the permittee presents satisfactory reasons for failure to begin or complete the work within the periods specified above, the City Engineer, upon written request, may grant an extension of time reasonably necessary or as specified in subsection (V)(3)(b) of this section for an additional three hundred sixty-five (365) days without additional fees, provided that:

a. No changes have been made in the original plans and specifications for such work.

b. Suspension of abandonment has not exceeded one hundred eighty (180) days.

c. A re-endorsement of the compliance of the plans with the current and applicable regulations has been obtained by the permittee from the Land Development Division.

Such requests for extensions must be submitted no later than the thirtieth day following the date on which said permit would otherwise expire.

6. If the permittee is unable to complete the work by the end of a two calendar year period (initial one hundred eighty (180) days plus one and one-half year extension) or fails to request an extension within the time provided in subsection (V)(5) of this section, the City Engineer, upon written request and justification, may renew the grading permit for a fee of one-half the amount required for the original permit for such work, provided no changes have been made to the original plans and specifications for such work.

W. Denial of Permit. The City Engineer shall not issue a permit in any case where he finds that the work as proposed by the applicant is liable to constitute a hazard to property or result in debris being deposited on any public street or public way or interfere with any existing drainage course. If it can be shown to the satisfaction of the City Engineer that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or by other means, the City Engineer may issue a permit with the condition that such work be performed. If, in the opinion of the City Engineer, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or

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sufficiently reduce the hazard to human life or property, the grading permit and any proposed building permits for habitable structures shall be denied.

The City Engineer may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The City Engineer may, under circumstances where the significant adverse environmental effects of a proposed grading project cannot be mitigated in accordance with the requirements of the California Environmental Quality Act (CEQA), deny the issuance of a grading permit.

The City Engineer shall require plans and specifications to be modified in order to make them consistent with the City of Moreno Valley general plan, specific plans, municipal code requirements, or other rules, regulations, or conditions of approval applicable to the project. The City Engineer may deny the grading permit if the proposed project cannot be designed in accordance with this chapter, applicable rules, regulations, or conditions.

8.21.060 Fees.

A. Plan-Checking Fees. Before accepting a set of plans and specifications for checking, the City Engineer shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures. The amount of plan-checking fee for grading plans is set forth by City Council resolution.

The plan-checking fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the required fee for the entire project.

B. Review of Geotechnical Reports Fee. The fees paid in accordance with subsection A of this section (plan-checking fee) includes all necessary fees for review of all geotechnical report(s) for the project and no additional or separate fee will be charged for said review.

C. Grading Permit Fees. A fee for each grading permit shall be paid to the City Engineer for issuance of said permit. The fee for grading permit issuance is set forth by City Council resolution. The fee for a grading permit authorizing additional work to that under a valid grading permit shall be the difference between the fee paid for the original permit and the required fee for the entire project.

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8.21.070 Grading security.

The City Engineer may require bonds or other approved security in such form and amounts as may be deemed necessary to assure that the work for a valid grading permit is completed in accordance with the approved plans and specifications or to insure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate any potentially hazardous condition without additional cost or obligation to the City. One form of security will be required to cover all grading and drainage facilities. Separate securities may be required for slope planting, landscaping, irrigation and erosion control.

8.21.080 Cuts.

Cut slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

Slope stability analysis shall be included in all soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height regardless of the slope ratio. The soil engineer shall consider both gross and surficial stability of the slope and provide a written statement approving the slope stability.

8.21.090 Fills.

A. Fill Location. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical (2:1), or where the base (toe) of the fill slope would be within twelve (12) feet horizontally of the top of a cut slope, unless evidence is submitted by the soil engineer and/or engineering geologist which indicates that the stability of the slope is adequate and the proposed slope is approved by the City Engineer.

B. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation; noncomplying fill; topsoil and other unsuitable materials; and by scarifying to provide a bond with the new fill. Where existing slopes exceed five feet in height and/or are steeper than five horizontal to one vertical (5:1), the ground shall be prepared by benching into sound bedrock, or other competent or formational material, as determined by the soil engineer and

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approved by the City Engineer. The lowermost bench beneath the toe of a fill slope shall be a minimum of ten (10) feet in width. The ground surface below the toe of fill shall be prepared for sheet flow runoff, or an appropriate drainage system shall be provided.

Where fill is to be placed over a cut slope, the bench under the toe of the fill shall be at least fifteen (15) feet wide and shall meet the approval of the soil engineer and/or engineering geologist as suitable foundation for the fill. Unsuitable soil is soil which is not dense, firm, or unyielding; is highly fractured; or has a high organic content; and in the opinion of the City Engineer, civil engineer of record, soil engineer, or engineering geologist is not competent to support other soil or fill, to support structures, or to satisfactorily perform the other functions for which the soil is intended.

C. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as outlined below, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills.

The City Engineer may permit placement of larger rock in fill when the soil engineer properly devises a method of placement, continuously inspects placement, and approved the fill stability and competency. The following conditions shall also apply:

1. Prior to issuance of a grading permit, potential rock disposal area(s) shall be identified on the grading plan.
2. Rock sizes greater than eighteen (18) inches shall be placed a minimum of six feet below grade, measured vertically and/or ten (10) feet measured horizontally from any slope face.
3. Rocks sizes greater than twelve (12) inches shall be placed so as to be completely surrounded by soil; no nesting of rocks will be permitted.

D. Compaction. All fills shall be compacted to a minimum of ninety (90) percent of the maximum density as determined by ASTM D1557. Field density tests shall be performed in accordance with ASTM D1556, or equivalent, as approved by the City Engineer. At least twenty-five (25) percent of the total tests shall be by ASTM D1556 to verify the accuracy of the equivalent method. All such tests shall be uniformly distributed within the fill area and/or fill slope surface area in order to obtain representative results.

Locations of the field density tests shall be determined by the soil engineer or approved testing agency, but shall be sufficient in both horizontal and vertical placement to provide representative testing of all fill placed.

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Testing in areas of a critical nature or special emphasis shall be in addition to a network of representative sampling.

E. Exceptions:

1. Fills excepted in Section 8.21.020 of this chapter if the City Engineer determines that compaction is not a necessary safety measure to aid in preventing saturation, settlement, slippage or erosion.

2. Where lower density and very high potential expansion characteristics exist, (as defined in the California Building Code), lesser compaction requirements may be approved by the City Engineer upon justification and recommendation by the soil engineer.

Sufficient maximum density determinations by test method ASTM D1557 shall be performed during the grading operations to verify that the maximum density curves used are representative of the material placed throughout the fill.

F. Fill Slopes. Fill slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

All fill slopes shall be overfilled to a distance from finish slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finished grade to expose the compacted core. Alternate methods for fill slope compaction may be used by the grading contractor subject to approval by the soil engineer and City Engineer. In such instances, the grading contractor shall provide detailed specifications for the method of placement and compaction of the soil.

A slope stability analysis shall be included in soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height, regardless of the slope ratio. The soil engineer shall consider both the gross and surficial stability of the slope and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternate methods of construction or compaction requirements necessary for surficial stability.

At least twenty (20) percent of the field density tests performed during grading shall be located within three feet of the final slope location, and at least one density test shall be taken in the outer twelve (12) inches of the finished slope face for every five thousand (5,000) square feet of slope area.

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G. Buttness/Stabilization Fills. Recommendations for buttness/stabilization fills by the soil engineer shall be included in the soil report setting forth the soil or geologic factors necessitating the buttness/stabilization fill, stability calculations based on both static and pseudo static conditions, (analysis of pseudo static loads are not normally needed when the bedding planes are flatter than twelve (12) degrees from horizontal), laboratory test data upon which the calculations are based, a copy of the approved grading plan showing the location of the buttness/stabilization fill, a scaled section of the buttness/stabilization fill, and recommendations with details of subdrain requirements.

H. Utility Line Backfill. Backfill for on-site utility line trenches, including but not limited to, water, sewer, gas, electrical, telephone and cable television services which effect the stability of foundations or other structures, or which are in sloping surfaces steeper than ten horizontal to one vertical (10:1), and which utilize onsite material as backfill, shall be compacted and tested in accordance with subsection D of this section. Alternate materials and methods for utility line trench backfill may be used provided that the material specification and method of placement are recommended by the soil engineer and approved by the City Engineer prior to backfilling.

Utility line trench backfill for on-site areas other than those stated above need no specific placement method or compaction criteria, but shall be sufficiently compacted to preclude detrimental settlement. In no case shall this be construed to mean utility line trench backfill within any public rights-of-way.

The final utility line trench backfill report from the project soil engineer shall include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use and that all tested areas meet the compaction requirements in accordance with subsection D of this section.

8.21.100 Setbacks.

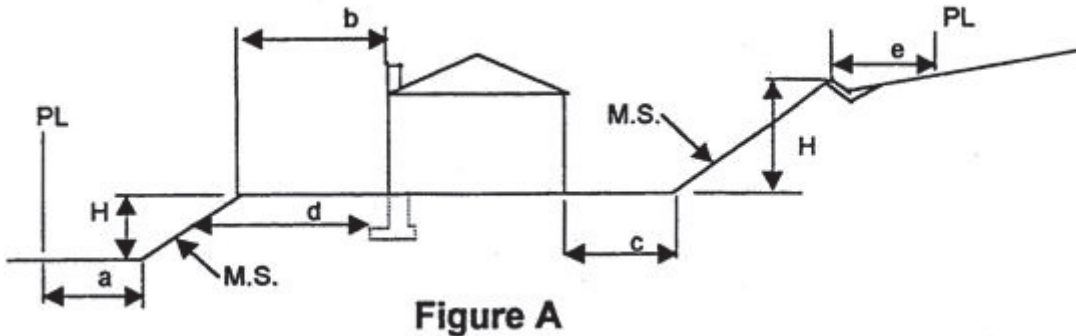
A. General. The setbacks and other restrictions specified by this section are minimum and may be increased by the City Engineer or by the recommendation of the civil engineer of record, soil engineer or engineering geologist, if necessary for safety and stability, or to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer. Where zoning requirements exceed the minimum herein, the zoning setbacks shall govern.

B. Setbacks From Property Lines. The tops and toes of slopes shall be setback from the outer boundaries of the permit area, including slope right

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areas and easements, in accordance with Figures A and B. Lot lines shall be located at the top of slopes whenever possible.

C. Design Standards for Setbacks. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figures A and B. A usable side yard of at least five feet from any building wall shall be provided to the top or toe of a slope unless waived by the City Engineer.



H (hgt-ft)	a	b	c	d	e
0<6	3'	5'	3'	5'	3'
6 to 14	5'	5'	H/2	H/2 (5'Min)	3'
14 to 30	5'	H/2 (10' Max)	H/2	H/2 (10' max)	6'
30+	5'	10' Max	15' Max	10' Max	6'

NOTES:

- 1 PL means property line and/or permit boundary. M.S. means manufactured surface.
- 2 Setbacks shall also comply with applicable zoning regulations.
- 3 Table A applies to manufactured slopes and 2:1 or steeper natural slopes. Setbacks from natural slopes flatter than 2:1 shall meet the approval of the City Engineer.
- 4 "b" may be reduced to 5' minimum if an approved drainage device is used; roof gutters and downspouts may also be required.

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- 5 “b” may be reduced to less than 5’ if no drainage is carried on this side and if roof gutters are included; “d” may not be reduced.
- 6 If the slope between “a” and “b” is replaced by a retaining wall, “a” may be reduced to zero and “b” shall remain as shown in Table A. The height of the retaining wall shall be controlled by zoning regulations.
- 7 “b” is measured from the face of the structure to the top of the slope.
- 8 “d” is measured from the lower outside edge of the footing along a horizontal line to the face of the slope. Under special circumstances, “d” may be reduced as recommended in the soil report and approved by the Building Official

Figure B

Minimum Setback

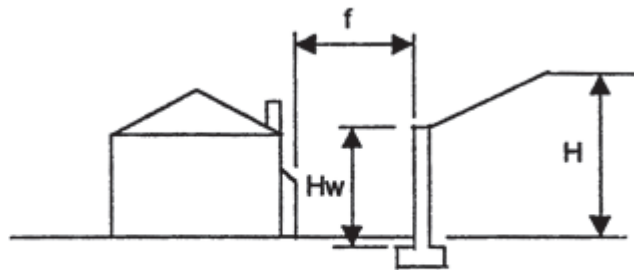


Figure B

Table B Minimum Setback from Retaining Walls		
H (hgt-ft)	Hw	f
0 to 6	3' Max	3' Min
6 to 8	4'	4'

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Table B Minimum Setback from Retaining Walls		
H (hgt-ft)	Hw	f
8 to 10	5'	5'
10 to 12	6' Max	6'
12 to 30	6' Max	H/2
30+	6' Max	15' Max

NOTES:

- 1 The use of retaining walls to reduce setbacks must be approved by the City Engineer.
- 2 "f" may be reduced to zero (0) feet if the Building Official approves a combination structure/retaining wall after submittal and review of structural calculations from the project structural engineer and after the City Engineer approved the necessary drainage devices.
- 3 "Hw" is the height of the retaining wall measured from the top of the footing to the top of the wall.

8.21.110 Drainage and terracing.

A. General. Unless otherwise noted on the approved grading plan, drainage facilities and terracing of graded slopes shall conform to this section, to the currently adopted City design standards, this code and to Riverside County Flood Control and Water Conservation District's master drainage plans for the City, except where otherwise specified.

B. Terraces. Terraces at least eight feet in width shall be established at not more than thirty (30) foot vertical intervals on all cut or fill graded slopes in order to control surface drainage and debris. Where only one terrace is required, it shall be at the mid-height of the slope. Terrace widths and spacing for cut and fill slopes greater than one hundred and twenty (120) feet in height shall be designed by the project civil engineer based upon recommendations of the project soil engineer and approved by the City Engineer. Suitable access shall be provided to all terraces to permit proper cleaning and maintenance.

Terrace drains shall have a minimum gradient of two percent unless waived by the City Engineer. Terrace drains shall have a minimum depth at the deepest point of no less than one foot and a minimum paved width of at least

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three feet and shall be designed to accommodate all runoff created by the cut or fill slope as well as any tributary runoff which enters the terrace drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability and as recommended by the project soil engineer and/or engineering geologist.

D. Storm Water Discharge. All drainage facilities shall be designed to carry storm water runoff to the nearest practicable drainage way approved by the City Engineer and/or other appropriate jurisdiction, as an acceptable and safe location to deposit such runoff. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains, energy dissipaters, or other devices as approved by the City Engineer.

E. Interceptor Drains. Concrete interceptor drains (brow ditches) shall be installed along the top of all cut slopes where the tributary drainage area above the cut slope drains toward the cut slope, unless waived by the City Engineer. The slope gradient for the interceptor drain shall be the same as for terrace drains or as approved by the City Engineer.

F. Storm water Runoff. Storm water runoff shall not be allowed to flow over cut or fill slopes, which are greater than five horizontal to one vertical (5:1), but shall be provided for as follows:

1. Whenever practicable, each lot shall be graded so that storm water will drain from the backyard through the sideyard and front yard directly to the abutting street or toward approved drainage facilities at a gradient of not less than one percent. Where possible, drainage shall not be directed across other lots nor over cut or fill slopes.

2. When the above is not feasible, as determined by the City Engineer, storm water shall be collected along the top of slopes or at the rear of graded lots by means of paved gutters, and carried to properly sized outfall or area drains which shall also serve as erosion control devices. Such drainage shall not be allowed to drain across the surface of sidewalks or parkways. Asphalt concrete may not be used for any drainage device. Down drain ditches shall be a minimum of eighteen (18) inches deep.

3. Where slopes are terraced at thirty (30) foot intervals, drainage shall be provided in paved ditches a minimum of thirty-six (36) inches wide and twelve (12) inches deep. Construction of the ditches shall be as described below, and shall be located on the terraces with one side of the ditch two feet from the toe of the slope. Where a terrace is constructed to conform to slope requirements, but is intended to be of a temporary nature, the City Engineer may waive the drainage ditch requirements, if a satisfactory surety bond, or other means to grantee the improvement, is posted with the City.

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4. Down drains, interceptor drains and terrace drains shall be connected together to collect and transport all storm water runoff entering the drains. They shall be of sufficient depth, as verified by hydraulic calculations, to allow for an unimpeded flow when terraces are crossed. Down drains, interceptor drains and terrace drains shall be constructed of portland cement concrete or air blown mortar. They shall be reinforced with wire mesh and/or other appropriate concrete reinforcement as determined by the project engineer and approved by the City Engineer. If pipe is used for down drains to transport runoff from terrace ditches, it shall be either reinforced concrete pipe (RCP), plastic pipe (PVC) or other pipe material as approved by the City Engineer. Anchor lugs or collars may be required by the City Engineer if the pipe slope is equal to or greater than two horizontal to one vertical (2:1). Pipe specifications shall be approved by the City Engineer. Special design features shall be provided for abrupt changes in direction of terrace ditches and down drains.

5. The discharge from any down drain, ditch or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted rip-rap, box-type energy dissipaters or other materials as approved by the City Engineer.

G. Drainage Easements. For all drainage-ways where the continuous functioning of the drainage-way is essential to the protection and use of the property other than the lot on which the drainage-way is located, a covenant and/or deed restriction shall be recorded by the applicant, placing the responsibility for the maintenance of the drainage-ways on the owner of record of each respective lot. Permanent off-site drainage easements, as required by the City Engineer, shall be acquired by the permittee. Such easements shall be subject to the approval of the City Engineer and City attorney and recorded prior to the issuance of the grading permit.

8.21.120 Retaining walls.

Retaining walls shall be constructed of reinforced concrete, reinforced masonry block, reinforced concrete block and geosynthetic fabric, or a combination of the aforementioned materials. Retaining walls shall be designed to resist all earth pressures acting upon them including embankment or structure/vehicle surcharge loads. All retaining walls shall be designed by a registered civil or structural engineer and submitted to the building division, including appropriate structural calculations, for review and approval prior to installation. All retaining walls that are to be constructed in connection with a grading plan shall be shown on the grading plan. Sufficient top of wall (TW) and top of footing (TF) elevations shall be shown on the grading plans to determine the overall height of the retaining wall at various locations.

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8.21.130 Expansive soils.

A. Expansive soil is any soil with an expansion index greater than twenty (20), as determined by the expansion index tests (2010 California Building Code, Section 1803

B. Whenever expansive soils are encountered within four feet of the finish grade of any area intended or designed as a location for a building then the following shall be observed:

1. The permittee shall remove such expansive soil to a minimum depth of four feet below finish grade within the building footprint area. Nonexpansive, properly compacted soil shall then be installed in the area where the expansive soil was removed; or

2. In the event that sufficient non-expansive material is not readily available on site, the permittee may at his option import nonexpansive material to be used as fill or the soil engineer may waive or reduce the requirement for removal and replacement of the expansive soils reported on the project. The soil engineer shall, however, make recommendations for the design of footings, foundations, slabs, and other load bearing features, or other special procedures which will alleviate any potential problem created by the remaining expansive soils; or

3. Based on recommendations for the soil engineer, expansive soil from cut areas may be placed in the lower extremities of embankments, and nonexpansive materials shall be reserved and stockpiled so that they may be placed as a cap over expansive soil. Whenever expansive soil is placed closer than four feet of finish grade, the soil engineer shall so indicate and make corrective recommendations as noted above.

8.21.140 Asphalt paving.

A. Requirements. For the purpose of this section, asphalt concrete (A.C.), aggregate base material (A.B.), prime coat, tack coat, and seal coat shall all meet the current material specification standards of the City of Moreno Valley for public road construction and/or the approval of the City Engineer.

B. Subgrade Compaction. Compaction of subgrade materials shall be in accordance with the requirements of Section 8.21.090(D) of this chapter.

C. Soil Sterilization. Unless otherwise approved by the City Engineer, subgrade earth materials shall be sterilized to preclude plant growth.

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D. Pavement Structural Section. The project soil engineer, architect, or design civil engineer shall determine the pavement structural section(s) for parking lots, service roads, private streets and dedicated streets on new private development projects. The structural section shall be based on:

1. Soils tests of the subgrade soil(s) performed in accordance with the latest revision of test method number California 302 and anticipated traffic and/or loading conditions.

2. The design shall be determined by R-value testing in accordance with CalTrans design method with recommended safety factors. The minimum design structural section(s) for dedicated streets shall be as noted in the current edition of the City of Moreno Valley standard plans.

E. Alternative Design Method for New Parking Lots/Service Roads and Private Streets. In lieu of the recommended structural section from the soil engineer or civil engineer based on testing as noted above, the following standards may be used for new private parking lots/service roads and private streets:

Industrial and Commercial Developments	Min. Structural Section
Parking area less driveways and perimeter drives	.25' AC / .33' AB
Driveways and perimeter drives for industrial developments	.25' AC / .83' AB
Driveways and perimeter drives for commercial developments	.25' AC / .67' AB
High Density Residential	
Parking areas and access lanes	.25' AC / .33' AB
Drives and areas subject to heavy truck use	.25' AC / .67' AB
Private Streets	
Structural roadway section for private streets	.30' AC / .50' AB

AC means asphalt concrete pavement.

AB means Class II aggregate base material.

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F. Exceptions. The provisions of this section shall not apply to private asphalt concrete driveway(s) providing access to not more than two single-family residences, proposed in conjunction with a project subject to a grading permit or to commercial, industrial or high-density residential developments where all pavements areas are constructed of Portland cement concrete (PCC) pavement.

8.21.150 Permeable surface designs

A. Permeable surface designs include, but is not limited to pervious concrete, permeable pavement, permeable pavers, and porous asphalt. These BMPs may be allowed in low flow traffic roads and parking lots and other paved areas upon approval from the City Engineer.

8.21.160 Erosion control.

A. General.

1. All earth moving or grading operations requiring a grading permit (as noted in Section 8.21.020 of this chapter) shall be required to also have an approved erosion control plan. In addition, any grading, clearing, brushing and grubbing within one hundred (100) feet of environmentally sensitive areas, is prohibited from October 1st to May 31st except for the following:

a. The construction and maintenance of erosion control systems, which have been approved by the City Engineer.

2. Grading work is prohibited on any single grading site under permit between October 1st and May 31st unless an erosion control plan has been approved or waived by the City Engineer. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the City Engineer, shall be employed to control erosion and provide safety during this period.

3. The City Engineer may order restriction or cessation of land disturbance or development operations upon determination that the weather, soil, slope, or general site conditions may cause serious accelerated erosion or sediment damage either on-site or downstream from the site.

B. Erosion Control Plans.

1. Erosion control plans shall be submitted to the City Engineer for approval concurrent with the grading permit application and/or with grading plan submittal unless otherwise waived by the City Engineer. No grading permit shall be issued unless an erosion control plan has been submitted or waived by the

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City Engineer. The erosion control plan may be waived for grading on single residential lot projects, provided that an erosion control system, approved by the City Engineer, is installed, placed, planted or constructed before October 1st. An erosion control and/or sediment control plan is required for all projects if the City Engineer determines that erosion or sediment discharge adversely affects adjacent properties. The approved erosion control plan shall be updated if necessary by October 1st each year, for projects under a grading permit.

2. The erosion control plan shall include details of protective measures, including desiltation basins or other temporary drainage or control measures or both, as may be necessary to protect adjoining public or private property from damage by erosion, flooding, or mud and/or debris deposits which may originate from the site or result from the grading operations.

3. All slope planting, as required by the erosion control plans, which is to be completed after October 1st, will require jute matting or other acceptable turf matting or erosion control blankets prior to planting or hydroseeding.

C. Submittal and Processing Requirements.

1. All projects requiring a grading permit must have erosion control plans submitted for approval. Projects that have an approved erosion control plan from the previous year must submit an updated erosion control plan for approval reflecting existing conditions or necessary changes that are needed for conformance with current conditions.

2. The erosion control plans must be approved and erosion control devices installed and certified and inspected as being properly constructed by the engineer of record. Sediment control must be continuously maintained throughout the construction process. Updating of the plans will be required for phases of construction not covered by the previously approved plans.

3. Approval and processing of the erosion control plans requires payment of plan checking fees, inspection fees and the posting of securities as further noted in this section.

4. First submittal for erosion control plans shall include the plan checking fee, two blue-line copies of the plans and two copies of the bond estimate.

D. Information on Erosion Control Plans. Erosion control plan shall include but not be limited to, the following information:

1. A twenty-four (24) hour telephone number of the person responsible for performing emergency erosion control work;

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2. The stamp and signature of the civil engineer that prepared the erosion control plan;
3. The erosion control general notes (copies available for the public works department, land development division);
4. Identification of all desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition;
5. Identification of the streets and drainage devices that will be completed and paved by October 1st;
6. Provision for the placement of gravel bags, slope planting or other measures to control erosion from all slopes above and adjacent to roads open to the public;
7. Provision for maintaining access to desilting facilities during wet weather;
8. A schedule for the construction and ongoing maintenance of all required erosion and sediment control facilities;
9. Identification of discharge points where concentrated runoff occurs.

E. Erosion Control Systems.

1. All sediment shall be contained on-site. Runoff from disturbed areas shall be detained or filtered by berms, swales, ditches, filter strips or other means as necessary to prevent the escape of sediment from the site. Sediment control devices shall be installed prior to or concurrent with the initial grading operations and shall be maintained throughout the development process.
2. Erosion shall be prevented at locations where runoff is concentrated. Where runoff will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.
3. All erosion control measures required to retain sediment on-site and to safely discharge any accelerated runoff generated by the project shall be installed during the initial construction phase of the project.
4. Desilting facilities shall be provided at drainage outlets from the graded site.

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5. Desilting basins shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow sediment of suspended particles.

6. Desilting basins shall be constructed around the perimeter of projects. Basins should be located where maintenance access is provided from paved roads during wet weather.

7. Desilting basins constructed from compacted earth shall be compacted to a relative compaction of ninety (90) percent of maximum density. A soil engineering report including the type of field-testing performed, location and results of testing, shall be submitted to the City Engineer for approval upon completing the desilting basin(s).

8. Equipment and workers, for emergency work, shall be available at all times. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices if needed.

9. Unless otherwise approved by the City Engineer, erosion protection shall include effective planting of all slopes in excess of three feet in height. Slopes exceeding fifteen (15) feet in height may require an adequate sprinkler system, as determined by the City Engineer.

10. All slopes greater than five feet in height shall be permanently landscaped with the landscaping established prior to October 1st. If the permanent landscaping is not installed and sufficiently established prior to October 1st, the slope(s) shall be covered with protective materials and soil stabilizers approved by the City Engineer.

11. All disturbed slopes shall be planted and protected within forty-five (45) days of the completion of each stage of grading. Suitable measures to prevent slope erosion, including but not limited to, rapid growth vegetation sufficient to stabilize the soil, shall be installed on all disturbed areas until such time as the permanent vegetative cover sufficiently matures to provide permanent stability.

12. Erosion control provisions shall include and complement drainage patterns during the current and future phases of grading throughout the rainy season.

13. Graded areas around the project perimeter must drain away from the face of slopes at the conclusion of each working day.

F. Erosion Control Maintenance.

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1. Erosion control systems shall be serviced and maintained to provide continuous capacity and to adequately function as designed. After precipitation exceeding one-quarter inch in any twelve (12) hour period, or upon direction of the City Engineer, silt and debris shall be removed from check dams and desilting basins and the basins pumped dry and otherwise restored to the original design condition.

2. The performance of the erosion control system shall be evaluated by the City Engineer and revised and replaced as ordered.

3. The construction and maintenance of all erosion control systems shall conform to the approved erosion control plan unless otherwise approved by the City Engineer.

4. The contractor, permittee, or project owner shall be responsible for and take necessary precautions to prevent public trespass into areas where impounded water creates a hazardous condition. Necessary precautions may include, but not limited to, appropriate perimeter fencing, or a twenty-four (24) hour guard in order to prevent unauthorized persons from entering the basin(s).

5. Any sprinkler system, controlled by timers, used with an erosion control system, shall be inspected every thirty days to assure proper functioning of the timer device.

G. Erosion Control Design and Implementation.

1. If a project design includes grading or construction within one hundred (100) feet of any environmentally sensitive areas, additional erosion control measures may be required within all disturbed areas in order to minimize the impacts to the environment. These measures may require the approval of the City Engineer as well as approval and certification by the engineer of record for the project. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. The additional erosion control measures may include, but not limited to, installing protective materials and stabilizers, along banks and within waterways and over all disturbed areas. The additional erosion control measures may also include a full time (twenty-four (24) hour) on-site guard during storms and when the precipitation amount is expected to exceed one-half inch in any twenty-four (24) hour period. The precipitation forecast shall be as established by the National Weather Service.

2. All erosion control systems require approval by the City Engineer and approval and certification by the engineer of record. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. All erosion control systems shall remain in place at all times for all areas in which construction is not scheduled to commence within the next seven days. All erosion control systems shall remain in place until May 31st. The May

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31st date may be extended by the City Engineer upon determination that there is a substantial likelihood of significant precipitation after May 31. The City Engineer shall use information as provided by the National Weather Service to make such determination.

3. All removable protective devices shown shall be in place at the end of each working day when the five day rain probability forecast exceeds forty (40) percent. The forecast shall be as determined by the National Weather Service.

4. The faces of cut and fill slopes and the project site shall be prepared and maintained to control erosion. Slope protection may be waived by the City Engineer for cut slopes, which are not subject to erosion because of the erosion resistant character of the materials.

5. If construction of erosion control systems outside of the project boundaries are necessary, permission to construct such systems from the owner of such off-site property. Plans for the off-site systems shall be included with the on-site plans submitted to the City Engineer. The plans for the off-site erosion control systems shall include permission to grade and maintain the erosion control systems from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.

6. Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition, free of loose soil, construction debris, and trash. Street sweeping or other equally effective means shall be used on a regular basis to control erosion, which has been deposited on streets or sidewalks. Watering shall not be used to clean streets except for the removal of fine material not otherwise removed by sweeping or other mechanical means.

7. The contractor, permittee, or property owner shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the contractor, permittee, or property owner fails or refuses to properly maintain the erosion control devices, the City Engineer:

a. May cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted from the erosion control security posted for the project pursuant to subsection (H)(4) of this section and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

b. Shall revoke the grading permit in writing. The permit shall not be renewed until an erosion control system approved by the City engineer is installed or necessary maintenance of an existing system is completed.

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8. If any grading subject to Section 8.21.020 of this chapter has commenced on private property without a valid grading permit, the property owner shall be required to obtain a valid permit before continuing and grading, and may be required to prepare and implement an erosion control plan, approved by the City Engineer. If the property owner fails to install an approved erosion control system, the City Engineer shall cause emergency work to be done to protect potentially impacted property and to protect environmentally sensitive areas. The procedures of subsections B, C and D of this section need not apply for emergency erosion control work between October 1st and May 31st. The cost of such emergency work shall be charged to the owner pursuant to the procedures set forth in subsection (H)(4) of this section.

H. Erosion Control Security.

1. Requirement for Security. Prior to approval of the grading permit, an erosion control plans for the project site shall be submitted to and approved by the City Engineer and securities meeting the requirements contained herein shall be posted with the City. The security shall guarantee the following:

- a. Compliance with all provisions of this section and all other applicable ordinances;
- b. Compliance with any and all terms and conditions of the permittee's approved erosion control plan;
- c. Completion of the erosion control system, to the satisfaction of the City Engineer, and in accordance with the approved erosion control plan;
- d. Completion of all emergency and routine maintenance and repair of the erosion control system(s) to insure the continuous integrity of the system(s) to the satisfaction of the City Engineer and as may otherwise be required by this section;
- e. Restoration and repair of public streets or other property adversely impacted by erosion from permittee's project.

2. Amount and Form of Security. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available from the City and shall be subject to the review and approval of the City Engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City Engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and city attorney, and consist of one or more of the following:

- a. Cash deposit;

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- b. A bond;
 - c. A certificate of deposit;
 - d. A letter of credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government.
3. Failure to Provide Security. If a permittee fails to provide the security required by this section prior to October 1st each year, the City Engineer may revoke the permittee's grading permit without prior notice to the permittee. Any such revocation shall be in writing.
4. Use of Cash Deposit. The City Engineer may cause certain erosion control work to be done under any of the following circumstances:
- a. Failure of the permittee to commence emergency repair or maintenance work within twelve (12) hours of receipt of a written demand therefor from the City Engineer, or within twelve (12) hours of the City Engineer's attempt to communicate such demand via the telephone number listed on the approved plans or as provided by the permittee.
 - b. Failure of the permittee to commence other repair or maintenance work within seventy-two (72) hours of receipt of a written demand therefore from the City Engineer.
 - c. Failure of the permittee to diligently pursue completion of any required repair or maintenance work or to complete such work within a reasonable time period established by the City Engineer.
 - d. Failure of the permittee to complete installation of a erosion control system prior to October 1st.
 - e. Failure of the permittee, after notice from the City Engineer, to clean or repair public streets or other public property, where debris, damage or erosion resulted from the permittee project.

The permittee shall be liable to the City for the cost of any repair work that was necessary as a result of and in accordance with the provisions of this section. The City Engineer may withdraw from the permittee's cash deposit for erosion control security, any funds necessary to pay for such work. The City Engineer shall notify the permittee of any withdrawal from the permittee's cash deposit. If the cost for such work exceeds the balance of the permittee's funds on deposit, the City Engineer shall cause an invoice to be sent to the permittee demanding payment of the amount by which the cost of the work exceeds the permittee's deposit. The permittee shall, within ten (10) days of receipt of such invoice, deposit with the City Engineer, that amount of cash necessary to bring the

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permittee's deposit up to its original balance. If the permittee fails to pay such amount in full within thirty (30) days from the date of the invoice, the permittee's grading permit shall be automatically revoked. Renewal of the grading permit shall not be completed until the invoice is paid in full. No final grading inspection shall be completed until the permittee has fully satisfied all monetary obligations to the City imposed pursuant to the provisions of this section. Additionally, no further construction permits, including but not limited to, building permits or occupancy permits, shall be issued until such monetary obligations are fully satisfied.

5. Release of Security. On June 1st of each year, or upon the end of the actual rainy season (as determined by the City Engineer) whichever occurs later in time, the City Engineer may release any erosion control security posted or deposited pursuant to this section, upon receipt of a written request for such release by the permittee.

The City Engineer shall be responsible for determining the end of the rainy season if it occurs after May 31st of any given year. The determination shall be based upon available meteorological information.

The City Engineer shall not release a permittee's security if the permittee has an outstanding monetary obligation to the City incurred pursuant to the provisions of subsection (H)(4) of this section or if cleanup or repair of public streets or other public property for which the permittee is responsible, has not been completed to the satisfaction of the City Engineer.

Any unused portion of the permittee's erosion control security may also remain on deposit with the City throughout the grading of the project and not be released until completion of the landscaping improvements for the project if it is determined by the City Engineer that due to the nature, configuration, or location of the project, it is in the best interest of the City to retain said erosion control security until to projects completion.

8.21.170 National Pollutant Discharge Elimination System (NPDES).

A. General Requirements. On September 2, 2009, the State Water Resources Control Board (SWRCB) approved waste discharge requirements associated with construction activity. The regulations affect all construction sites that disturb an area of one acre or more.

As a condition of the Santa Ana Regional Water Quality Control Board, a National Pollutant Discharge Elimination System permit will be required for all sites that disturb an area of one acre or more. Prior to issuance of a grading permit, each applicant shall provide an NPDES permit number (WDID#) to the City Engineer.

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A complete NPDES permit for storm water runoff associated with construction activity application and general requirements may be obtained from the State Water Quality Control Board .

In general, the permit requires the following information to be filed with the California State Water Resource Control Board (SWRCB):

1. A notice of intention (NOI). The NOI application is in the construction permit package;
2. Risk Assessment.
3. Site Map.
4. A stormwater pollution prevention plan (SWPPP). Conditions are outlined in the construction permit package;
5. Annual Fee.
6. Signed Certification Statement.

It is the permittee's responsibility to obtain the application package, complete the information and reports as noted above, and maintain the site throughout the duration of the project as required by the permit. All of the information noted above shall be maintained on-site during construction and shall be presented upon demand by State Water Resource Control Board inspectors, the City of Moreno Valley inspectors or any member of the public.

8.21.180 Grading inspection.

A. Grading Inspection.

1. Site Inspection by the City Engineer. Prior to any grading, brushing, or clearing, there shall be a pre-grading meeting held on the site unless waived by the City Engineer. Prior to placing concrete for curb and gutter, sidewalk, pavement base material or other similar improvement in the public right-of-way, there shall be a pre-paving meeting held on the site unless waived by the City Engineer. The permittee, or agent for the permittee, shall notify the City Engineer and request the meeting(s) at least two working days prior to the meeting(s) and shall also be responsible for notifying all principals responsible for grading or paving operations.

It shall be the responsibility of the person doing the work authorized by a permit, to notice the City Engineer at least two working days prior to the work being ready for the following inspections:

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- a. Excavation and Fill Inspection.
 - i. Canyon Clean Out. After all brush and unsuitable material has been removed and an acceptable base has been exposed, but before any fill has been placed;
 - ii. Toe Bench and Key. After the natural ground or bedrock has been exposed and prepared to receive fill, but before fill is placed;
 - iii. Over Excavation. After the area has been excavated but before fill is placed;
 - iv. Excavation. After the excavation has started, but before the vertical depth of the excavation exceeds ten (10) feet, and every ten (10) foot interval thereafter;
 - v. Fill. After the fill has started, but before the vertical height of the fill exceeds ten (10) feet and every ten (10) foot interval thereafter.
2. Concrete or Gunitite Drainage Device Inspection.
 - a. Alley Gutter or Concrete Drainage Device. After the sub-grade is prepared and any reinforcement placed but prior to concrete placement and then again after concrete placement;
 - b. Terrace Drains, Down Drains, Brow Ditches. After grade has been established but before placement of welded wire mesh or reinforcement and then again after placement of concrete or gunitite.
3. Other Drainage Devices.
 - a. Subdrains. After excavation but prior to placement of filter materials and pipe. The subdrain pipe and filter material shall be on site for inspection. Inspection shall also occur after placement of pipe and filter material but before backfill;
 - b. City Storm Drains and Inlets. After installation of form-work and placement of reinforcement but before concrete placement and then again after placement of concrete and removal of form-work but prior to backfilling. Inspection shall also occur after backfilling and completion of storm drain;
 - c. Earth Swales. Prior to rough grading approval and then again prior to final grading approval.
4. Rough Grade Inspection.

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a. When all rough grading has been completed. Inspection may be called for at the completion of rough grading after the City Engineer has received, reviewed and approved the required geotechnical certification(s) and/or compaction reports and the civil engineer has submitted approval of line and grade on City approved format. Under normal circumstances, all subdrains and slope drains, if required, shall be in place and approved as a condition of rough grading approval.

5. Paving Inspection (In Public Right-of-Way).

a. Subgrade. After subgrade has been established, tested, and approved by the soil engineer, or his qualified representative, the soil engineer may leave a field memo of compaction test results on site. The civil engineer shall provide approval of line and grade;

b. Base. After base course has been placed, tested, and approved by the soil engineer or his qualified representative, but prior to prime coat and asphalt placement, the soil engineer may leave a field memo of compaction test results on site. Material invoices or weight tickets shall be required;

c. Asphalt Concrete. During asphalt placement to verify compliance with plans and specifications. Material invoices or weight tickets shall be required. Prior to application of seal coat, the paved surface shall be water tested to reveal any irregularities and shall be patched where required.

6. Final Inspection.

a. When all work, including installation of all drainage structures and other protective devices has been completed and all written professional approvals and the required reports have been submitted.

7. Siltation Control Facilities (October 1st to May 31st).

a. After excavation of desilting basins but prior to fill placement. Pre-fabricated drainage devices are to be available on site for inspection;

b. After fill placement of desiltation basins but prior to placement of concrete or other non-erosive materials (if applicable);

c. After completion of an erosion control system in accordance with an approved erosion control plan and the requirement of the City Engineer.

B. Notification of Non-Compliance. If, in the course of fulfilling their responsibility under this chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not begun or completed in accordance with the approved plans, specifications,

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recommendations or requirements of this chapter, the discrepancies shall immediately be reported in writing to the grading contractor, the owner and the City Engineer. Recommendations for corrective measures shall be submitted to the City Engineer for approval and shall be incorporated on to the approved plans upon approval by the City Engineer.

C. Special Inspections. The City Engineer may establish special inspection requirements in accordance with the 2010 edition of the California Building Code, amended, for special cases involving grading or paving related operations. Special cases may apply to work where, in the opinion of the City Engineer, it is necessary to supplement the resources or expertise available for inspection.

D. General. It shall be the responsibility of the civil engineer that prepared the grading plans to incorporate the applicable recommendations for the soil engineering and engineering geology reports into the grading plan. The civil engineer shall be responsible for establishing line and grade for the grading and drainage improvements, and shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, and the City Engineer. The civil engineer shall also be responsible for the preparation of plan revisions, unless waived by the City Engineer, and upon completion of the work, the submission of as-built grading plans incorporating all changes and/or additional made during construction.

Soil engineering and engineering geology reports shall be required as specified in Section 8.21.190(A). During grading, all necessary reports, compaction data, soil engineering and engineering geology recommendations shall be submitted for distribution as required.

The soil engineer's area of responsibility shall include, but not limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finished slopes, design of buttress fills where required, and incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but not limited to, professional inspection and approval of the stability of cut slopes with respect to geological matters, and the needs for subdrains or other ground water drainage devices. The engineering geologist shall report all findings to the soil engineer for engineering analysis.

The City Engineer shall inspect the project at various stages of work requiring approval, and at any more frequent intervals necessary to determine that adequate inspection and testing are being completed by the professional consultants and to insure conformance with the approved plans and specifications.

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When preliminary soil engineering reports are not required by the City Engineer, inspection and testing may be required by an approved testing agency. The testing agency's responsibility shall include, but not limited to, approval of cleared areas and benches to receive fill, and the compaction of fills.

E. Transfer of Responsibility for Approval. If the civil engineer, the soil engineer, the engineering geologist, the testing agency or the grading contractor of record are changed during the course of the work, the work may be stopped until:

1. The owner submits a letter of notification to the City Engineer verifying the change of the responsible professional; and
2. The new responsible professional submits in writing that he has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional, and that he concurs with the findings, conclusions, and recommendations, and is satisfied with the work performed. He must also state that he assumes all responsibility within his purview as of the specified date.

All exceptions to the noted requirements must be justified to the satisfaction of the City Engineer.

Where clearly indicated that the firm, not the individual engineer and/or geologist, is the contracting party, the designated engineer and/or geologist may be reassigned and another engineer and/or geologist within the firm may assume responsibility without the requirement for written notification to the City Engineer.

F. Other Inspections by the City Engineer.

1. Prior to the approval of any building or grading plans and specifications, the City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.
2. The permittee or agent for the permittee shall notify the City Engineer when the grading operations specified are ready for inspection.
3. If the inspector finds the soil or other conditions not as shown on the approved plans or stated in the geotechnical reports or as noted within any additional information which was required for issuance of the grading permit, he may issue a stop work order until approval is obtained for a revised grading plan or modification to any applicable reports which will conform to the actual site conditions.
4. The provisions of Section 115, Stop Orders, of the 2010 California Building Code (CBC) shall apply to all grading work, whenever the City Engineer

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determines that any work does not comply with the terms of the permit, or this chapter, or that the soil or other conditions are not as stated on the permit, he may order the work stopped by notice in writing served on any person(s) engaged in doing or causing of such work to be done, and any such person(s) shall immediately stop such work until authorized by the City Engineer to proceed with the work.

5. Prior to issuance of building permits for a graded site, the rough grading shall be completed in accordance with the approved plans and specification, and this chapter, and to the satisfaction of the civil engineer, or architect, engineering geologist, soil engineer, and City Engineer.

6. Whenever any work on which inspection are required, is covered or concealed by additional work without first being inspected, the City Engineer may require, by written notice, that such work be exposed for examination. Any cost for exposing and recovering such noninspected work shall not entail or be subject to expense by the City.

8.21.190 Completion of work.

A. Final Reports. Upon completion of the rough grading work and at the final completion of the work under a grading permit, but prior to the release of grading security or issuance of a certificate of occupancy, the City Engineer will require:

1. An as-built grading plan prepared by the civil engineer which shall include original ground surface elevations, as-graded ground surface elevations, slope inclinations, elevations and locations of all surface and sub-surface drainage facilities location with scaled sections of all buttress/stabilization fill, and location and depth of all areas of unsuitable soil.

2. A written approval by the civil engineer approving the grading as being in conformance with the approved grading plan and which specifically approves the following items as appropriate to the project or stage of grading:

a. Construction of line and grade for all engineered drainage devices and retaining walls (rough and final grading);

b. Staking of property corners for proper building locations (rough grading);

c. Setting of all monuments in accordance with the recorded tract map (rough or final grading);

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- d. Locations of permanent walls or structures on property corners or property lines where monumentation is not required (final grading);
- e. Location and inclination of all manufactured slopes (rough and final grading);
- f. Construction of earthen berms and positive building pad drainage (rough and final grading).

3. A soil engineering report (compaction report) prepared by the soil engineer, including type of field testing performed, stability of utility trench and retaining wall backfill, summaries of field and laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. Each field density test shall be identified, located on a plan or map, the elevation of the test and finish grade elevation shown, and the method of obtaining the in-place density described; either ASTM 1556-78 or the approved equal shall be so noted. The soil engineer shall provide written approval as to the adequacy of the site for the intended use, as effected by soil engineering factors and a statement of compliance to finish grade.

4. A geologic report prepared by the engineering geologist, including a final description of the geology of the site including any new information disclosed during the grading, and the effect of the same on recommendations incorporated in the approved grading plan. He shall provide written approval as to the adequacy of the site for the intended use as effected by geologic factors, a statement of compliance to finish grade, and when required by the City Engineer, shall submit an as-built geologic map.

5. A statement of compliance prepared by the grading contractor that the work was completed in accordance with the approved plans may be required by the City Engineer in certain cases.

B. Notification of Completion. The permittee or agent for the permittee shall notify the City Engineer when the grading operation is ready for inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed in accordance with the approved grading plan and the required reports and statements of compliance have been submitted and approved

8.21.200 Penalty for violation.

Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof in

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a court of law, shall be punishable by fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six months, or by both. Each such person, firm or corporation shall be deemed guilty of a separate offence for every day during any portion of which any violations of any provisions of the chapter, including any physical condition created in violation of this chapter, is permitted, continued, or committed by such person, firm or corporation, and shall be punishable therefor as provided for in this chapter. Any lot, street, alley, road, driveway which is constructed contrary to the provisions of this chapter shall constitute a public nuisance.

SECTION 3 SEVERABILITY:

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

SECTION 4 EFFECT OF REENACTMENT:

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

SECTION 5 NOTICE OF ADOPTION:

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

SECTION 6 EFFECTIVE DATE:

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

APPROVED AND ADOPTED this ____ day of _____, 2011.

Mayor

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Date Adopted:

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Ordinance No. XXX
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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Date Adopted:

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS AND CHAPTER 8.21 GRADING REGULATIONS.

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

SECTION 1 PRIOR ENACTMENTS REPEALED:

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1.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.10, as set forth in Section 2 of this Ordinance

1.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.21, as set forth in Section 2 of this Ordinance

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SECTION 2 REENACTMENT OF CHAPTER 8.10 AND CHAPTER 8.21:

2.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

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8.10.010 Purpose and intent.

The purpose of this chapter is to protect the health, safety and welfare of the public by:

- A. Reducing pollutants in storm water discharges to the maximum extent practicable;
- B. Regulating illicit connections and discharges to the storm drain system; and
- C. Regulating nonstorm water discharges to the storm drain system.

The intent of this chapter is to protect and enhance the water quality of watercourses, water bodies, ground water and wetlands in a manner pursuant to and

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consistent with the Federal Clean Water Act, the state Porter-Cologne Water Quality Control Act and the conditions of any NPDES permit issued to the City.

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8.10.020 Definitions.

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The terms as used in this chapter shall have the following meanings:

“Best Management Practices” (BMPs) mean any activities, prohibitions, practices, procedures, programs or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs mean and include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for municipal, industrial/commercial, new development and redevelopment and construction activity and other measures approved by the City Engineer.

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“City” means the City of Moreno Valley.

“City Engineer” means the City Engineer of the City.

“Discharge” means, when used as a verb, to allow pollutants to directly or indirectly enter storm water, or to allow storm water or nonstorm water to directly or indirectly enter the MS4 or receiving waters from an activity or operation. When used as a noun, “discharge” means the pollutants, stormwater and non-storm water that are discharged.

“Discharger” shall mean any person engaged in activities or operations, or owning facilities, which may result in pollutants entering storm water, the MS4 or receiving waters. Dischargers include, but are not limited to, real property owners, occupants, tenants, lessees, contractors, developers, managers and employees.

“Green Infrastructure” shall mean an array of products, technologies, and practices that use natural or engineered systems that mimic natural processes to enhance overall environmental quality. As a general principal, Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspire, and/or recycle stormwater runoff.

“Illicit discharge” shall mean any discharge to the MS4 that is not composed entirely of storm water runoff except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana Regional Water Quality Control Board.

“Illicit connection” shall mean any physical connection to a MS4 which has not been permitted by the City, the Riverside County Flood Control and Water Conservation District or other appropriate public agency.

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“Low Impact Development (LID)” shall mean any ecosystem-based approach to designing a hydrologically functional site that mimics predevelopment conditions.

“Low volume road” shall mean roads with traffic indexes less than or equal to six (6.0).

“MS4—Municipal Separate Storm Sewer System” shall mean any facility within the City limits by which storm water may be conveyed to waters of the United States. MS4 includes, but is not limited to, any roads with drainage systems, streets, curbs, gutters, catch basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.

“Municipal NPDES permit” shall mean an area-wide NPDES permit issued to a government agency or agencies for the discharge of storm water from a MS4.

“Non-storm water discharge” shall mean any discharge to the MS4 that is not entirely composed of storm water.

“National Pollutant Discharge Elimination System (NPDES) permit” shall mean a storm water discharge permit issued by the Santa Ana Regional Water Quality Control Board or the State Water Resources Control Board in compliance with the Clean Water Act.

“Person” shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

“Pollutant” shall mean anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Pollutants may include, but are not limited to, paints, oil and other automotive fluids, soil, rubbish, trash, garbage, debris, refuse, waste, fecal matter, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.

“Premises” shall mean any building, lot, parcel of land, land or portion of land whether improved or unimproved.

“Storm water runoff” shall mean surface runoff and drainage associated with rainstorm events and snow melt.

8.10.030 Responsibility for administration.

This chapter shall be administered for the City by the City Engineer. The City Engineer may appoint and authorize one or more members of the City staff to act as

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his/her designee[s] to administer or enforce this chapter. In the context of this chapter, the phrase “City Engineer” includes each and all persons designated by the City Engineer to assist in the administration and enforcement of this chapter, as limited by the terms of the delegation

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8.10.040 Regulatory consistency.

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act, the Porter-Cologne Water Quality Control Act and acts amending or supplementary thereto, applicable implementing regulations and any existing or future municipal NPDES permits and any amendments or revisions thereto or reissuance thereof.

8.10.050 Reduction of pollutants in storm water runoff.

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A. In General. It is a violation of this chapter to throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any pollutant in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City. The only exception is where such pollutant is temporarily placed in an appropriate container with a spill containment system for later collection and removal. It is a violation of this chapter to cause or permit any dumpster, solid waste bin or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City.

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B. Construction Sites. Any person performing construction work in the City shall comply with the provisions of the ordinance codified in this chapter and other City ordinances for erosion and sediment control.

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C. New Development and Redevelopment. New development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. The BMPs may include, but are not limited to, the following and may, among other things, require new developments or redevelopments to do any of the following:

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1. Increase permeable areas by leaving highly porous soil and low lying areas undisturbed; by incorporating landscaping, green roofs and open space into the project design, by using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways and by incorporating detention ponds and infiltration pits into the project design;

2. Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, [rain gardens, pervious pavement or other approved green infrastructure](#) and french drains; by installing rain-gutters oriented towards permeable areas; by modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and by designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas;

3. Maximize storm water storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.

4. Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.

D. Existing Development. Existing development shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation.

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8.10.060 Illicit connections or discharges.

It is a violation of this chapter to establish, use, maintain or continue illicit connections to the storm drain system, or to commence or continue any illicit discharges to the storm drain system. This prohibition against illicit connections and discharges is expressly retroactive and applies to connections and discharges made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection or discharge.

8.10.070 Non-storm water discharges.

The discharge of non-storm water into the storm drain system is a violation of this chapter except as specified below.

A. The discharge prohibition shall not apply to any discharge regulated under a NPDES permit or waiver issued to the discharger and administered by the state of California under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulations.

B. Discharges from the following activities will not be considered a violation of this chapter when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated

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pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensate, springs, individual residential car washing, flows from riparian habitats and wetlands, swimming pool discharges or flows from fire fighting.

8.10.080 Discharges in violation of permit.

A. Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of an existing or future municipal NPDES permit(s) or any amendment or revision thereto or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge

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B. NPDES Permit for Industrial/Commercial and Construction Activity. Any industrial discharger, discharger associated with construction activity or other discharger subject to any NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Santa Ana Regional Water Quality Control Board, shall comply with all requirements of such permit. Such discharges shall specifically comply with the following permits: the industrial storm water general permit, and the dewatering general permit. Proof of compliance with said NPDES general permits may be required in a form acceptable to the City Engineer prior to issuance of any City grading, building, or occupancy permits.

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8.10.090 Permits and approvals.

Compliance with this chapter shall be a condition of every permit, license or approval granted or issued by the City. Failure to comply with the chapter shall be grounds for revocation of any such permit, license or approval.

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8.10.100 City authority to sample, inspect and monitor.

A. Regulatory Inspections. The City Engineer may inspect the premises of any discharger at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If a discharger refuses to allow entry for inspection, an inspection warrant shall be obtained prior to inspection.

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B. Scope of Inspections. Inspections may include all actions necessary to determine whether any illicit discharge/connection exist, whether the BMPs installed and implemented are adequate to comply with the chapter, whether those BMPs are being properly maintained and whether the discharger complies with other requirements of this chapter. This may include sampling, metering, monitoring, visual inspections and records review. Records, reports, analyses or other required information may be inspected and copied, and photographs may be taken for purposes of enforcement of this chapter.

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8.10.110 Establishment of a fee.

The City Council may establish a fee by resolution to recover the cost of inspection, sampling, metering and monitoring by the City Engineer.

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8.10.120 Orders by the City Engineer.

The City Engineer is authorized to issue cease and desist orders or stop-work orders to any person who is in violation of this chapter. Failure to comply with a written order of the City Engineer shall be a violation of this chapter and shall be grounds for the imposition of civil penalties described in this chapter.

8.10.130 Notice of violation.

Whenever the City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City Engineer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

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- A. The performance of monitoring, analyses and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices or operations cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- E. Payment of a fine to cover administrative and remediation costs; and
- F. The implementation or maintenance of source control and treatment control BMPs.

If an abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Engineer and the expense thereof shall be charged to the violator pursuant to Chapter 6.04 of this code. A notice issued under this chapter shall identify the provisions of this chapter which have been violated and shall state the recipient has a right to appeal as set forth in Chapter 1.10 of this code.

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The notice shall be served upon the recipient as set forth in Chapter 1.10 of this code.

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8.10.140 Violations—Misdemeanors or infractions.

A violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter, shall constitute an infraction. Repeated violations may be prosecuted as misdemeanors at the discretion of the City attorney.

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8.10.150 Penalty for violation.

Upon conviction of a misdemeanor for violating any provision of this chapter, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth by law. Upon conviction of an infraction for violating any provision of this chapter, a person shall be subject to payment of a fine, not to exceed the limits set forth by law

8.10.160 Separate offenses.

A person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

8.10.170 Violations deemed a public nuisance.

The City Council hereby declares that any violation of this chapter is a threat to the public health, safety and welfare, and is therefore a public nuisance which may be summarily abated. The cost of such abatement shall be borne by the owner of the premises and the cost thereof may be imposed as a lien upon the premises, and such lien shall continue in existence until it is paid.

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8.10.180 Administrative enforcement powers.

In addition to any other enforcement powers and remedies established by this chapter, an authorized enforcement officer has the authority to issue civil citations and fines for violations of this chapter pursuant to Chapter 1.10 of this code.

8.10.190 Civil actions.

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, and the court may grant, as appropriate, any or all of the following remedies:

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- A. A temporary and/or permanent injunction;

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B. Assessment of the violator for the costs of any investigation, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

C. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation; or

D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life

8.10.200 Severability.

If any provision, clause, sentence or paragraph of the ordinance codified in this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of that ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.

2.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

Chapter 8.21 GRADING REGULATIONS

8.21.010 General.

8.21.020 Permits required.

8.21.030 Hazards.

8.21.040 Definitions.

8.21.050 Grading permit requirements.

8.21.060 Fees.

8.21.070 Grading security.

8.21.080 Cuts.

8.21.090 Fills.

8.21.100 Setbacks.

8.21.110 Drainage and terracing.

8.21.120 Retaining walls.

8.21.130 Expansive soils.

8.21.140 Asphalt paving.

8.21.150 Permeable surface designs

8.21.160 Erosion control.

8.21.170 National Pollutant Discharge Elimination System (NPDES).

8.21.180 Grading inspection.

8.21.190 Completion of work.

8.21.200 Penalty for violation.

8.21.010 General.

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A. Name. This chapter shall be known as the “Grading Regulations.”

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B. Purpose. The purpose of this chapter is to establish an official set of standards regulating the design and construction of building sites and the development of property by grading; to regulate the alteration of the ground surface to protect and preserve the public health, safety, and general welfare; to minimize differential settlement and the slipping or sliding of earth; to protect adjacent properties from damage caused by blockage or diversion of natural runoff waters; to require engineering analysis of expansive soil conditions, erosion control and drainage; and criteria to provide a basis for the design of footings and floor slabs for structures proposed to be erected on parcels of land whose natural topography has been altered as described herein; to establish the administrative procedure for issuance of permits; and to provide for approval of plans and inspection of grading construction.

C. Intent. It is the intent of this chapter and the erosion control procedures contained within this chapter to establish a guideline enabling the City with the ability to regulate grading operations as well as to protect environmentally sensitive areas and biological and wildlife resources within and surrounding the City of Moreno Valley. The procedures established by this chapter and the conditions of approval implemented with all discretionary approvals and permits are intended to accomplish this protection. However, in the event that City staff encounter situations that are deemed to endanger environmental resources, the City Engineer is authorized to take necessary action to protect the environment pursuant to this chapter and other applicable laws, provided there is no conflict with other City regulations or codes.

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“Environmentally sensitive areas” are any lands in a natural condition subject to an open space easement; any natural lake, stream, creek or riparian area; any wildlife habitat area identified in an environmental impact report, initial study or other environmental assessment; or any land determined by the City to be environmentally sensitive with respect to any particular grading activity based on an environmental assessment, initial study, CEQA guidelines or other information in connection with the proposed grading activity.

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D. Scope. This chapter sets forth rules and relations to control excavation, grading and earthwork construction, including fills and embankments, and establishes administrative requirements for issuance of permits and approval of plans and inspection of grading construction in accordance with the requirements for grading and excavation as contained in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) with deletions, modifications, or amendments to meet local conditions.

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E. Powers and Duties of the City Engineer. All references in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) to “Building Official” shall mean the “City Engineer” in this chapter.

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8.21.020 Permits required.

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A. Grading Permits. No person shall conduct any grading, clearing, brushing or grubbing on natural or existing grade that is preparatory to grading, without first having obtained a grading permit from the City Engineer.

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Exceptions to this requirement are:

1. An excavation below finish grade for basements and footings of a building, mobile home, retaining wall, or other structure authorized by a valid building permit or construction permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure, or an unsupported excavation with vertical banks more than two feet high. This shall not prohibit a minimum fee grading permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the City Engineer, stability considerations warrant such inspection;

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2. An excavation which does not exceed fifty (50) cubic yards on any one site and which is less than two feet in vertical depth, and, which does not create a cut slope greater than five feet in vertical height and steeper than one and one-half to one (1.5:1) horizontal to vertical;

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3. Cemetery graves;

4. Refuse disposal sites controlled by other regulations;

5. Earthwork construction regulated by federal, state, county, or city governments, or by a local agency as defined by Government Code Sections 53090 through 53095 (special districts); pipeline or conduit excavation and backfill conducted by local agencies or public utilities; earthwork construction performed by railway companies. This exemption, however, shall apply only when the earthwork takes place on the property, or dedicated rights-of-way or easements of the aforementioned agencies;

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6. Excavation and backfill for installation of underground utilities by public utility companies of companies operating under the authority of a franchise or public property permit;

7. Mining, quarrying, excavating, processing, stock-piling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property, or alter the orientation of natural water courses which may result in adverse changes on adjoining property;

8. Exploratory excavations under the direction of a soil engineer, engineering geologist, archaeologists or paleontologists, provided all excavations are properly

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backfilled and compacted or otherwise restored. All excavations and trenches are subject to the applicable sections of the state of California, Division of Safety or Cal-OSHA;

9. A fill less than one foot in depth, placed on natural grade with a slope flatter than five horizontal to one vertical (5:1), which does not exceed fifty (50) cubic yards on any one lot and does not obstruct any drainage course;

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10. A fill less than three feet in depth, not intended to support structures or mobile homes, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course;

11. Clearing, brushing, and minor grading for agricultural purposes provided such operations do not affect the lateral support or increase stresses in or pressures on any contiguous property, or alter the orientation of natural water courses which may result in adverse changes on nearby or adjoining property or result in dumping of organic or hazardous waste not regulated by law. This grading includes, but is not limited to, contour grading to provide for orchard planting, minor leveling not exceeding three vertical feet of either excavation or fill for row crops, installation of irrigation systems, and stockpiling of fertilizer or other amendments.

B. Grading Permit, Paving. No person shall construct pavement surfacing in excess of five thousand (5,000) square feet, on natural or existing grade for the purpose of a private road or driveway, commercial, industrial, or multi-residential parking lot or travelway without a valid grading permit unless waived by the City Engineer or a separate improvement plan is approved and signed by the City Engineer. Resurfacing or maintenance of paved surfaces is exempt from this requirement.

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8.21.030 Hazards.

A. Hazardous Conditions.

1. Hazardous conditions exist when the state of any natural ground, natural slopes, excavation, fill or drainage devices are situated on private property in such a manner that they are a hazard to life or limb, or a danger to public safety, or endangers the safety, usability, or stability of adjacent property, structures or public facilities. The maintenance of any hazardous condition shall constitute a public nuisance.

2. The City Engineer or designee (including City code compliance) may examine, or cause to be examined, every condition reported as hazardous as set forth in subsection (A)(1) of this section.

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3. Upon confirmation of a hazardous condition, the City Engineer or designee (including code compliance) shall provide written notification to the owner or agent in control of property with confirmed hazardous condition requiring mitigation of said hazardous condition and stipulation of an acceptable time frame for compliance.

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4. The owner or agent in control shall comply with any demand for corrective work or repairs as required. In the event that corrective action is not completed within the period as specified in writing, the City may exercise any available legal recourse for correction of said hazardous condition.

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8.21.040 Definitions.

The words and phrases set out in this section, when used in this chapter, shall, for the purpose of this chapter, have the following respective meanings except where the context clearly indicates a different meaning:

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“Approval” means a written engineering or geological opinion by the responsible engineer, geologist of record, or responsible principal of the engineering company, whichever is applicable, concerning the satisfactory progress and completion of the grading work, unless it specifically refers to the City Engineer.

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“Approved plans” means the current grading plans, which bear the City Engineer’s signature of approval on the plans.

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“Approved testing agency” means the facility whose testing operations are controlled and monitored by a registered civil engineer and which is equipped to perform and certify the tests required by this chapter and is approved by the City Engineer.

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“As-graded” means the surface configuration upon completion of grading.

“Bedrock” means in-place solid rock or sufficient solid in-place soil and rock to be classified by a registered geologist, geotechnical engineer or registered civil engineer, as bedrock.

“Bench” means a relatively level step excavated into stable earth material on which fill is to be placed.

“Borrow” means earth material acquired from an offsite location for use in grading on a site.

“Borrow Site Permit” means a permit that is issued to complete borrow grading operations as defined above.

“California Building Code (CBC)” means the California Code of Regulations Title 24 as adopted by ordinance by the City Council of the City of Moreno Valley.

“Civil engineer” means a professional engineer registered in the State of California authorized to practice in the field of civil engineering. For a complete

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definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Civil engineering” means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Clearing, brushing and grubbing” means the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.

“Compaction” means the densification of a fill by mechanical means.

“Earth material” means any rock, natural soil, or fill and/or any combination thereof.

“Engineering geologist” means a geologist certified in the state of California to practice engineering geology. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Engineering geology” means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Erosion” means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

“Erosion control system” means a combination of desilting facilities, and erosion protection, including effective planting and the maintenance thereof, to protect adjacent private property, watercourses, public facilities, and receiving waters from the deposition of sediment or dust.

“Excavation” means the mechanical removal of earth material.

“Fault” means a fracture in the earth’s crust along which movement has occurred. A fault is considered active if movement has occurred within the last eleven thousand (11,000) years (Holocene geologic time).

“Fill” means the deposit of earth material placed by artificial means.

“Geotechnical engineer” see “soil engineer”. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

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“Geotechnical report” means a report, which contains all appropriate soil engineering, geologic, hydrologic, and seismic information, evaluation, recommendations, and findings.

“Grade” means the vertical elevation of the ground surface.

Grade, Existing. “Existing grade” means the ground surface prior to grading.

Grade, Finish. “Finish grade” means the final grade of the site, which conforms to the approved plans.

Grade, Natural. “Natural grade” means the ground surface unaltered by artificial means.

Grade, Rough. “Rough grade” means the stage at which the grade approximately conforms to the approved plans.

“Grading” means any excavation or filling or combination thereof.

“Grading contractor” means a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.

“Grading permit” means an official document or certificate issued by the City Engineer authorizing grading activity as specified by approved plans and specifications.

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“Hillside site” means a site with a natural slope of ten (10) percent or more as further defined in Section 9.03.040(B) of this code.

“Indeterminate stockpile” means storage of soil for an indeterminate period of time in excess of the time permitted for a temporary stockpile.

Deleted: “International Building Code (IBC)” means the California Code of Regulations Title 24 as adopted by ordinance by the city council of the city of Moreno Valley.

“Key” means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

“Keyway” means an excavated trench into competent earth material beneath the toe of a proposed fill slope.

“Landslide” means the downward and outward movement of soil, rock, fill or a combination thereof.

“Mass grading” means grading that is completed on a large scale over a large area prior to preliminary grading and which when completed is within two vertical feet of the sites final grade elevations.

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“Mass grading permit” means a permit that is issued to complete mass grading operations as defined above.

“Massive landslide” means a landslide too large to be stabilized by retaining methods or normal control methods.

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“NPDES” stands for National Pollutant Discharge Elimination System.

“Owner” means any person, agency, firm, or corporation having a legal or equitable interest in a given real property.

“Precise grading permit” means a permit that is issued on the basis of approved plans which show the precise structure location, finish elevations and all on-site improvements.

“Permeable Paving” means a special type of pavement that allows rain to pass through the paved surface into the ground beneath, thereby reducing the runoff from a site.

“Preliminary grading permit” means a permit that is issued on the basis of approved plans which need not show a structure location but must show interim building pad drainage to the degree required by the City Engineer.

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“References” unless indicated otherwise, or as reasonably appears from the context, references in this chapter to the civil engineer, engineering geologist, geotechnical engineer and soils engineer refer to the professional person(s) preparing, signing, stamping or approving the project plans and specifications which comprise the approved grading plan, and which professional person(s) appears of record pursuant to Section 8.21.170(D) of this chapter, or his/her successor appearing pursuant to Section 8.21.170(E) of this chapter.

“Retaining wall” means a wall designed to resist the lateral displacement of soil or other materials.

“Rough Grading Permit” means a permit that is issued to complete rough grading operations as defined in this section.

“Site” means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

“Slope” means any inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as a percentage ratio of the vertical distance divided by the horizontal distance times one hundred (100).

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“Slope stability—Gross stability” means the factor of safety against failure of the slope material below the surface approximately three to four feet deep measured from and perpendicular to the slope face.

“Slope stability—Surficial stability” means the factor of safety against failure of the outer three to four feet of slope material measured from and perpendicular to the slope face.

“Soil” means naturally occurring surficial deposits overlaying bedrock.

“Soil engineer (geotechnical engineer)” means a civil engineer registered in the State of California experienced and knowledgeable in the area of soil mechanics. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

“Soil engineering (geotechnical engineering)” is the investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations and other civil engineering works. The practice involves application of the principles of soil mechanics and the earth sciences and requires a knowledge of engineering laws, formulas, construction techniques and performance evaluation of civil engineering works influenced by earth materials.

“Sulfate (SO₄)” means a chemical compound occurring in soil or water, which in concentration, has a corrosive effect on ordinary portland cement concrete and some materials.

“Temporary stockpile” means the temporary storage of earth material greater than fifty (50) cubic yards for a period not to exceed the term of the grading permit issued for the project associated with the stockpile.

“Terrace” means a relatively level step constructed into the face of a graded sloped surface for drainage and maintenance purposes.

“WDID# means Waste Discharge Identification number.”

8.21.050 Grading permit requirements.

A. Application for Permit.

1. The application for a grading permit shall be made on a form as provided by the City Engineer. All required discretionary approvals under the zoning ordinance and municipal code must be obtained prior to issuance of a grading permit.

2. No grading permit for a development project subject to approval by the planning commission, city council or administrative approval process shall be issued until

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such commission, council or administrative process has approved the grading concept as part of the discretionary approval process. Any application for a grading permit which effects environmentally sensitive areas shall contain information showing that the proposed grading will be accomplished without significant harm to the environment or appropriate environmental mitigation measures that have been identified within an environmental impact report for the proposed site have been complied with.

B. Responsibility of Land Owners.

1. It is unlawful for any persons owning, leasing, occupying or having charge of any real property in the City to stockpile, deposit, or allow the placement, construction or deposition of earth material on any real property in excess of fifty (50) cubic yards without first obtaining a grading permit as hereinafter described (unless exempt as noted in Section 8.21.020 exceptions. Processing of said earth material must result in a relative compaction of at least ninety (90) percent of the maximum density compaction of the surrounding material, unless otherwise provided for as part of an approved grading plan.

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2. Clearing, brushing and grubbing of vegetation done in preparation of land development shall not be undertaken until all discretionary approvals for the land development project have been issued and a grading permit for the project has been obtained. For the purposes of this section, land development shall be defined as any use of real property for which discretionary approval is required as further defined in the this code.

3. A grading permit issued by the City Engineer is required prior to any grading or clearing and grubbing operations on:

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a. Previously undisturbed land; or

b. Land covered by native vegetation; or

c. Land which has not been used for agricultural purposes for three years immediately prior to the initiation of a grading operation for the purpose of conducting agricultural activities.

A grading permit may be issued by the City Engineer, prior to discretionary approval, if the City Engineer, in cooperation with the planning official, determines that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause the elimination of any significant wildlife habitat for riparian area.

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4. This section shall not regulate routine landscape maintenance, the removal of dead or diseased trees or shrubs or the removal of vegetation upon the order of the fire marshal for the elimination of a potential fire hazard.

C. Types of Grading Permits.

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1. Either a mass grading permit, [borrow site permit](#), [rough grading permit](#), preliminary grading permit, precise grading permit or a stockpile permit all as defined in Section 8.21.040 of this chapter may be issued for grading work upon completion of a proper application and approval by the [City Engineer](#).

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2. Building permits may be issued for a site graded under an approved grading plan and valid grading permit upon completion and approval of rough grade and geotechnical inspection as specified in Section 8.21.170 of this chapter. Building permits for construction of model homes may be issued for the model home sites only, prior to completion of rough grading for the site, provided that rough grading has been completed and approved as noted for the model home sites.

3. Building permits shall not be issued for a site graded under a preliminary grading permit until a new precise grading plan has been approved and a permit has been issued and the provisions as noted above have been satisfied.

D. Stockpile Permits.

1. A temporary stockpile permit is subject to conditions which may include, but not limited to, the following items: a stockpile plan prepared by a registered civil engineer, an erosion control plan prepared by a registered civil engineer, fencing, hydroseeding or other maintenance requirements. Other conditions may be established, even after the permit has been issued, in the interest of public health, safety or welfare, and shall be as determined by the [City Engineer](#).

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2. An indeterminate stockpile permit may be issued for soil that is to be used for the future development of the stockpile site where there is no current project, or for storage of soil for current or future sale, or for some other purpose as stated by the property owner. Requests for indeterminate stockpile permits will be reviewed on a case-by-case basis. Such requests may be considered to be the establishment of a business and may require review by other [City](#) department or divisions and shall be subject to all of the conditions of approval for such projects. An indeterminate stockpile permit is subject to all of the same requirements as a temporary stockpile permit.

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E. Grading Permit Application. A grading permit application shall consist of the following items and forms completed and signed by the applicant or his/her representative, unless otherwise specified by the [City Engineer](#):

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1. Application form;
2. Four sets of grading plans;
3. Two copies of a preliminary soils report (see subsection (M)(1) of this section);

4. Two copies of a preliminary geology report if applicable (see subsection (M)(2) of this section);
5. Two sets of erosion control plans;
6. Payment of the grading plan check and inspection fees.

The City Engineer will inspect the project site as necessary and determine whether additional reports or other data are required prior to issuance of a grading permit. The City Engineer will notify the applicant of his determination.

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F. Grading Plan Clearances. The City Engineer shall notify the applicant when clearance is required for the project from other departments or divisions within the City as well as clearance required from other agencies. All required clearances from other departments, divisions or outside agencies shall be the responsibility of and obtained by the applicant prior to issuance of the grading permit. The City Engineer will not notify the applicant for South Coast Air Quality District (SCAQMD) required clearances and permits.

G. Data to Accompany Application.

1. A grading plan, approved and signed by a California registered civil engineer, soils engineer and engineering geologist shall accompany each application for a grading permit, unless waived by the City Engineer. The grading plans shall be prepared on twenty-four (24) inch by thirty-six (36) inch Mylar film with a standard City title block, and shall be drawn in ink. The plans shall show the original and designed finish contours, spot elevations, building pads, public improvements, slope ratios, proposed drainage facilities, protective fencing, retaining walls and any structures or buildings on adjacent properties within fifteen (15) feet of the common property lines.

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2. Unless waived by the City Engineer, each application for a grading permit shall be accompanied by supporting data consisting of a soils engineering report, engineering geology report, and the grading plans and specifications. All such plans shall be drawn to engineering scales as approved by the City Engineer. The title sheet of the plan set shall contain the names, addresses and phone numbers of the site owner, the civil engineer responsible for the plans preparation, the project soil engineer and engineering geologist, including registration numbers. The title sheet shall also contain a locality sketch of the project site.

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3. A statement of quantities shall be furnished, giving the estimated cubic yards of excavation, embankment, fill, and shrinkage or swell factor. Also, types of ditches and down drains, lineal feet and sizes of various types of pipe, the amount of rock to be used for rip-rap or slope protection, the lineal feet of fencing and any other pertinent information useful in determining the extent of the proposed work.

4. The grading plans shall show scaled sections of all stabilization fills, buttress fills, keyways and benching for fill placement.

H. Grading Plan Check. All grading plans submitted to the City will be checked for conformance with the provisions of this chapter, conditions of approval, the City of Moreno Valley Municipal Code, applicable specific plans, other City ordinances, rules and regulations, all applicable Federal and State requirements, 2010 California Code of Regulations Title 24, Chapter 11 accessibility requirements, City technical requirements and plan requirements, and any other applicable requirements for the development.

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I. Mass Grading Plans, Rough Grading Plans, Stockpile Plans, Borrow Site Plans and Preliminary Grading Plans. The plans shall include, but not limited to, the following information.

1. Vicinity map of the site;

2. Property limits clearly labeled or otherwise identified, accurate contours of existing ground and details of terrain, and area of drainage a minimum of fifteen (15) feet beyond the property limits (spot elevations may be used on flatland sites);

3. Prominent existing or natural terrain features;

4. Limiting dimensions, elevations of finish contours to be achieved by the grading, proposed drainage devices, and related construction;

5. Details (plan and section) of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as part of the proposed work, together with a map showing the drainage area and estimated runoff from the area served by the drains;

6. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings of structures on land of adjacent owners which may be affected by the proposed grading operations;

7. If the grading project includes the movement of earth material to or from the site in an amount considered substantial by the City engineer, the permittee shall submit a haul route for review and approval by the public works department, land development division. The City Engineer may prescribe as a condition of the grading permit and submitted haul route, alternate routes or special requirement in consideration on the possible impact on the adjacent community environment or effect on the public right-of-way itself;

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8. Additional plans, drawings, calculations, environmental impact information, or other reports and information required by the City Engineer.

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J. Precise Grading Plans. The plans shall include of the information required in subsection I of this section plus the footprint or allowable building area of all proposed structures (including appurtenances), setback distances between structures and top or toe of slopes, setback distances between structures and property lines, detailed finish grade and finish floor elevations, flow lines for lot drainage including spot elevations for the drainage swales, details for building footings and sideyard swale relationship (including extra height of or deepened footings), and all proposed PCC flatwork and PCC/AC driveways.

K. Grading Plan Correction Sheet. A grading plan standards and correction sheet which is used as the basis for plan checking, is available from the Public Works Department, Land Development Division which identifies the items typically required on grading plans depending on site conditions.

L. Geotechnical Reports. A soil engineering and engineering geology report shall be required for all grading projects unless otherwise waived by the City Engineer. The reports shall include information useful to the site and any additional information required by the City Engineer. Recommendations included in the reports and approved by the City Engineer, shall be incorporated into the grading plans and specifications. The Building Official may require a soil report of additional information related to the building structure in accordance with the California Code of Regulations Title 24 (IBC).

M. Geotechnical Report Standards. Two copies of each geotechnical report required in subsection L of this section, shall be submitted as part of the application for a grading permit. Each report shall contain information applicable to the project as shall be prepared in accordance with generally accepted geotechnical engineering practice. Recommendations contained in the approved reports shall be incorporated into the grading plans and specifications and shall become conditions of the grading permit.

1. Preliminary Soil Report. Soil engineering reports shall be required for all residential subdivisions, commercial or industrial development projects, multi- residential projects, and similar developments for which a grading permit is required. Soil reports shall also be required for grading or building permits on single lot projects when specified by the City Engineer or Building Official. The preliminary (initial) soil engineering report shall include information and data regarding the nature, distribution, and physical and chemical properties of existing soils, conclusions as to the adequacy of the site for the proposed grading, recommendations for general and corrective grading procedures, foundation and pavement design criteria, and shall provide other recommendations, as necessary, for the project grading and development.

2. Preliminary Engineering Geology Report. Engineering geologic reports shall be required for all developments on hillside sites where geologic conditions are considered to have a substantial effect on existing and/or future site stability. This requirement may be extended to other sites as required by the City Engineer. The preliminary (initial) engineering geology report shall include a comprehensive description of the site topography and geology including, where necessary, a geologic

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map; and opinion as to the adequacy of the proposed development from an engineering geologic standpoint; and opinion as to the extent that known or as reasonably should be known instability on adjacent properties may adversely effect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed project; and specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development; and shall provide other recommendations as necessary for the project grading and development. The preliminary engineering geology report may be combined with the soil engineering report.

3. Seismicity Report. A seismicity report as determined by the City Engineer, may be required as a condition for issuance of a grading permit and/or building permit for all residential subdivisions, and for commercial or industrial developments, and shall be required as a condition of development for all essential facilities (as defined in the California Building Code) or as determined by the City Engineer, Building Official or Planning Official. Additionally, sites containing earthquake-sensitive earth materials and/or sites that are located on or near potentially active or active faults are required to submit a seismicity report as a condition for issuance of a grading permit. The report shall be prepared by an engineering geologist, geophysicist, or a civil engineer with expertise in earthquake technology and its application to buildings or other civil engineering works. The scope of the report shall be commensurate with the proposed development and shall reflect the latest available and accepted technological recommendations related to seismicity. The seismicity report may be combined with the soil and engineering geology reports.

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N. Import and Export of Earth Material. Where an excess of five thousand (5,000) cubic yards of earth material for a project site is moved on public roadways to or from the project site as part of the grading operations, all of the following requirements shall apply:

1. Either water or dust preventative spray material (or both) shall be consistently applied for prevention of dust resulting from the loading or transportation of earth to or from the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way, used for transporting materials, in a condition free of dust, earth, or debris attributed to the grading operations.

2. Loading and transporting of earth materials to or from the site must be accomplished within the limitations established in subsection O of this section.

3. Access roads to the site shall be only at points designated on the approved grading plans.

4. At a minimum, the first fifty (50) feet of access road adjacent to the intersection with the public roadway shall have a grade not to exceed five percent. There must be a three hundred (300) foot clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the five percent grade or three

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hundred (300) foot sight distance requirements can not be obtained due to site constraints, then flagman shall be posted at the access road and shall remain for the entire duration of material transportation operations.

5. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the exit of the access road to the public roadway.

6. Advanced warning signs along with traffic control and safety devices shall be reviewed and approved by the City Engineer and shall be posted on the public roadway in the vicinity of the access intersection as required by the current State of California Department of Transportation "Manual of Traffic Control—Warning Signs, Lights and Devices for use in Performance of Work Upon Highways." The size, shape, color, number, spacing, and other details of all such signs and devices shall conform to the standards contained therein and in the current State of California Department of Transportation "Traffic Manual." The advanced warning signs and other devices shall be covered or removed when the access intersection is not in use.

O. Time of Grading Operations. Grading and equipment operations shall only be completed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, excluding holidays and from 8:00 a.m. to 4:00 p.m. on weekends and holidays. The City Engineer may, however, permit grading or equipment operations before or after the allowable hours of operation if he determines that such operations are not detrimental to the health, safety, or welfare of residents or the general public. Permitted hours of operations may be shortened by the City Engineer's finding of a previously unforeseen effect on the health, safety, or welfare of the surrounding community.

P. Responsibility of Permittee. It shall be the responsibility of the permittee to be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in applicable sections of this chapter, and as contained on the approved grading plans and in the approved geotechnical report(s). It shall also be the responsibility of the permittee to be knowledgeable with the obvious and accessible location on the site, and with a copy of the grading plans bearing the stamp or signature of approval by the City Engineer. The applicant will be responsible for obtaining all clearances and permits, if any, directly from the South Coast Air Quality Management District (SCAQMD) prior to beginning grading.

Q. Haul Routes. Where excavation of embankment material is imported or exported from one grading site to another, over public streets, whether or not either site is otherwise subject to grading permit requirements, the City Engineer may specify the route to be used in transportation of the materials on public streets.

Deviation from the designated haul route shall constitute a violation of the condition of the permit issued under this chapter. When the City Engineer does specify a route, he shall do so in writing on the permit document, and shall immediately notify the Traffic Division of the Public Works department as well as the traffic division of the City police department, that said haul route has been specified and approved.

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The City Engineer may further specify load limits where, in his opinion, the standard load capacity of vehicles used in such hauling would cause excessive damage to streets on the designated route. Any grading or hauling contractor or project site owner/permittee, moving earth materials in violation of the chapter, shall be financially responsible for any damage to the public streets caused by the hauling vehicles, and shall pay to the City of Moreno Valley the cost, as determined by the City Engineer, of repairing such damage, or shall repair the damage in question to the satisfaction of the City Engineer.

At least twenty-four (24) hours before hauling is to commence, the applicant shall be required to notify the City of Moreno Valley Public Works Department, Traffic Division, and Land Development Division as well as the City Police Department, Traffic Division. The permit may specify other necessary conditions or restrictions, where the use of public streets would disrupt the normal traffic activities or cause a public inconvenience.

R. Debris on Public Streets. Vehicle Code Section 23112(b) forbids the placing, dumping or depositing of dirt and rocks on public streets or any portion of the public right-of-way. All vehicles engaged in hauling materials under the provisions of this chapter, shall refrain from depositing dirt or debris on public streets by any means, including but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle. The City Engineer may require a cash deposit to insure the clean-up of public streets.

S. Clean-Up. The permittee conducting any earth-moving operation under this chapter which requires vehicles to haul earth materials, including but not limited to, earth, mud, rock or other materials, on any public streets shall be responsible for the complete removal of such materials if spilled, dumped or deposited on a public street within twenty-four (24) hours of noted spill, dumping or deposition. If the permittee fails to remove such spillage, dumping or deposited material within the noted time frame, and it is necessary for the City to complete the removal, the permittee and/or property owner from where the material was removed from or deposited to, shall be liable to pay the City the full cost of such removal work. A cash deposit may be required to insure cleanup of public streets.

T. Dust Control. The contractor or permittee conducting any earth-moving or grading operation under this chapter shall be responsible for controlling dust at all times. The owner, contractor and permittee shall be responsible for implementing any and all Best Management Practices (BMPs) for all grading and earth-moving operations in accordance with the National Pollutant Discharge Elimination System (NPDES) and as required by South Coast Air Quality Management District (SCAQMD).

U. Protection of Adjoining Property. Each adjacent owner is entitled to the lateral and subjacent support which his/her land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

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1. Any owner of land or his lessee intending to permit or to make an excavation greater than ten (10) feet in depth within fifty (50) feet of his property line(s) shall give reasonable notice to the owner or owners of land abutting the property line(s) affected by such excavation, stating the depth for which such excavation is intended to be made and when the excavation will begin.

2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken so that the soil of adjoining properties will not cave in or settle without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to of greater depth than are the walls or foundation of an adjoining building or other structure, and the distance from the edge of the excavation to an adjoining building or other structure is less than the depth of the excavation, then the permittee or person completing the excavation must take any and all necessary steps to protect the adjacent building or other structure from possible damage resulting from the excavation or the permittee or person completing the excavation must notify the owner of the adjoining building or other structure and allow at least ten (10) days, if so desired, in which to take measures to protect the same from any damage, or to brace or extend the foundations of the noted building or other structure from possible damage from the excavation.

V. Issuance, Expiration and Renewal.

1. Every grading permit issued shall be valid for a period of one hundred eighty (180) days from the date of issuance.

2. Every permit shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.

3. The time limitations for all grading permits issued by the City are also subject to the following provisions:

a. A permit issued in accordance with these requirements shall expire upon a change of ownership, if the grading work thereon, for which said permit was issued has not been completed, and a new permit shall be required for the completion of the work. If the time limitations as noted above are not applicable, and if no changes have been made to the plans and specifications last submitted to the City Engineer, no charge shall be made for the issuance of a new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the City Engineer, fees based on the valuation of the additional or new work, additional yardage and necessary plan checking shall be charged to the permit applicant.

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b. The City Engineer may extend the one hundred eighty (180) day expiration time limit on permits not to exceed three successive periods for one hundred eighty (180) days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

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4. The City Engineer may require that grading operations and project designs be modified if delays occur which incur weather-related problems not considered at the time the permit was issued.

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5. If the permittee presents satisfactory reasons for failure to begin or complete the work within the periods specified above, the City Engineer, upon written request, may grant an extension of time reasonably necessary or as specified in subsection (V)(3)(b) of this section for an additional three hundred sixty-five (365) days without additional fees, provided that:

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a. No changes have been made in the original plans and specifications for such work.

b. Suspension of abandonment has not exceeded one hundred eighty (180) days.

c. A re-endorsement of the compliance of the plans with the current and applicable regulations has been obtained by the permittee from the Land Development Division.

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Such requests for extensions must be submitted no later than the thirtieth day following the date on which said permit would otherwise expire.

6. If the permittee is unable to complete the work by the end of a two calendar year period (initial one hundred eighty (180) days plus one and one-half year extension) or fails to request an extension within the time provided in subsection (V)(5) of this section, the City Engineer, upon written request and justification, may renew the grading permit for a fee of one-half the amount required for the original permit for such work, provided no changes have been made to the original plans and specifications for such work.

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W. Denial of Permit. The City Engineer shall not issue a permit in any case where he finds that the work as proposed by the applicant is liable to constitute a hazard to property or result in debris being deposited on any public street or public way or interfere with any existing drainage course. If it can be shown to the satisfaction of the City Engineer that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or by other means, the City Engineer may issue a permit with the condition that such work be performed. If, in the opinion of the City Engineer, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or

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sufficiently reduce the hazard to human life or property, the grading permit and any proposed building permits for habitable structures shall be denied.

The City Engineer may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The City Engineer may, under circumstances where the significant adverse environmental effects of a proposed grading project cannot be mitigated in accordance with the requirements of the California Environmental Quality Act (CEQA), deny the issuance of a grading permit.

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The City Engineer shall require plans and specifications to be modified in order to make them consistent with the City of Moreno Valley general plan, specific plans, municipal code requirements, or other rules, regulations, or conditions of approval applicable to the project. The City Engineer may deny the grading permit if the proposed project cannot be designed in accordance with this chapter, applicable rules, regulations, or conditions.

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8.21.060 Fees.

A. Plan-Checking Fees. Before accepting a set of plans and specifications for checking, the City Engineer shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures. The amount of plan-checking fee for grading plans is set forth by City Council resolution.

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The plan-checking fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the required fee for the entire project.

B. Review of Geotechnical Reports Fee. The fees paid in accordance with subsection A of this section (plan-checking fee) includes all necessary fees for review of all geotechnical report(s) for the project and no additional or separate fee will be charged for said review.

C. Grading Permit Fees. A fee for each grading permit shall be paid to the City Engineer for issuance of said permit. The fee for grading permit issuance is set forth by City Council resolution. The fee for a grading permit authorizing additional work to that under a valid grading permit shall be the difference between the fee paid for the original permit and the required fee for the entire project.

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8.21.070 Grading security.

The City Engineer may require bonds or other approved security in such form and amounts as may be deemed necessary to assure that the work for a valid grading permit is completed in accordance with the approved plans and specifications or to insure that the work, if not completed in accordance with the approved plans and specifications, will be

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corrected to eliminate any potentially hazardous condition without additional cost or obligation to the City. One form of security will be required to cover all grading and drainage facilities. Separate securities may be required for slope planting, landscaping, irrigation and erosion control.

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8.21.080 Cuts.

Cut slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

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Slope stability analysis shall be included in all soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height regardless of the slope ratio. The soil engineer shall consider both gross and surficial stability of the slope and provide a written statement approving the slope stability.

8.21.090 Fills.

A. Fill Location. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical (2:1), or where the base (toe) of the fill slope would be within twelve (12) feet horizontally of the top of a cut slope, unless evidence is submitted by the soil engineer and/or engineering geologist which indicates that the stability of the slope is adequate and the proposed slope is approved by the City Engineer.

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B. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation; noncomplying fill; topsoil and other unsuitable materials; and by scarifying to provide a bond with the new fill. Where existing slopes exceed five feet in height and/or are steeper than five horizontal to one vertical (5:1), the ground shall be prepared by benching into sound bedrock, or other competent or formational material, as determined by the soil engineer and approved by the City Engineer. The lowermost bench beneath the toe of a fill slope shall be a minimum of ten (10) feet in width. The ground surface below the toe of fill shall be prepared for sheet flow runoff, or an appropriate drainage system shall be provided.

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Where fill is to be placed over a cut slope, the bench under the toe of the fill shall be at least fifteen (15) feet wide and shall meet the approval of the soil engineer and/or engineering geologist as suitable foundation for the fill. Unsuitable soil is soil which is not dense, firm, or unyielding; is highly fractured; or has a high organic content; and in the opinion of the City Engineer, civil engineer of record, soil engineer, or engineering geologist is not competent to support other soil or fill, to support structures, or to satisfactorily perform the other functions for which the soil is intended.

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C. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as outlined below, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills.

The City Engineer may permit placement of larger rock in fill when the soil engineer properly devises a method of placement, continuously inspects placement, and approved the fill stability and competency. The following conditions shall also apply:

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1. Prior to issuance of a grading permit, potential rock disposal area(s) shall be identified on the grading plan.

2. Rock sizes greater than eighteen (18) inches shall be placed a minimum of six feet below grade, measured vertically and/or ten (10) feet measured horizontally from any slope face.

3. Rocks sizes greater than twelve (12) inches shall be placed so as to be completely surrounded by soil; no nesting of rocks will be permitted.

D. Compaction. All fills shall be compacted to a minimum of ninety (90) percent of the maximum density as determined by ASTM D1557. Field density tests shall be performed in accordance with ASTM D1556, or equivalent, as approved by the City Engineer. At least twenty-five (25) percent of the total tests shall be by ASTM D1556 to verify the accuracy of the equivalent method. All such tests shall be uniformly distributed within the fill area and/or fill slope surface area in order to obtain representative results.

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Locations of the field density tests shall be determined by the soil engineer or approved testing agency, but shall be sufficient in both horizontal and vertical placement to provide representative testing of all fill placed.

Testing in areas of a critical nature or special emphasis shall be in addition to a network of representative sampling.

E. Exceptions:

1. Fills excepted in Section 8.21.020 of this chapter if the City Engineer determines that compaction is not a necessary safety measure to aid in preventing saturation, settlement, slippage or erosion.

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2. Where lower density and very high potential expansion characteristics exist, (as defined in the California Building Code), lesser compaction requirements may be approved by the City Engineer upon justification and recommendation by the soil engineer.

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Sufficient maximum density determinations by test method ASTM D1557 shall be performed during the grading operations to verify that the maximum density curves used are representative of the material placed throughout the fill.

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F. Fill Slopes. Fill slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

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All fill slopes shall be overfilled to a distance from finish slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finished grade to expose the compacted core. Alternate methods for fill slope compaction may be used by the grading contractor subject to approval by the soil engineer and City Engineer. In such instances, the grading contractor shall provide detailed specifications for the method of placement and compaction of the soil.

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A slope stability analysis shall be included in soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height, regardless of the slope ratio. The soil engineer shall consider both the gross and surficial stability of the slope and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternate methods of construction or compaction requirements necessary for surficial stability.

At least twenty (20) percent of the field density tests performed during grading shall be located within three feet of the final slope location, and at least one density test shall be taken in the outer twelve (12) inches of the finished slope face for every five thousand (5,000) square feet of slope area.

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G. Buttness/Stabilization Fills. Recommendations for buttness/stabilization fills by the soil engineer shall be included in the soil report setting forth the soil or geologic factors necessitating the buttness/stabilization fill, stability calculations based on both static and pseudo static conditions, (analysis of pseudo static loads are not normally needed when the bedding planes are flatter than twelve (12) degrees from horizontal), laboratory test data upon which the calculations are based, a copy of the approved grading plan showing the location of the buttness/stabilization fill, a scaled section of the buttness/stabilization fill, and recommendations with details of subdrain requirements.

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H. Utility Line Backfill. Backfill for on-site utility line trenches, including but not limited to, water, sewer, gas, electrical, telephone and cable television services which effect the stability of foundations or other structures, or which are in sloping surfaces steeper than ten horizontal to one vertical (10:1), and which utilize onsite material as backfill, shall be compacted and tested in accordance with subsection D of this section. Alternate materials and methods for utility line trench backfill may be used provided that the material specification and method of placement are recommended by the soil engineer and approved by the City Engineer prior to backfilling.

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Utility line trench backfill for on-site areas other than those stated above need no specific placement method or compaction criteria, but shall be sufficiently compacted to

preclude detrimental settlement. In no case shall this be construed to mean utility line trench backfill within any public rights-of-way.

The final utility line trench backfill report from the project soil engineer shall include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use and that all tested areas meet the compaction requirements in accordance with subsection D of this section.

8.21.100 Setbacks.

A. General. The setbacks and other restrictions specified by this section are minimum and may be increased by the City Engineer or by the recommendation of the civil engineer of record, soil engineer or engineering geologist, if necessary for safety and stability, or to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer. Where zoning requirements exceed the minimum herein, the zoning setbacks shall govern.

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B. Setbacks From Property Lines. The tops and toes of slopes shall be setback from the outer boundaries of the permit area, including slope right areas and easements, in accordance with Figures A and B. Lot lines shall be located at the top of slopes whenever possible.

C. Design Standards for Setbacks. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figures A and B. A usable side yard of at least five feet from any building wall shall be provided to the top or toe of a slope unless waived by the City Engineer.

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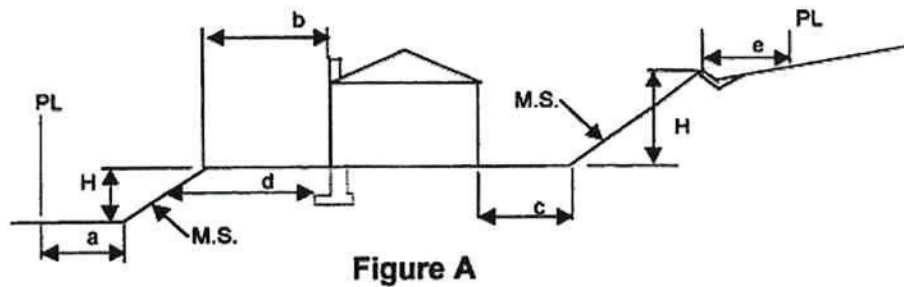


Table A Minimum Setback from Adjacent Slope

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H (hgt-ft)	a	b	c	d	e
0<6	3'	5'	3'	5'	3'
6 to 14	5'	5'	H/2	H/2 (5'Min)	3'
14 to 30	5'	H/2 (10' Max)	H/2	H/2 (10' max)	6'
30+	5'	10' Max	15' Max	10' Max	6'

NOTES:

- 1 PL means property line and/or permit boundary. M.S. means manufactured surface.
- 2 Setbacks shall also comply with applicable zoning regulations.
- 3 Table A applies to manufactured slopes and 2:1 or steeper natural slopes. Setbacks from natural slopes flatter than 2:1 shall meet the approval of the City Engineer.
- 4 "b" may be reduced to 5' minimum if an approved drainage device is used; roof gutters and downspouts may also be required.
- 5 "b" may be reduced to less than 5' if no drainage is carried on this side and if roof gutters are included; "d" may not be reduced.
- 6 If the slope between "a" and "b" is replaced by a retaining wall, "a" may be reduced to zero and "b" shall remain as shown in Table A. The height of the retaining wall shall be controlled by zoning regulations.
- 7 "b" is measured from the face of the structure to the top of the slope.
- 8 "d" is measured from the lower outside edge of the footing along a horizontal line to the face of the slope. Under special circumstances, "d" may be reduced as recommended in the soil report and approved by the Building Official

Figure B

Minimum Setback

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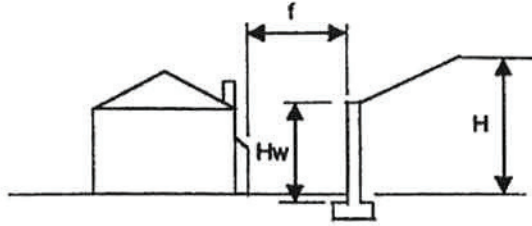


Figure B

Table B Minimum Setback from Retaining Walls		
H (hgt-ft)	Hw	f
0 to 6	3' Max	3' Min
6 to 8	4'	4'
8 to 10	5'	5'
10 to 12	6' Max	6'
12 to 30	6' Max	H/2
30+	6' Max	15' Max

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NOTES:

- 1 The use of retaining walls to reduce setbacks must be approved by the City Engineer.
- 2 "f" may be reduced to zero (0) feet if the Building Official approves a combination structure/retaining wall after submittal and review of structural calculations from the project structural engineer and after the City Engineer approved the necessary drainage devices.
- 3 "Hw" is the height of the retaining wall measured from the top of the footing to the top of the wall.

8.21.110 Drainage and terracing.

A. General. Unless otherwise noted on the approved grading plan, drainage facilities and terracing of graded slopes shall conform to this section, to the currently adopted City design standards, this code and to Riverside County Flood Control and Water Conservation District's master drainage plans for the City, except where otherwise specified.

B. Terraces. Terraces at least eight feet in width shall be established at not more than thirty (30) foot vertical intervals on all cut or fill graded slopes in order to control surface drainage and debris. Where only one terrace is required, it shall be at the mid-height of the slope. Terrace widths and spacing for cut and fill slopes greater than one hundred and twenty (120) feet in height shall be designed by the project civil engineer based upon recommendations of the project soil engineer and approved by the City Engineer. Suitable access shall be provided to all terraces to permit proper cleaning and maintenance.

Terrace drains shall have a minimum gradient of two percent unless waived by the City Engineer. Terrace drains shall have a minimum depth at the deepest point of no less than one foot and a minimum paved width of at least three feet and shall be designed to accommodate all runoff created by the cut or fill slope as well as any tributary runoff which enters the terrace drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability and as recommended by the project soil engineer and/or engineering geologist.

D. Storm Water Discharge. All drainage facilities shall be designed to carry storm water runoff to the nearest practicable drainage way approved by the City Engineer and/or other appropriate jurisdiction, as an acceptable and safe location to deposit such runoff. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains, energy dissipaters, or other devices as approved by the City Engineer.

E. Interceptor Drains. Concrete interceptor drains (brow ditches) shall be installed along the top of all cut slopes where the tributary drainage area above the cut slope drains toward the cut slope, unless waived by the City Engineer. The slope gradient for the interceptor drain shall be the same as for terrace drains or as approved by the City Engineer.

F. Storm water Runoff. Storm water runoff shall not be allowed to flow over cut or fill slopes, which are greater than five horizontal to one vertical (5:1), but shall be provided for as follows:

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1. Whenever practicable, each lot shall be graded so that storm water will drain from the backyard through the sideyard and front yard directly to the abutting street or toward approved drainage facilities at a gradient of not less than one percent. Where possible, drainage shall not be directed across other lots nor over cut or fill slopes.

2. When the above is not feasible, as determined by the City Engineer, storm water shall be collected along the top of slopes or at the rear of graded lots by means of paved gutters, and carried to properly sized outfall or area drains which shall also serve as erosion control devices. Such drainage shall not be allowed to drain across the surface of sidewalks or parkways. Asphalt concrete may not be used for any drainage device. Down drain ditches shall be a minimum of eighteen (18) inches deep.

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3. Where slopes are terraced at thirty (30) foot intervals, drainage shall be provided in paved ditches a minimum of thirty-six (36) inches wide and twelve (12) inches deep. Construction of the ditches shall be as described below, and shall be located on the terraces with one side of the ditch two feet from the toe of the slope. Where a terrace is constructed to conform to slope requirements, but is intended to be of a temporary nature, the City Engineer may waive the drainage ditch requirements, if a satisfactory surety bond, or other means to guarantee the improvement, is posted with the City.

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4. Down drains, interceptor drains and terrace drains shall be connected together to collect and transport all storm water runoff entering the drains. They shall be of sufficient depth, as verified by hydraulic calculations, to allow for an unimpeded flow when terraces are crossed. Down drains, interceptor drains and terrace drains shall be constructed of portland cement concrete or air blown mortar. They shall be reinforced with wire mesh and/or other appropriate concrete reinforcement as determined by the project engineer and approved by the City Engineer. If pipe is used for down drains to transport runoff from terrace ditches, it shall be either reinforced concrete pipe (RCP), plastic pipe (PVC) or other pipe material as approved by the City Engineer. Anchor lugs or collars may be required by the City Engineer if the pipe slope is equal to or greater than two horizontal to one vertical (2:1). Pipe specifications shall be approved by the City Engineer. Special design features shall be provided for abrupt changes in direction of terrace ditches and down drains.

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5. The discharge from any down drain, ditch or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted rip-rap, box-type energy dissipaters or other materials as approved by the City Engineer.

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G. Drainage Easements. For all drainage-ways where the continuous functioning of the drainage-way is essential to the protection and use of the property other than the lot on which the drainage-way is located, a covenant and/or deed restriction shall be recorded by the applicant, placing the responsibility for the

maintenance of the drainage-ways on the owner of record of each respective lot. Permanent off-site drainage easements, as required by the City Engineer, shall be acquired by the permittee. Such easements shall be subject to the approval of the City Engineer and City attorney and recorded prior to the issuance of the grading permit.

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8.21.120 Retaining walls.

Retaining walls shall be constructed of reinforced concrete, reinforced masonry block, reinforced concrete block and geosynthetic fabric, or a combination of the aforementioned materials. Retaining walls shall be designed to resist all earth pressures acting upon them including embankment or structure/vehicle surcharge loads. All retaining walls shall be designed by a registered civil or structural engineer and submitted to the building division, including appropriate structural calculations, for review and approval prior to installation. All retaining walls that are to be constructed in connection with a grading plan shall be shown on the grading plan. Sufficient top of wall (TW) and top of footing (TF) elevations shall be shown on the grading plans to determine the overall height of the retaining wall at various locations.

8.21.130 Expansive soils.

A. Expansive soil is any soil with an expansion index greater than twenty (20), as determined by the expansion index tests (2010 California Building Code, Section 1803).

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B. Whenever expansive soils are encountered within four feet of the finish grade of any area intended or designed as a location for a building then the following shall be observed:

1. The permittee shall remove such expansive soil to a minimum depth of four feet below finish grade within the building footprint area. Nonexpansive, properly compacted soil shall then be installed in the area where the expansive soil was removed; or

2. In the event that sufficient non-expansive material is not readily available on site, the permittee may at his option import nonexpansive material to be used as fill or the soil engineer may waive or reduce the requirement for removal and replacement of the expansive soils reported on the project. The soil engineer shall, however, make recommendations for the design of footings, foundations, slabs, and other load bearing features, or other special procedures which will alleviate any potential problem created by the remaining expansive soils; or

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3. Based on recommendations for the soil engineer, expansive soil from cut areas may be placed in the lower extremities of embankments, and nonexpansive

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materials shall be reserved and stockpiled so that they may be placed as a cap over expansive soil. Whenever expansive soil is placed closer than four feet of finish grade, the soil engineer shall so indicate and make corrective recommendations as noted above.

8.21.140 Asphalt paving.

A. Requirements. For the purpose of this section, asphalt concrete (A.C.), aggregate base material (A.B.), prime coat, tack coat, and seal coat shall all meet the current material specification standards of the City of Moreno Valley for public road construction and/or the approval of the City Engineer.

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B. Subgrade Compaction. Compaction of subgrade materials shall be in accordance with the requirements of Section 8.21.090(D) of this chapter.

C. Soil Sterilization. Unless otherwise approved by the City Engineer, subgrade earth materials shall be sterilized to preclude plant growth.

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D. Pavement Structural Section. The project soil engineer, architect, or design civil engineer shall determine the pavement structural section(s) for parking lots, service roads, private streets and dedicated streets on new private development projects. The structural section shall be based on:

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1. Soils tests of the subgrade soil(s) performed in accordance with the latest revision of test method number California 302 and anticipated traffic and/or loading conditions.

2. The design shall be determined by R-value testing in accordance with CalTrans design method with recommended safety factors. The minimum design structural section(s) for dedicated streets shall be as noted in the current edition of the City of Moreno Valley standard plans.

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E. Alternative Design Method for New Parking Lots/Service Roads and Private Streets. In lieu of the recommended structural section from the soil engineer or civil engineer based on testing as noted above, the following standards may be used for new private parking lots/service roads and private streets:

Industrial and Commercial Developments	Min. Structural Section
Parking area less driveways and perimeter drives	.25' AC / .33' AB
Driveways and perimeter drives for industrial developments	.25' AC / .83' AB
Driveways and perimeter drives for commercial developments	.25' AC / .67' AB

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High Density Residential	
Parking areas and access lanes	.25' AC / .33' AB
Drives and areas subject to heavy truck use	.25' AC / .67' AB
Private Streets	
Structural roadway section for private streets	.30' AC / .50' AB

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AC means asphalt concrete pavement.

AB means Class II aggregate base material.

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E. Exceptions. The provisions of this section shall not apply to private asphalt concrete driveway(s) providing access to not more than two single-family residences, proposed in conjunction with a project subject to a grading permit or to commercial, industrial or high-density residential developments where all pavements areas are constructed of Portland cement concrete (PCC) pavement.

Deleted: F. Dedicated Streets. Structural pavement sections for dedicated residential development shall be as determined in accordance with Section 8.21.140. Minimum structural sections for dedicated city streets shall be as noted in the current addition of the city of Moreno Valley standard plans.

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8.21.150 Permeable surface designs

A. Permeable surface designs include, but is not limited to pervious concrete, permeable pavement, permeable pavers, and porous asphalt. These BMPs may be allowed in low flow traffic roads and parking lots and other paved areas upon approval from the City Engineer.

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8.21.160 Erosion control.

A. General.

1. All earth moving or grading operations requiring a grading permit (as noted in Section 8.21.020 of this chapter) shall be required to also have an approved erosion control plan. In addition, any grading, clearing, brushing and grubbing within one hundred (100) feet of environmentally sensitive areas, is prohibited from October 1st to May 31st except for the following:

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a. The construction and maintenance of erosion control systems, which have been approved by the City Engineer.

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2. Grading work is prohibited on any single grading site under permit between October 1st and May 31st unless an erosion control plan has been approved or

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waived by the City Engineer. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the City Engineer, shall be employed to control erosion and provide safety during this period.

3. The City Engineer may order restriction or cessation of land disturbance or development operations upon determination that the weather, soil, slope, or general site conditions may cause serious accelerated erosion or sediment damage either on-site or downstream from the site.

B. Erosion Control Plans.

1. Erosion control plans shall be submitted to the City Engineer for approval concurrent with the grading permit application and/or with grading plan submittal unless otherwise waived by the City Engineer. No grading permit shall be issued unless an erosion control plan has been submitted or waived by the City Engineer. The erosion control plan may be waived for grading on single residential lot projects, provided that an erosion control system, approved by the City Engineer, is installed, placed, planted or constructed before October 1st. An erosion control and/or sediment control plan is required for all projects if the City Engineer determines that erosion or sediment discharge adversely affects adjacent properties. The approved erosion control plan shall be updated if necessary by October 1st each year, for projects under a grading permit.

2. The erosion control plan shall include details of protective measures, including desiltation basins or other temporary drainage or control measures or both, as may be necessary to protect adjoining public or private property from damage by erosion, flooding, or mud and/or debris deposits which may originate from the site or result from the grading operations.

3. All slope planting, as required by the erosion control plans, which is to be completed after October 1st, will require jute matting or other acceptable turf matting or erosion control blankets prior to planting or hydroseeding.

C. Submittal and Processing Requirements.

1. All projects requiring a grading permit must have erosion control plans submitted for approval. Projects that have an approved erosion control plan from the previous year must submit an updated erosion control plan for approval reflecting existing conditions or necessary changes that are needed for conformance with current conditions.

2. The erosion control plans must be approved and erosion control devices installed and certified and inspected as being properly constructed by the engineer of record. Sediment control must be continuously maintained throughout the construction process. Updating of the plans will be required for phases of construction not covered by the previously approved plans.

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3. Approval and processing of the erosion control plans requires payment of plan checking fees, inspection fees and the posting of securities as further noted in this section.

4. First submittal for erosion control plans shall include the plan checking fee, two blue-line copies of the plans and two copies of the bond estimate.

D. Information on Erosion Control Plans. Erosion control plan shall include but not be limited to, the following information:

1. A twenty-four (24) hour telephone number of the person responsible for performing emergency erosion control work;

2. The stamp and signature of the civil engineer that prepared the erosion control plan;

3. The erosion control general notes (copies available for the public works department, land development division);

4. Identification of all desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition;

5. Identification of the streets and drainage devices that will be completed and paved by October 1st;

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6. Provision for the placement of gravel bags, slope planting or other measures to control erosion from all slopes above and adjacent to roads open to the public;

7. Provision for maintaining access to desilting facilities during wet weather;

8. A schedule for the construction and ongoing maintenance of all required erosion and sediment control facilities;

9. Identification of discharge points where concentrated runoff occurs.

E. Erosion Control Systems.

1. All sediment shall be contained on-site. Runoff from disturbed areas shall be detained or filtered by berms, swales, ditches, filter strips or other means as necessary to prevent the escape of sediment from the site. Sediment control devices shall be installed prior to or concurrent with the initial grading operations and shall be maintained throughout the development process.

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2. Erosion shall be prevented at locations where runoff is concentrated. Where runoff will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.

3. All erosion control measures required to retain sediment on-site and to safely discharge any accelerated runoff generated by the project shall be installed during the initial construction phase of the project.

4. Desilting facilities shall be provided at drainage outlets from the graded site.

5. Desilting basins shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow sediment of suspended particles.

6. Desilting basins shall be constructed around the perimeter of projects. Basins should be located where maintenance access is provided from paved roads during wet weather.

7. Desilting basins constructed from compacted earth shall be compacted to a relative compaction of ninety (90) percent of maximum density. A soil engineering report including the type of field-testing performed, location and results of testing, shall be submitted to the City Engineer for approval upon completing the desilting basin(s).

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8. Equipment and workers, for emergency work, shall be available at all times. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices if needed.

9. Unless otherwise approved by the City Engineer, erosion protection shall include effective planting of all slopes in excess of three feet in height. Slopes exceeding fifteen (15) feet in height may require an adequate sprinkler system, as determined by the City Engineer.

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10. All slopes greater than five feet in height shall be permanently landscaped with the landscaping established prior to October, 1st. If the permanent landscaping is not installed and sufficiently established prior to October, 1st, the slope(s) shall be covered with protective materials and soil stabilizers approved by the City Engineer.

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11. All disturbed slopes shall be planted and protected within forty-five (45) days of the completion of each stage of grading. Suitable measures to prevent slope erosion, including but not limited to, rapid growth vegetation sufficient to stabilize the soil, shall be installed on all disturbed areas until such time as the permanent vegetative cover sufficiently matures to provide permanent stability.

12. Erosion control provisions shall include and complement drainage patterns during the current and future phases of grading throughout the rainy season.

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13. Graded areas around the project perimeter must drain away from the face of slopes at the conclusion of each working day.

F. Erosion Control Maintenance.

1. Erosion control systems shall be serviced and maintained to provide continuous capacity and to adequately function as designed. After precipitation exceeding one-quarter inch in any twelve (12) hour period, or upon direction of the City Engineer, silt and debris shall be removed from check dams and desilting basins and the basins pumped dry and otherwise restored to the original design condition.

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2. The performance of the erosion control system shall be evaluated by the City Engineer and revised and replaced as ordered.

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3. The construction and maintenance of all erosion control systems shall conform to the approved erosion control plan unless otherwise approved by the City Engineer.

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4. The contractor, permittee, or project owner shall be responsible for and take necessary precautions to prevent public trespass into areas where impounded water creates a hazardous condition. Necessary precautions may include, but not limited to, appropriate perimeter fencing, or a twenty-four (24) hour guard in order to prevent unauthorized persons from entering the basin(s).

5. Any sprinkler system, controlled by timers, used with an erosion control system, shall be inspected every thirty days to assure proper functioning of the timer device.

G. Erosion Control Design and Implementation.

1. If a project design includes grading or construction within one hundred (100) feet of any environmentally sensitive areas, additional erosion control measures may be required within all disturbed areas in order to minimize the impacts to the environment. These measures may require the approval of the City Engineer as well as approval and certification by the engineer of record for the project. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. The additional erosion control measures may include, but not limited to, installing protective materials and stabilizers, along banks and within waterways and over all disturbed areas. The additional erosion control measures may also include a full time (twenty-four (24) hour) on-site guard during storms and when the precipitation amount is expected to exceed one-half inch in any twenty-four (24) hour period. The precipitation forecast shall be as established by the National Weather Service.

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2. All erosion control systems require approval by the City Engineer and approval and certification by the engineer of record. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. All erosion control

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systems shall remain in place at all times for all areas in which construction is not scheduled to commence within the next seven days. All erosion control systems shall remain in place until May 31st. The May 31st date may be extended by the City Engineer upon determination that there is a substantial likelihood of significant precipitation after May 31. The City Engineer shall use information as provided by the National Weather Service to make such determination.

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3. All removable protective devices shown shall be in place at the end of each working day when the five day rain probability forecast exceeds forty (40) percent. The forecast shall be as determined by the National Weather Service.

4. The faces of cut and fill slopes and the project site shall be prepared and maintain to control erosion. Slope protection may be waived by the City Engineer for cut slopes, which are not subject to erosion because of the erosion resistant character of the materials.

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5. If construction of erosion control systems outside of the project boundaries are necessary, permission to construct such systems from the owner of such off-site property. Plans for the off-site systems shall be included with the on-site plans submitted to the City Engineer. The plans for the off-site erosion control systems shall include permission to grade and maintain the erosion control systems from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.

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6. Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition, free of loose soil, construction debris, and trash. Street sweeping or other equally effective means shall be used on a regular basis to control erosion, which has been deposited on streets or sidewalks. Watering shall not be used to clean streets except for the removal of fine material not otherwise removed by sweeping or other mechanical means.

7. The contractor, permittee, or property owner shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the contractor, permittee, or property owner fails or refuses to properly maintain the erosion control devices, the City Engineer:

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a. May cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted for the erosion control security posted for the project pursuant to subsection (H)(4) of this section and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

b. Shall revoke the grading permit in writing. The permit shall not be renewed until an erosion control system approved by the City engineer is installed or necessary maintenance of an existing system is completed.

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8. If any grading subject to Section 8.21.020 of this chapter has commenced on private property without a valid grading permit, the property owner shall be required to obtain a valid permit before continuing and grading, and may be required to prepare and implement an erosion control plan, approved by the City Engineer. If the property owner fails to install an approved erosion control system, the City Engineer shall cause emergency work to be done to protect potentially impacted property and to protect environmentally sensitive areas. The procedures of subsections B, C and D of this section need not apply for emergency erosion control work between October 1st and May 31st. The cost of such emergency work shall be charged to the owner pursuant to the procedures set forth in subsection (H)(4) of this section.

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H. Erosion Control Security.

1. Requirement for Security. Prior to approval of the grading permit, an erosion control plans for the project site shall be submitted to and approved by the City Engineer and securities meeting the requirements contained herein shall be posted with the City. The security shall guarantee the following:

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a. Compliance with all provisions of this section and all other applicable ordinances;

b. Compliance with any and all terms and conditions of the permittee's approved erosion control plan;

c. Completion of the erosion control system, to the satisfaction of the City Engineer, and in accordance with the approved erosion control plan;

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d. Completion of all emergency and routine maintenance and repair of the erosion control system(s) to insure the continuous integrity of the system(s) to the satisfaction of the City Engineer and as may otherwise be required by this section;

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e. Restoration and repair of public streets or other property adversely impacted by erosion from permittee's project.

2. Amount and Form of Security. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available from the City and shall be subject to the review and approval of the City Engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City Engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and city attorney, and consist of one or more of the following:

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a. Cash deposit;

b. A bond;

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c. A certificate of deposit;

d. A letter of credit, in City format, ~~from~~ one or more local financial institution(s) subject to regulation by the state or federal government.

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3. Failure to Provide Security. If a permittee fails to provide the security required by this section prior to October 1st each year, the City Engineer may revoke the permittee's grading permit without prior notice to the permittee. Any such revocation shall be in writing.

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4. Use of Cash Deposit. The City Engineer may cause certain erosion control work to be done under any of the following circumstances:

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a. Failure of the permittee to commence emergency repair or maintenance work within twelve (12) hours of receipt of a written demand therefor from the City Engineer, or within twelve (12) hours of the City Engineer's attempt to communicate such demand via the telephone number listed on the approved plans or as provided by the permittee.

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b. Failure of the permittee to commence other repair or maintenance work within seventy-two (72) hours of receipt of a written demand ~~therefore~~ from the City Engineer.

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c. Failure of the permittee to diligently pursue completion of any required repair or maintenance work or to complete such work within a reasonable time period established by the City Engineer.

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d. Failure of the permittee to complete installation of a erosion control system prior to October 1st.

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e. Failure of the permittee, after notice from the City Engineer, to clean or repair public streets or other public property, where debris, damage or erosion resulted from the permittee project.

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The permittee shall be liable to the City for the cost of any repair work that was necessary as a result of and in accordance with the provisions of this section. The City Engineer may withdraw from the permittee's cash deposit for erosion control security, any funds necessary to pay for such work. The City Engineer shall notify the permittee of any withdrawal from the permittee's cash deposit. If the cost for such work exceeds the balance of the permittee's funds on deposit, the City Engineer shall cause an invoice to be sent to the permittee demanding payment of the amount by which the cost of the work exceeds the permittee's deposit. The permittee shall, within ten (10) days of receipt of such invoice, deposit with the City Engineer, that amount of cash necessary to bring the permittee's deposit up to its original balance. If the permittee fails to pay such amount in full within thirty (30) days from the date of the invoice, the permittee's grading permit shall be automatically revoked. Renewal of the grading permit shall not be completed

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until the invoice is paid in full. No final grading inspection shall be completed until the permittee has fully satisfied all monetary obligations to the City imposed pursuant to the provisions of this section. Additionally, no further construction permits, including but not limited to, building permits or occupancy permits, shall be issued until such monetary obligations are fully satisfied.

5. Release of Security. On June 1st of each year, or upon the end of the actual rainy season (as determined by the City Engineer) whichever occurs later in time, the City Engineer may release any erosion control security posted or deposited pursuant to this section, upon receipt of a written request for such release by the permittee.

The City Engineer shall be responsible for determining the end of the rainy season if it occurs after May 31st of any given year. The determination shall be based upon available meteorological information.

The City Engineer shall not release a permittee's security if the permittee has an outstanding monetary obligation to the City incurred pursuant to the provisions of subsection (H)(4) of this section or if cleanup or repair of public streets or other public property for which the permittee is responsible, has not been completed to the satisfaction of the City Engineer.

Any unused portion of the permittee's erosion control security may also remain on deposit with the City throughout the grading of the project and not be released until completion of the landscaping improvements for the project if it is determined by the City Engineer that due to the nature, configuration, or location of the project, it is in the best interest of the City to retain said erosion control security until to projects completion.

8.21.170 National Pollutant Discharge Elimination System (NPDES).

A. General Requirements. On September 2, 2009, the State Water Resources Control Board (SWRCB) approved waste discharge requirements associated with construction activity. The regulations affect all construction sites that disturb an area of one acre or more.

As a condition of the Santa Ana Regional Water Quality Control Board, a National Pollutant Discharge Elimination System permit will be required for all sites that disturb an area of one acre or more. Prior to issuance of a grading permit, each applicant shall provide an NPDES permit number (WDID#) to the City Engineer.

A complete NPDES permit for storm water runoff associated with construction activity application and general requirements may be obtained from the State Water Quality Control Board.

In general, the permit requires the following information to be filed with the California State Water Resource Control Board (SWRCB):

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1. A notice of intention (NOI). The NOI application is in the construction permit package;

2. Risk Assessment.

3. Site Map.

4. A stormwater pollution prevention plan (SWPPP). Conditions are outlined in the construction permit package;

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5. Annual Fee.

6. Signed Certification Statement.

It is the permittee's responsibility to obtain the application package, complete the information and reports as noted above, and maintain the site throughout the duration of the project as required by the permit. All of the information noted above shall be maintained on-site during construction and shall be presented upon demand by State Water Resource Control Board inspectors, the City of Moreno Valley inspectors or any member of the public.

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8.21.180 Grading inspection.

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A. Grading Inspection.

1. Site Inspection by the City Engineer. Prior to any grading, brushing, or clearing, there shall be a pre-grading meeting held on the site unless waived by the City Engineer. Prior to placing concrete for curb and gutter, sidewalk, pavement base material or other similar improvement in the public right-of-way, there shall be a pre-paving meeting held on the site unless waived by the City Engineer. The permittee, or agent for the permittee, shall notify the City Engineer and request the meeting(s) at least two working days prior to the meeting(s) and shall also be responsible for notifying all principals responsible for grading or paving operations.

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It shall be the responsibility of the person doing the work authorized by a permit, to notice the City Engineer at least two working days prior to the work being ready for the following inspections:

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a. Excavation and Fill Inspection.

i. Canyon Clean Out. After all brush and unsuitable material has been removed and an acceptable base has been exposed, but before any fill has been placed;

ii. Toe Bench and Key. After the natural ground or bedrock has been exposed and prepared to receive fill, but before fill is placed;

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- iii. Over Excavation. After the area has been excavated but before fill is placed;
 - iv. Excavation. After the excavation has started, but before the vertical depth of the excavation exceeds ten (10) feet, and every ten (10) foot interval thereafter;
 - v. Fill. After the fill has started, but before the vertical height of the fill exceeds ten (10) feet and every ten (10) foot interval thereafter.
2. Concrete or Gunite Drainage Device Inspection.
 - a. Alley Gutter or Concrete Drainage Device. After the sub-grade is prepared and any reinforcement placed but prior to concrete placement and then again after concrete placement;
 - b. Terrace Drains, Down Drains, Brow Ditches. After grade has been established but before placement of welded wire mesh or reinforcement and then again after placement of concrete or gunite.
 3. Other Drainage Devices.
 - a. Subdrains. After excavation but prior to placement of filter materials and pipe. The subdrain pipe and filter material shall be on site for inspection. Inspection shall also occur after placement of pipe and filter material but before backfill;
 - b. City Storm Drains and Inlets. After installation of form-work and placement of reinforcement but before concrete placement and then again after placement of concrete and removal of form-work but prior to backfilling. Inspection shall also occur after backfilling and completion of storm drain;
 - c. Earth Swales. Prior to rough grading approval and then again prior to final grading approval.
 4. Rough Grade Inspection.
 - a. When all rough grading as been completed. Inspection may be called for at the completion of rough grading after the City Engineer has received, reviewed and approved the required geotechnical certification(s) and/or compaction reports and the civil engineer has submitted approval of line and grade on City approved format. Under normal circumstances, all subdrains and slope drains, if required, shall be in place and approved as a condition of rough grading approval.
 5. Paving Inspection (In Public Right-of-Way).
 - a. Subgrade. After subgrade has been established, tested, and approved by the soil engineer, or his qualified representative, ~~the~~ the soil engineer may leave a field memo

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of compaction test results on site. The civil engineer shall provide approval of line and grade;

b. Base. After base course has been placed, tested, and approved by the soil engineer or his qualified representative, but prior to prime coat and asphalt placement, the soil engineer may leave a field memo of compaction test results on site. Material invoices or weight tickets shall be required;

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c. Asphalt Concrete. During asphalt placement to verify compliance with plans and specifications. Material invoices or weight tickets shall be required. Prior to application of seal coat, the paved surface shall be water tested to reveal any irregularities and shall be patched where required.

6. Final Inspection.

a. When all work, including installation of all drainage structures and other protective devices has been completed and all written professional approvals and the required reports have been submitted.

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7. Siltation Control Facilities (October 1st to May 31st).

a. After excavation of desilting basins but prior to fill placement. Pre-fabricated drainage devices are to be available on site for inspection;

b. After fill placement of desiltation basins but prior to placement of concrete or other non-erosive materials (if applicable);

c. After completion of an erosion control system in accordance with an approved erosion control plan and the requirement of the City Engineer.

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B. Notification of Non-Compliance. If, in the course of fulfilling their responsibility under this chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not begin completed in accordance with the approved plans, specifications, recommendations or requirements of this chapter, the discrepancies shall immediately be reported in writing to the grading contractor, the owner and the City Engineer. Recommendations for corrective measures shall be submitted to the City Engineer for approval and shall be incorporated on to the approved plans upon approval by the City Engineer.

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C. Special Inspections. The City Engineer may establish special inspection requirements in accordance with the 2010 edition of the California Building Code, amended, for special cases involving grading or paving related operations. Special cases may apply to work where, in the opinion of the City Engineer, it is necessary to supplement the resources or expertise available for inspection.

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D. General. It shall be the responsibility of the civil engineer that prepared the grading plans to incorporate the applicable recommendations for the soil engineering and engineering geology reports into the grading plan. The civil engineer shall be responsible for establishing line and grade for the grading and drainage improvements, and shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, and the City Engineer. The civil engineer shall also be responsible for the preparation of plan revisions, unless waived by the City Engineer, and upon completion of the work, the submission of as-built grading plans incorporating all changes and/or additional made during construction.

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Soil engineering and engineering geology reports shall be required as specified in Section 8.21.190(A). During grading, all necessary reports, compaction data, soil engineering and engineering geology recommendations shall be submitted for distribution as required.

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The soil engineer's area of responsibility shall include, but not limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finished slopes, design of buttress fills where required, and incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but not limited to, professional inspection and approval of the stability of cut slopes with respect to geological matters, and the needs for subdrains or other ground water drainage devices. The engineering geologist shall report all findings to the soil engineer for engineering analysis.

The City Engineer shall inspect the project at various stages of work requiring approval, and at any more frequent intervals necessary to determine that adequate inspection and testing are being completed by the professional consultants and to insure conformance with the approved plans and specifications.

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When preliminary soil engineering reports are not required by the City Engineer, inspection and testing may be required by an approved testing agency. The testing agency's responsibility shall include, but not limited to, approval of cleared areas and benches to receive fill, and the compaction of fills.

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E. Transfer of Responsibility for Approval. If the civil engineer, the soil engineer, the engineering geologist, the testing agency or the grading contractor of record are changed during the course of the work, the work may be stopped until:

1. The owner submits a letter of notification to the City Engineer verifying the change of the responsible professional; and

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2. The new responsible professional submits in writing that he has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional, and that he concurs with the findings, conclusions, and

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recommendations, and is satisfied with the work performed. He must also state that he assumes all responsibility within his purview as of the specified date.

All exceptions to the noted requirements must be justified to the satisfaction of the City Engineer.

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Where clearly indicated that the firm, not the individual engineer and/or geologist, is the contracting party, the designated engineer and/or geologist may be reassigned and another engineer and/or geologist within the firm may assume responsibility without the requirement for written notification to the City Engineer.

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F. Other Inspections by the City Engineer.

1. Prior to the approval of any building or grading plans and specifications, the City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

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2. The permittee or agent for the permittee shall notify the City Engineer when the grading operations specified are ready for inspection.

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3. If the inspector finds the soil or other conditions not as shown on the approved plans or stated in the geotechnical reports or as noted within any additional information which was required for issuance of the grading permit, he may issue a stop work order until approval is obtained for a revised grading plan or modification to any applicable reports which will conform to the actual site conditions.

4. The provisions of Section 115, Stop Orders, of the 2010 California Building Code (CBC) shall apply to all grading work, whenever the City Engineer determines that any work does not comply with the terms of the permit, or this chapter, or that the soil or other conditions are not as stated on the permit, he may order the work stopped by notice in writing served on any person(s) engaged in doing or causing of such work to be done, and any such person(s) shall immediately stop such work until authorized by the City Engineer to proceed with the work.

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5. Prior to issuance of building permits for a graded site, the rough grading shall be completed in accordance with the approved plans and specification, and this chapter, and to the satisfaction of the civil engineer, or architect, engineering geologist, soil engineer, and City Engineer.

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6. Whenever any work on which inspection are required, is covered or concealed by additional work without first being inspected, the City Engineer may require, by written notice, that such work be exposed for examination. Any cost for exposing and recovering such noninspected work shall not entail or be subject to expense by the City.

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8.21.190 Completion of work.

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A. Final Reports. Upon completion of the rough grading work and at the final completion of the work under a grading permit, but prior to the release of grading security or issuance of a certificate of occupancy, the City Engineer will require:

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1. An as-built grading plan prepared by the civil engineer which shall include original ground surface elevations, as-graded ground surface elevations, slope inclinations, elevations and locations of all surface and sub-surface drainage facilities location with scaled sections of all buttress/stabilization fill, and location and depth of all areas of unsuitable soil.

2. A written approval by the civil engineer approving the grading as being in conformance with the approved grading plan and which specifically approves the following items as appropriate to the project or stage of grading:

- a. Construction of line and grade for all engineered drainage devices and retaining walls (rough and final grading);
- b. Staking of property corners for proper building locations (rough grading);
- c. Setting of all monuments in accordance with the recorded tract map (rough or final grading);
- d. Locations of permanent walls or structures on property corners or property lines where monumentation is not required (final grading);
- e. Location and inclination of all manufactured slopes (rough and final grading);
- f. Construction of earthen berms and positive building pad drainage (rough and final grading).

3. A soil engineering report (compaction report) prepared by the soil engineer, including type of field testing performed, stability of utility trench and retaining wall backfill, summaries of field and laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. Each field density test shall be identified, located on a plan or map, the elevation of the test and finish grade elevation shown, and the method of obtaining the in-place density described; either ASTM 1556-78 or the approved equal shall be so noted. The soil engineer shall provide written approval as to the adequacy of the site for the intended use, as effected by soil engineering factors and a statement of compliance to finish grade.

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4. A geologic report prepared by the engineering geologist, including a final description of the geology of the site including any new information disclosed during the grading, and the effect of the same on recommendations incorporated in the approved grading plan. He shall provide written approval as to the adequacy of the site for the intended use as effected by geologic factors, a statement of compliance to finish grade, and when required by the City Engineer, shall submit an as-built geologic map.

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5. A statement of compliance prepared by the grading contractor that the work was completed in accordance with the approved plans may be required by the City Engineer in certain cases.

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B. Notification of Completion. The permittee or agent for the permittee shall notify the City Engineer when the grading operation is ready for inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed in accordance with the approved grading plan and the required reports and statements of compliance have been submitted and approved

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8.21.200 Penalty for violation.

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Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of law, shall be punishable by fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six months, or by both. Each such person, firm or corporation shall be deemed guilty of a separate offence for every day during any portion of which any violations of any provisions of the chapter, including any physical condition created in violation of this chapter, is permitted, continued, or committed by such person, firm or corporation, and shall be punishable therefor as provided for in this chapter. Any lot, street, alley, road, driveway which is constructed contrary to the provisions of this chapter shall constitute a public nuisance.

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SECTION 3 EFFECT OF REENACTMENT:

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

SECTION 4 SEVERABILITY:

4.1 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the meaning portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the

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fact that any one or more subsection, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 5 NOTICE OF ADOPTION:

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 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.

APPROVED AND ADOPTED this ____ day of _____, 2011.

Mayor

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