



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

**January 18, 2011**

**STUDY SESSION – 6:00 P.M.**

**City Council Closed Session**

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

**City Council Study Sessions**

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

**City Council Meetings**

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

City Hall Council Chamber - 14177 Frederick Street

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

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

Richard A. Stewart, Mayor

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

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

**STUDY SESSION - 6:00 PM**  
**JANUARY 18, 2011**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL**

**INTRODUCTIONS**

**PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE CITY COUNCIL**

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

**SPECIAL ORDER OF BUSINESS**

1. CRIME FREE MULTI-HOUSING (PD/10 MIN.)
2. DISCUSSION TO ADOPT A RESOLUTION TO ADD "IN GOD WE TRUST" TO THE CITY'S MOTTO (MOLINA/CO/10 MIN.) ❖
3. DISCUSSION TO MODIFY THE NOISE ORDINANCE TO PROVIDE A WARNING (STEWART/MOLINA/10 MIN.) ❖
- \*4. DISCUSSION AND FUNDING APPROPRIATION CONSIDERATION TO PAY FOR THE SHORTAGE OF REVENUE ON ZONE B, RESIDENTIAL STREET LIGHTS FUND (CITY MANAGER'S OFFICE/15 MIN.)
5. PROPOSED RENAMING OF CACTUS AVENUE (CITY MANAGER'S OFFICE/10 MIN.)
6. CITY COUNCIL REQUESTS AND COMMUNICATIONS

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

❖ Oral Presentation only – No written material provided

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

## **CLOSED SESSION**

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

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

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

The Closed Session will be held pursuant to Government Code:

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

Number of Cases: 2

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

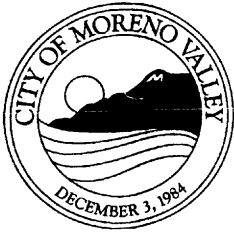
Number of Cases: 2

- 3 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

a) City Manager

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

## **ADJOURNMENT**



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

## Report to City Council

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**TO:** Mayor and City Council  
**FROM:** Chief of Police John Anderson  
**AGENDA DATE:** January 18, 2010  
**TITLE:** Crime Free Multi-Housing

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### RECOMMENDED ACTION

Staff recommends the City Council:

1. Approve the proposed Crime Free Multi-Housing ordinance.

### BACKGROUND

Residents in multi-family residential rental housing properties are frequently victimized when the facility they live in is unsafe. The negative affects of an unsafe multi-family rental property are also felt by neighboring properties and the surrounding community as a whole.

Rental properties not participating with the Crime Free Multi-Housing provide recent examples of neighborhood crimes associated with poorly maintained and managed multi-family rental properties. These problem properties have led to an increase in criminal activity, a deterioration of neighborhood character and property values, and a drain on local law enforcement and fire services. Holding owners and operators of nuisance properties accountable for the condition of their properties and the behavior of those they lease to is a necessary step towards an overall improvement to public safety.

In an effort to keep our neighborhoods safe and to address the public safety issues that arise as a result of problem residential rental housing properties, the Moreno Valley Police Department has developed a Crime Free Multi-Housing education program and certification for owners and operators of such properties. This program has proven successful in reducing the crime and blight often associated with habitually unsafe multi-family housing complexes. Unfortunately, the Crime Free Multi-Housing education program and certification is currently voluntary for such properties. This needs to

change for the benefit of those who live within problem properties as well as for those who live in their immediate vicinity.

**SOLUTION:**

The action before City Council is to approve and adopt an ordinance that will make Crime Free Multi-Housing Certification a requirement for owners and/or operators of residential rental housing properties.

The anticipated benefits of this ordinance will provide for reduced police and fire calls for service, a stable more satisfied tenant based, and an increased demand for rental units associated with a reputation for responsible and active management. Additionally, there will be increased property values and a general increase of improved personal safety for tenants, managers and their staff.

**ALTERNATIVES**

1. Approve recommendation from staff for the requested ordinance.
2. Provide staff with additional direction.

**FISCAL IMPACT**

There is no anticipated fiscal impact.

**CITY COUNCIL GOALS**

To provide accountability to property ownership, provide a safe and secure environment for people and property in the community, and provide protection for citizens who live, work and visit the City of Moreno Valley.

**SUMMARY**

The Moreno Valley Police Department's Crime Free Multi-Housing Certification program is a valuable tool that can help educate an owner or operator of a multi-family rental property so that they can provide a safe, livable, and crime-free environment to those they rent to as well as their neighbors. The certification requirements include a site inspection, training for the owner or operator, and having each tenant of the facility enter into a lease addendum promising not to commit or allow the commission of criminal activity on the leased premises.

Today's action will adopt an ordinance that will make Crime Free Multi-Housing Certification a requirement for owners and/or operators of residential rental housing properties.

**NOTIFICATION**

N/A

**ATTACHMENTS/EXHIBITS**

1. Moreno Valley Apartment Crime Statistics
2. Apartment manager letters of support
3. Crime Free Multi-Housing Lease Addendum
4. Crime Free Multi-Housing Program PowerPoint Presentation
5. Proposed Ordinance

Prepared:  
Name Dan Florez  
Title Lieutenants

Department Head Approval:  
Name John Anderson  
Title Chief of Police

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

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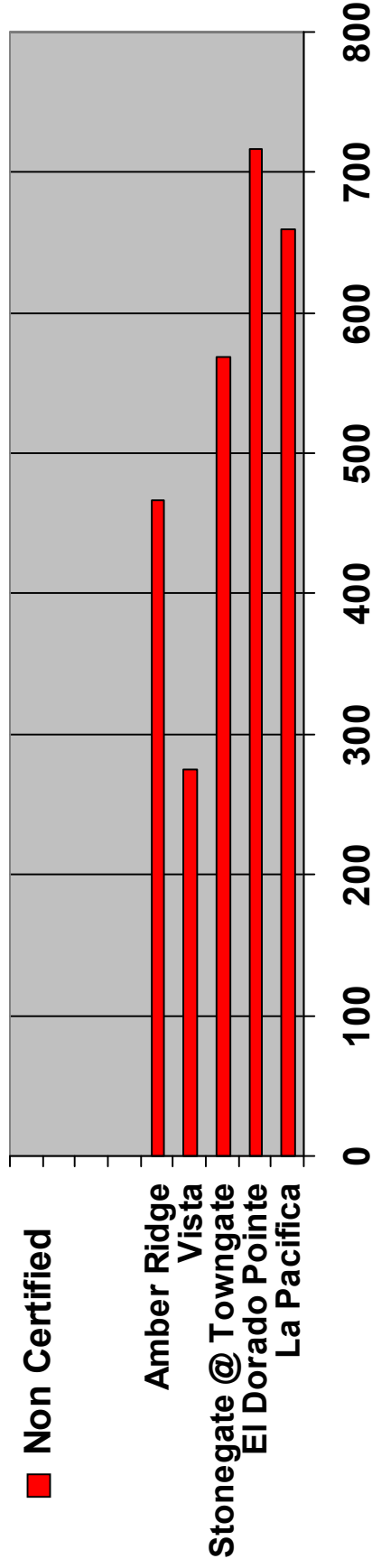


**City of Moreno Valley**  
**CRIME FREE**  
**MULTI-HOUSING**

**Sampling of Recent Statistics Detailing**  
**Criminal Activity Within**  
**Certified and Non-Certified Apartment**  
**Complexes**

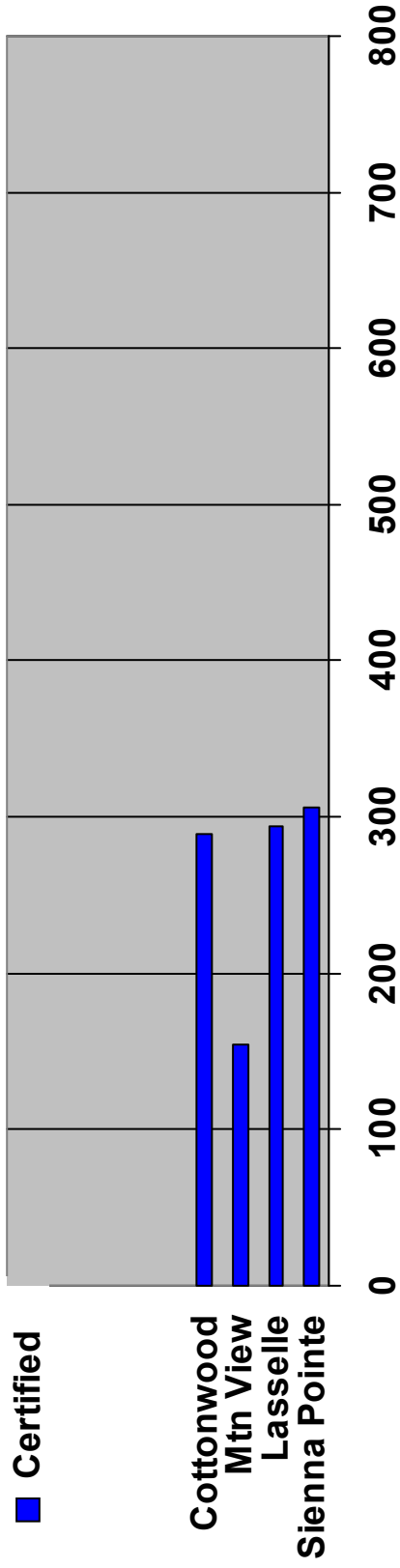
Attachment 1

# Non Certified Calls For Service



- Calls for Service from 09/01/09 to 11/18/10.
- Apartments are not certified through CFMH.
- Management and/or owners have not attended any recent meetings.

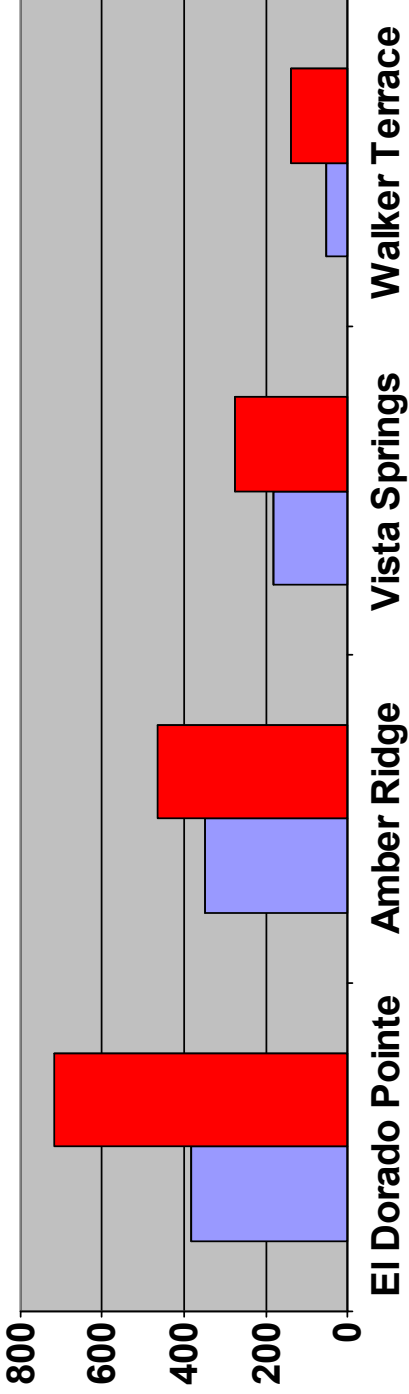
# Certified Calls For Service



- Calls for service from 09/01/09 to 11/18/10
- Apartments have had one or more managers or owners certified through CFMH.
- Managers attend meetings regularly and they are in constant contact with the Problem Oriented Policing team

# Certification VS. Non Certification

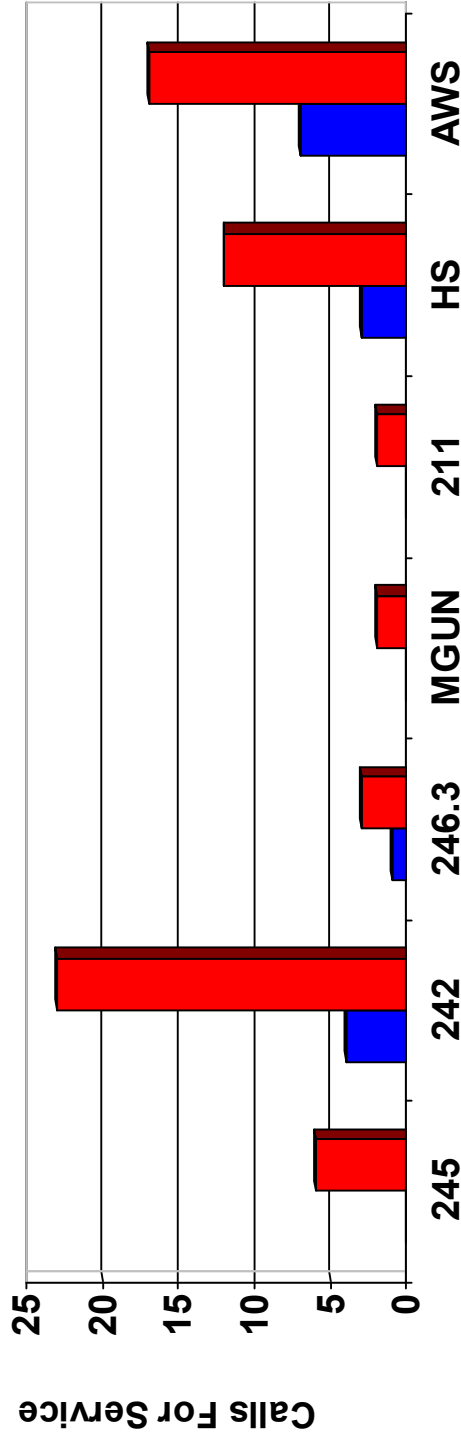
■ 09/01/02 - 11/18/03  
■ 09/01/09 - 11/18/10



- These apartments were certified through CFMH from 09/01/02 to 11/18/03.
- These apartments were no longer certified from 09/01/09 to 11/18/10.

# Certified VS. Non Certified

- Sienna Pointe Certified
- La Pacifica Non Certified

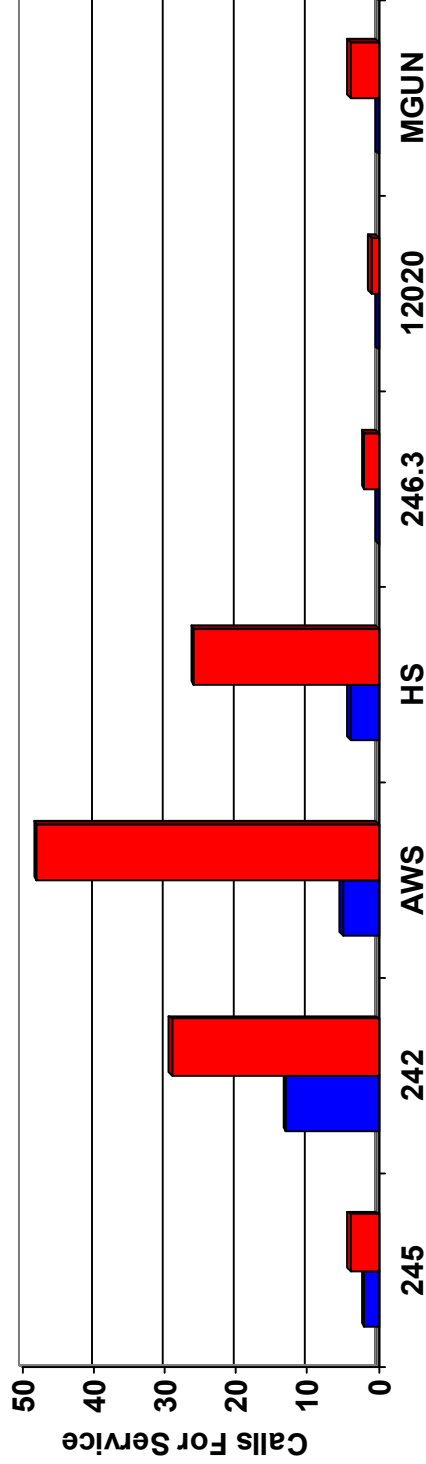


- 245 PC - Assault with a deadly weapon
- 242 PC - Assault
- 246.3 - Discharge a gun in a gross negligent manner.
- MGUN - Man w/ a gun.
- 211 PC - Robbery
- HS - Any drug arrest or calls for service regarding drugs.
- AWS - Any arrest warrants

- **The non-certified complex has almost double the amount of calls for service compared to the certified complex.**

# El Dorado Pointe Apartments

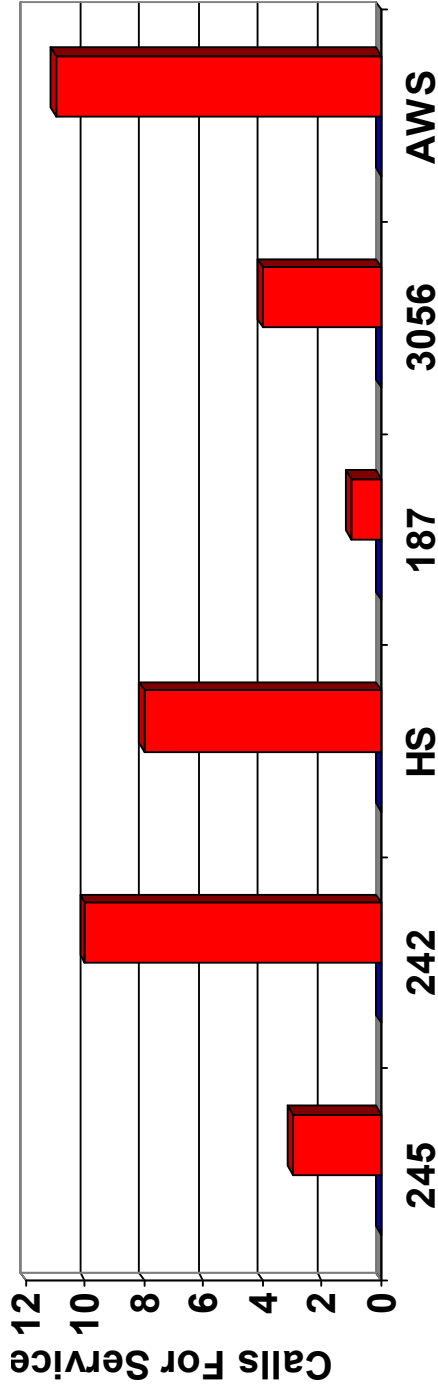
■ 02-03 Certified  
 ■ 09-10 Non Certified



- 245 – Assault w/deadly weapon.
- 242 – Assault.
- AWS – Arrest warrants.
- HS – Drug arrests or drug related calls for service.
- 246.3 – Discharge a gun in a gross negligent manner.
- 12020 – Poss. Of an prohibited weapon.
- MGUN – Man w/gun.
- The calls for service for the above type calls have increased significantly since the complex has stopped maintaining certification.

# Walker Terrace Apartments

■ 02-03 Certified  
■ 09-10 Non Certified



- 245 – Assault w/deadly weapon
- 242 – Assault
- HS – Drug related arrests.
- 187 PC – Murder
- 3056 PC – Parolee at large
- AWS – Arrest warrants

- **Between 09/01/02 and 11/18/03 this complex did not have any of the above types of calls for service.**

# Walker Terrace Cont.

- Walker Terrace Apartment Owner and Manager began the CFMH Program on 10/19/10.
- They both have attended the Monthly Manager Meetings since 10/19/10.
- The manager and owner has been advised of the problems that had been occurring.
- Since attending and joining the program, the complex has been quiet and numerous evictions have been started.
- Walker Terrace has only had seven calls for service since joining the CFMH program.
- Out of the seven calls for service only one was for a 3056 PC violation. All other calls were non violent calls.



# Manager Testimonials

From Property Managers Who Actively Participate in the CFMH Program in the City of Moreno Valley



I have been involved with this program here in the Moreno Valley area for almost three years. We are working on getting into phase 3 of the program. Our apartments are located in an area that has quite a bit of crime, by having this program gives us managers and officers a chance to keep aware of what is happening around us. This program educates us managers, on even more areas such as Section 8, Fair Housing, Apartment laws ( AAGIE), Evictions, and many more. With that said, being certified with our certificates hanging on the wall for all prospective tenants to view is very rewarding. It allows people to see that we are all working together to keep our community a safe place to live and bring up our children.

Having the crime free lease addendum as part of our lease lets prospective tenants know that we will not tolerate any crime or drug activity. Thank you for taking the time and effort to make this program happen!

Nancy Cruz-Olah  
Ironwood Villas apartments  
23163 Ironwood Avenue  
Moreno Valley, California 92557

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I am the Community Manager here at Ridgeview Apartment Homes, in Moreno Valley and am happy to have the opportunity to give accolades to the Crime Free Multi-Family Housing Program. On my first day here at Ridgeview, August 22, 2010, I was terrified by the amount of people that were lingering around this community. In addition to the copious amount of people trolling through the community, there were some that were openly selling drugs. In addition, the community had 22 break-ins in the 3 month period as well as numerous other criminal activities taking place.

My first course of action was to go down to the Moreno Valley Police Department and speak with someone, anyone, for help. My Regional Manager accompanied me and we were pleased to meet with Sergeant Mooney. Sergeant Mooney informed us of the absolutely refusal on the part of my predecessor to participate in the Crime Free program as well as some great changes that were taking place in the program itself. It became obvious to my supervisor and myself, at that moment, that we needed the help of the POP team and we needed it fast!

I am pleased to report that there has been a drastic improvement made at our community. Deputy Engels has maintained constant contact with this community and helped us to clear out so many problems. There have been various operations that the POP team has executed at this community. They range from sheer police presents through patrol to undercover operations. These actions have made visible and welcome improvements. In addition to services that have been provided, they have brought a great deal of relief to the residents that live here. We often hear stories from our residents about how much better that they feel about our community and difference that they see everyday. Even the team that works at this community is feeling less stressed and more comfortable in their surroundings.

For those who have not previously been a part of this program, it is important to note a few crucial points that it offers. The first being the training that the management team with receive through the certification program. This is essential, as it provides you with the education and the knowledge that you will need to maintain a crime-free community. They will teach you what to look for and a new way of thinking about certain situations. They will also show you the appropriate steps to complete when you need to deal with those situations.

The second, very important item is the crime free addendum. This is a way to let your resident know, at the signing of the lease, that you are committed to a crime free community. You will then have the ability to remove any resident who does commit a crime at your community giving you the power to clean up your community without hesitation. Thank you for the opportunity to provide my insight regarding this valuable program.

Sincerely-  
Stephanie Shewmaker Cox  
Community Manager  
Ridgeview Apartment Homes

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I would like to take a moment to thank you for your efforts in keeping the Crime Free Housing Program active. I would also like to thank the Moreno Valley Police Department for their support over the last 2-years. Since I began managing Lasselle Place Apartments two years ago, I have seen significant improvement in the overall crime in our area. I attribute this decrease in crime to our involvement with the Crime Free Housing Program and the assistance of the Moreno Valley Police Department. The monthly meetings have been very informative and have allowed the Property Managers in the area and opportunity to share concerns and offer solutions.

If there is anything we can do to help continue the program, please feel free to contact us. We look forward to the next meeting in February and will commit to helping you get more area managers involved. Please relay our sincerest gratitude to your officers that help make Moreno Valley a desirable place to live.

Sincerely,  
Danielle Benton  
Property Manager  
Lasselle Place Apartment's

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I believe the crime free program works because it addresses the needs of the police department and the needs of property management all in one program. It helps a property manager immensely to have the resources this program provides, from the managers and maintenance personnel that has only a few units, to the bigger complexes this program is a must! Another benefit is the ability to talk to other managers in the community to help solve real problems, with the help of law enforcement. Using the Crime Free Lease Addendum with your rental agreement lets any resident coming in know that you mean business and you will not tolerate crime, and if the addendum is broken you have the means to evict.

Sincerely,  
Paul Potter  
Sunridge Apartments

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CRIME FREE LEASE ADDENDUM

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Resident agree as follows:

- 1. Resident, any members of the resident’s household or a guest or other person under the resident’s control shall not engage in any nuisance activity as defined in Civil Code sections 3479 and 3480, any criminal activity, including drug-related criminal activity, on or near the said premises. “Drug-related criminal activity” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in section 102 of the Controlled Substance Act [21 U.S.C. 802])
2. Resident, any member of the resident’s household or a guest or other person under the resident’s control shall not engage in any act intended to facilitate nuisance or criminal activity.
3. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate nuisance or criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
4. Resident, any member of the resident’s household, or a guest, or another person under the resident’s control shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance as defined in Health & Safety Code §11350, et seq., at any locations, whether on or near the dwelling unit premises or otherwise.
5. Resident, any member of the resident’s household, or a guest or another person under the resident’s control shall not engage in any illegal activity, including: prostitution as defined in Penal Code §647(b); criminal street gang activity, as defined in Penal Code §186.20 et seq.; assault and battery, as prohibited in Penal Code §240; burglary, as prohibited in Penal Code §459; the unlawful use and discharge of firearms, as prohibited in Penal Code §245; sexual offenses, as prohibited in Penal Code §269 and 288; or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent or other tenant or involving imminent or actual serious property damage.
6. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.
7. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.
8. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.

Resident Signature \_\_\_\_\_ Date: \_\_\_\_\_

Resident Signature \_\_\_\_\_ Date: \_\_\_\_\_

Resident Signature \_\_\_\_\_ Date: \_\_\_\_\_

Property Manager’s Signature \_\_\_\_\_ Date: \_\_\_\_\_ Property: \_\_\_\_\_

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# Crime Free Multi-Housing Program



Attachment 4

# Problems of an Unsafe Complex

- Residents frequently victimized
- Neighboring Properties and Surrounding Communities suffer.
- Criminal Activity (Drugs, burglaries, robberies, assaults, etc.)
- Deterioration of neighborhood, character and property values
- Drain Law Enforcement and Fire services.



# Combating the Problem

- The problem apartment complexes have led to numerous problems. Holding owners, property managers and operators accountable for their properties and behavior of those they lease to is a necessary step towards overall improvement and public safety.

# Crime Free Multi-Housing Program

- Program is a valuable tool that can educate an owner, manager or operator to provide the following:
  - Safe Environment
  - Livable Environment
  - Crime Free Environment

# Crime Free Multi-Housing Certification

- Three Step Process
  - Eight hour Seminar provided to owners, managers & operators. (Required)
  - Crime Prevention Through Environmental Design Certification. (Required)
  - Safety Gathering.

# Seminar - Required

- Speakers from different departments educating owners, managers and operators reference:
  - Gangs
  - Narcotics
  - Section 8/Public Housing
  - Evictions
  - Tenant Screening
  - Fair Housing
  - Premise Liability
- Begin using Crime Free Lease Addendum (Required)

# CPTED Certification - Required

- CPTED – Crime Prevention through Environmental Design
  - Using the environment to provide a safer complex
    - Lighting, trimming bushes, natural surveillance, territoriality

# Safety Gathering

- Tenants, Managers, owners, operators and Law Enforcement gather
- Provide final certification
- Provide signs to post establishing the complex as a Crime Free Certified Complex
- Advise Tenants of what the owners, managers, operators and complex is doing to make the complex a safer place to live.

# The Ordinance

- All residential rental housing facilities to be CFMH Certified.
  - Within 30 days of gaining or changing ownership or the changing of operators.

# Failure to Comply

- Fine (Admin Cite)
- Begin Abatement until owner has registered for program.
  - Fail to follow through with program after initial registration
    - Fine
    - Begin Abatement



# Application for Certification

- Shall have all pertinent information regarding the owner, managers, operators, the property, etc.
- Shall apply within 30 days of retaining a business license or the property.

# Non- Transferrable

- Certification is good for a period of one year from the CPTED Certification
- Certification shall expire 12 months after issuance, unless previously removed
- Certification is not transferable
  - Each new owner or manager must obtain new certification
    - Note: Unless either the manager or owner is still retained

# The Ordinance Cont'd.

- 8-hour Seminar – All managers, owners and operators must be certified.
- CPTED Inspection – must pass minimum requirements.
  - Inspection report will be given to managers/owners.
  - Complexes that change ownership must have new owner attend a seminar and complex must have a new inspection.
    - Note: Unless the manager did not change

# Crime Free Lease Addendum

Residents, any member of resident's household, guest or other person under the residents control shall not engage in the following:

- Nuisance activity as defined in Civil Code sections 3479 and 3480, any criminal activity, including drug-related criminal activity, on or near the said premises.
- In any act intended to facilitate nuisance or criminal activity.
- Will not permit the dwelling unit to be used for, or to facilitate nuisance or criminal activity, including drug-related criminal activity.
- In the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations.
- In any illegal activity, including: prostitution as defined in Penal Code §647(b); criminal street gang activity, as defined in Penal Code §186.20 et seq.; assault and battery, as prohibited in Penal Code §240; burglary, as prohibited in Penal Code §459; the unlawful use and discharge of firearms, as prohibited in Penal Code §245; sexual offenses, as prohibited in Penal Code §269 and 288; or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent or other tenant or involving imminent or actual serious property damage.
- VIOLATION SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.

# Notice of Violation

- Every certified complex is subject to periodic inspection by Law Enforcement and/or Fire to ensure compliance.
- Whenever it appears violations of the provisions, any applicable laws, regulations or CPTED requirements exist, the police department and/or fire department shall serve the owner or operator with a Notice of Violation.
- Violation shall be corrected within time period allotted for correction.
- If violations are not corrected a fine can be issued and an abatement started.
  - Note: Intentionally allowing a tenant to occupy the property without a Crime Free Lease Addendum is a violation.

# Certification Removal

- The Moreno Valley Police Department may remove certification:
  - On not less than five days
  - Whenever it is found that a certified person has failed or refused reasonable measures to correct violation, after notice and opportunity to take corrective action have been provided

# Judicial Civil Penalties

- As part of the civil action to enforce provisions
  - Court may assess a maximum civil penalty, per violation for each day during which any violation is committed, continued or permitted.
  - Court may also enjoin a person from violation any provision and assess a maximum civil penalty for each day if a person intentionally violates the injunction

# Nuisance Abatement

- Owners, management and operators of an apartment complex will have to register and apply for the Certification within thirty days of retaining a business license and or the property.
- The seminar and CPTED inspection shall be completed within ninety days of retaining a business license and/or the property.
- If the Certification is not completed a nuisance abatement shall begin upon the property.

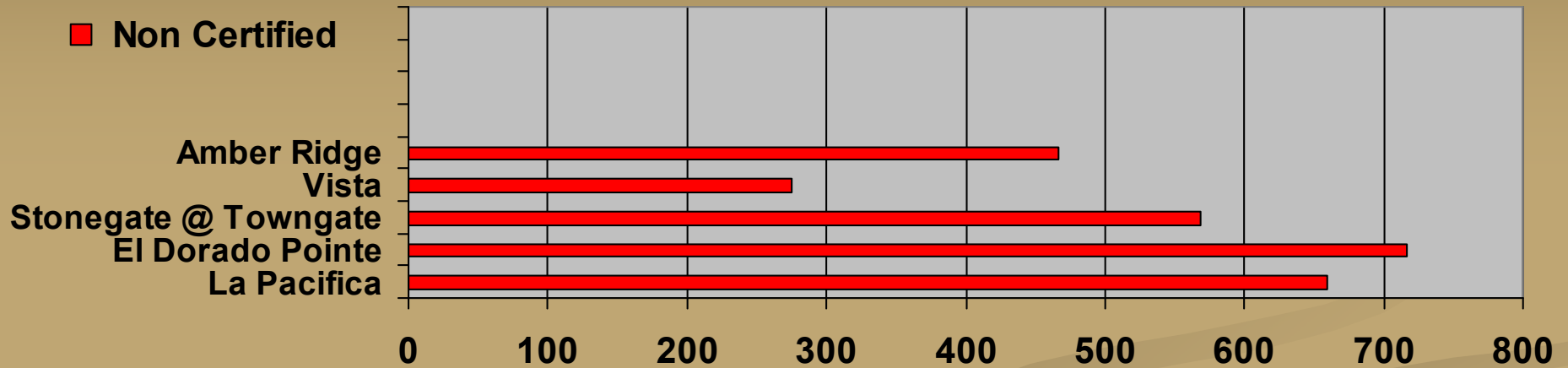


# Certification Vs. Non-Certification

- The following information was compiled for a certain time frame.
- Some complexes are certified, while others are not certified.
- Information was also gathered reference complexes that were certified in the past and they are no longer certified.

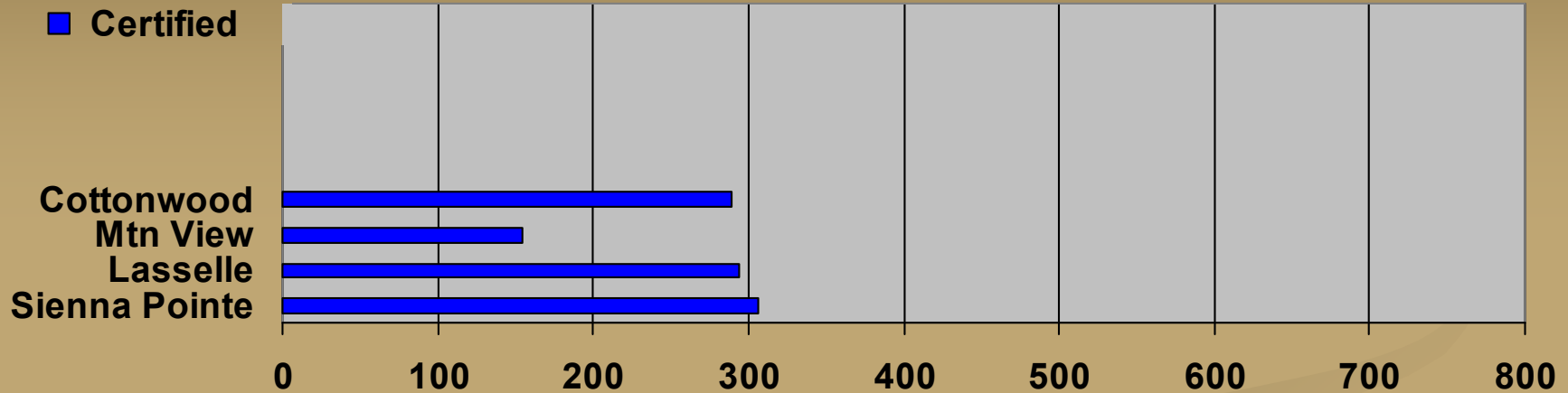


# Non Certified Calls For Service



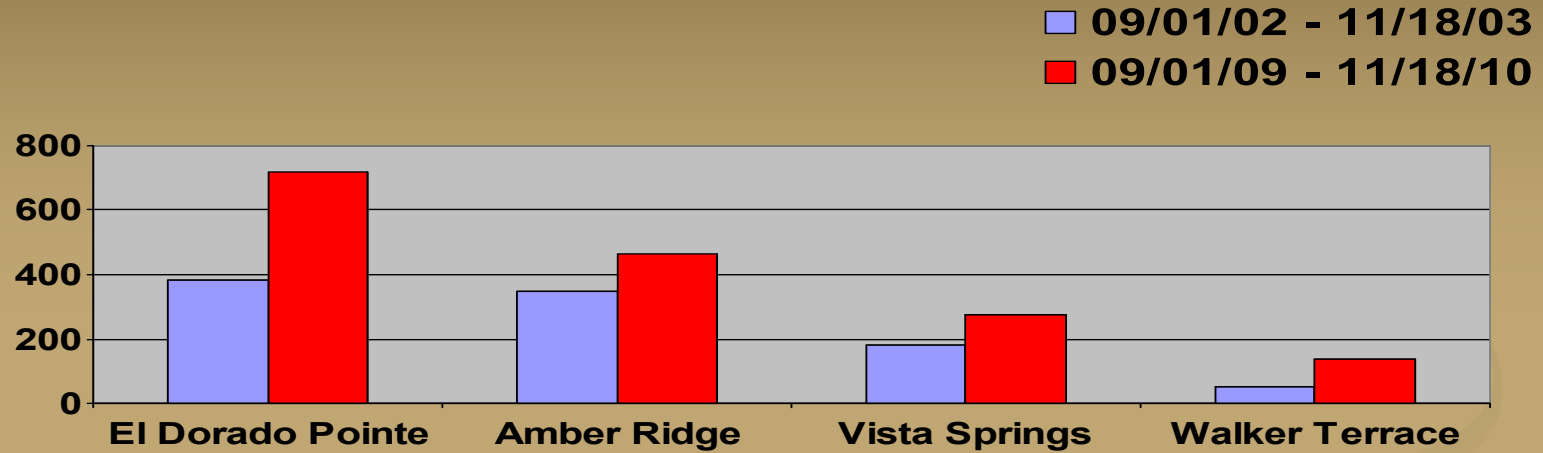
- Calls for Service from 09/01/09 to 11/18/10.
- Apartments are not certified through CFMH.
- Management and/or owners have not attended any recent meetings.

# Certified Calls For Service



- Calls for service from 09/01/09 to 11/18/10
- Apartments have had one or more managers or owners certified through CFMH.
- Managers attend meetings regularly and they are in constant contact with the Problem Oriented Policing team

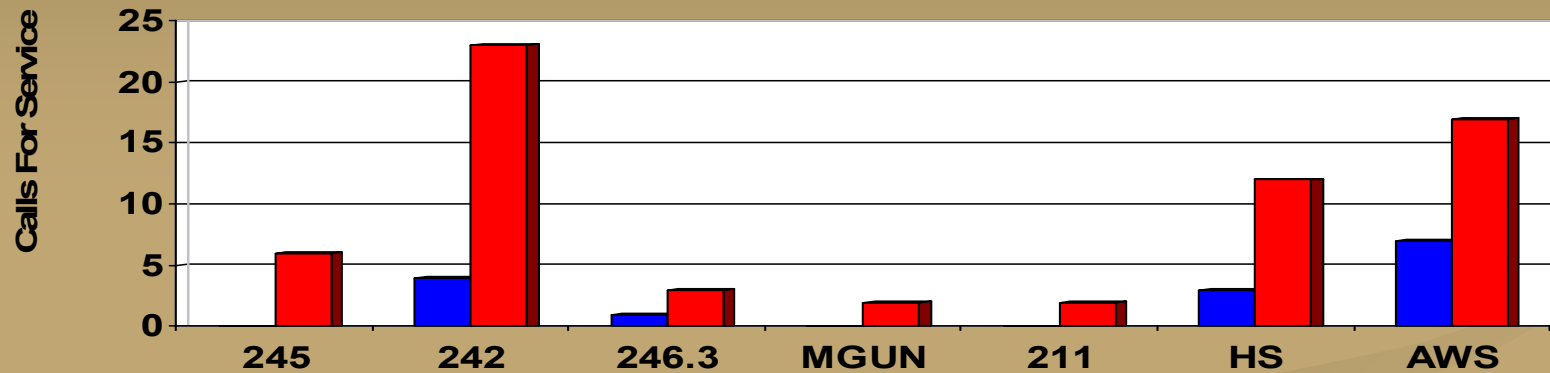
# Certification VS. Non Certification



- These apartments were certified through CFMH from 09/01/02 to 11/18/03.
- These apartments were no longer certified from 09/01/09 to 11/18/10.

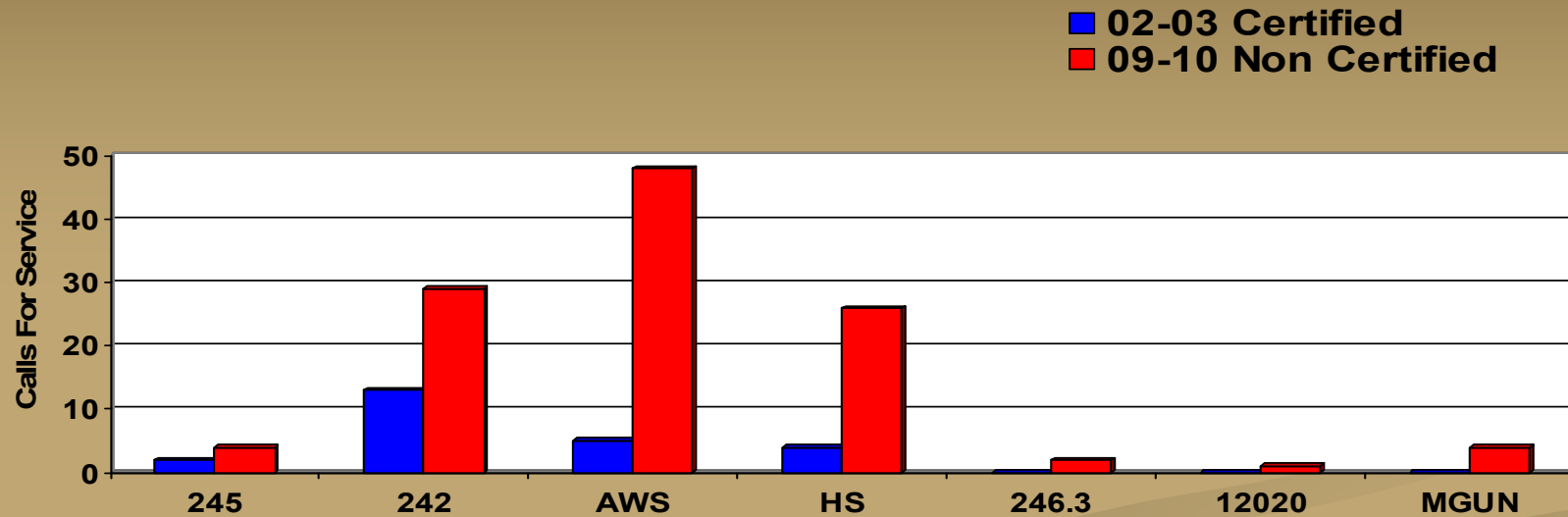
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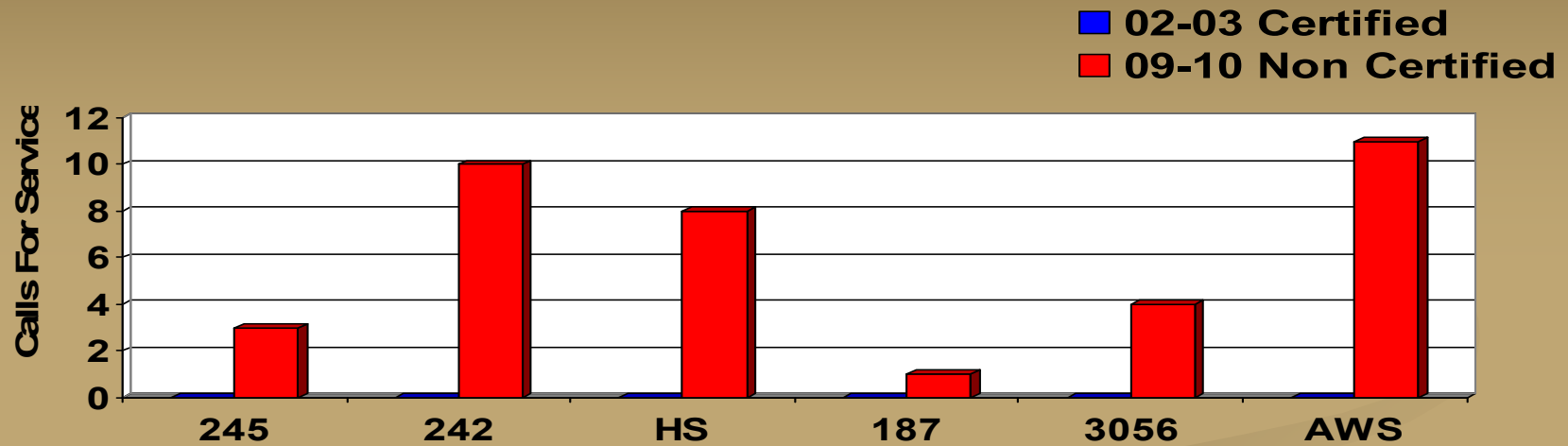
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- MGUN - Man w/ a gun.
- 211 PC - Robbery
- HS - Any drug arrest or calls for service regarding drugs.
- AWS - Any arrest warrants
  
- **The non-certified complex has almost double the amount of calls for service compared to the certified complex.**

# El Dorado Pointe Apartments



- 245 – Assault w/deadly weapon.
  - 242 – Assault.
  - AWS – Arrest warrants.
  - HS – Drug arrests or drug related calls for service.
  - 246.3 – Discharge a gun in a gross negligent manner.
  - 12020 – Poss. Of an prohibited weapon.
  - MGUN – Man w/gun.
- **The calls for service for the above type calls have increased significantly since the complex has stopped maintaining certification.**

# Walker Terrace Apartments



- 245 – Assault w/deadly weapon
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- HS – Drug related arrests.
- 187 PC – Murder
- 3056 PC – Parolee at large
- AWS – Arrest warrants

■ **Between 09/01/02 and 11/18/03 this complex did not have any of the above types of calls for service.**

## Walker Terrace Cont.

- Walker Terrace Apartment Owner and Manager began the CFMH Program on 10/19/10.
- They both have attended the Monthly Manager Meetings since 10/19/10.
- The manager and owner has been advised of the problems that had been occurring.
- Since attending and joining the program, the complex has been quiet and numerous evictions have been started.
- Walker Terrace has only had seven calls for service since joining the CFMH program.
- Out of the seven calls for service only one was for a 3056 PC violation. All other calls were non violent calls.



# Manager Testimonials

- I would like to take this opportunity to thank the MV Police Department for keeping the Crime Free Multi Housing program alive and active in our community. Attending the Crime Meetings provides support for me in many ways. First of all, I have access to the many different law enforcement departments if any incidents occur on my property. I get the opportunity to discuss issues and come up with solutions with other property managers in Moreno Valley.

This program would be very beneficial if we can get all MV property managers to become a part of Crime Free Multi-housing making us all one team against crime in our community.

Thank you,

**Traci Vander Maten | Business Manager**

**Broadstone Rancho Belago | Broadstone Overlook**

12963 Moreno Beach Drive, Moreno Valley, CA 92555

# Manager Testimonial Cont'd.

- I have been involved with this program here in the Moreno Valley area for almost three years. We are working on getting into phase 3 of the program. Our apartments are located in an area that has quite a bit of crime, by having this program gives us managers and officers a chance to keep aware of what is happening around us. This program educates us managers, on even more areas such as Section 8, Fair Housing, Apartment laws ( AAGIE), Evictions, and many more. With that said, being certified with our certificates hanging on the wall for all prospective tenants to view is very rewarding. It allows people to see that we are all working together to keep our community a safe place to live and bring up our children.

Having the crime free lease addendum as part of our lease, lets prospective tenants know that we will not tolerate any crime or drug activity. Thank you for taking the time and effort to make this program happen!

Nancy Cruz-Olah  
Ironwood Villas apartments  
23163 Ironwood Avenue  
Moreno Valley, California 92557

# Manager Testimonial Cont'd

- I am the Community Manager here at Ridgeview Apartment Homes, in Moreno Valley and am happy to have the opportunity to give accolades to the Crime Free Multi-Family Housing Program. On my first day here at Ridgeview, August 22, 2010, I was terrified by the amount of people that were lingering around this community. In addition to the copious amount of people trolling through the community, there were some that were openly selling drugs. In addition, the community had 22 break-ins in the 3 month period as well as numerous other criminal activities taking place.

My first course of action was to go down to the Moreno Valley Police Department and speak with someone, anyone, for help. My Regional Manager accompanied me and we were pleased to meet with Sergeant Mooney. Sergeant Mooney informed us of the absolutely refusal on the part of my predecessor to participate in the Crime Free program as well as some great changes that were taking place in the program itself. It became obvious to my supervisor and myself, at that moment, that we needed the help of the POP team and we needed it fast!

I am pleased to report that there has been a drastic improvement made at our community. Deputy Engels has maintained constant contact with this community and helped us to clear out so many problems. There have been various operations that the POP team has executed at this community. They range from sheer police presents through patrol to undercover operations. These actions have made visible and welcome improvements. In addition to services that have been provided, they have brought a great deal of relief to the residents that live here. We often hear stories from our residents about how much better that they feel about our community and difference that they see everyday. Even the team that works at this community is feeling less stressed and more comfortable in their surroundings.

For those who have not previously been a part of this program, it is important to note a few crucial points that it offers. The first being the training that the management team will receive through the certification program. This is essential, as it provides you with the education and the knowledge that you will need to maintain a crime-free community. They will teach you what to look for and a new way of thinking about certain situations. They will also show you the appropriate steps to complete when you need to deal with those situations.

The second, very important item is the crime free addendum. This is a way to let your resident know, at the signing of the lease, that you are committed to a crime free community. You will then have the ability to remove any resident who does commit a crime at your community giving you the power to clean up your community with out hesitation. Thank you for the opportunity to provide my insight regarding this valuable program.

Sincerely-  
Stephanie Shewmaker Cox  
Community Manager  
Ridgeview Apartment Homes

# Manager Testimonials Contd.

- I would like to take a moment to thank you for your efforts in keeping the Crime Free Housing Program active. I would also like to thank the Moreno Valley Police Department for their support over the last 2-years. Since I began managing Lasselle Place Apartments two years ago, I have seen significant improvement in the overall crime in our area. I attribute this decrease in crime to our involvement with the Crime Free Housing Program and the assistance of the Moreno Valley Police Department. The monthly meetings have been very informative and have allowed the Property Managers in the area and opportunity to share concerns and offer solutions.

If there is anything we can do to help continue the program, please feel free to contact us. We look forward to the next meeting in February and will commit to helping you get more area managers involved. Please relay our sincerest gratitude to your officers that help make Moreno Valley a desirable place to live.

Sincerely,  
Danielle Benton  
Property Manager  
Lasselle Place Apartment's

# Manager Testimonials Contd.

- I believe the crime free program works because it addresses the needs of the police department and the needs of property management all in one program. It helps a property manager immensely to have the resources this program provides, from the managers and maintenance personal that has only a few units, to the bigger complexes this program is a must! Another benefit is the ability to talk to other managers in the community to help solve real problems, with the help of law enforcement. Using the Crime Free Lease Addendum with your rental agreement lets any resident coming in know that you mean business and you will not tolerant crime, and if the addendum is broken you have the means to evict.

Sincerely,  
Paul Potter  
Sunridge Apartments

# Conclusion

- Significant changes in calls for service.
- Decrease in Law Enforcement services.
- Increased open communication with managers, owners and Law Enforcement.
- Joint effort to keep complexes crime free.
- Significant changes in criminal activity.



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 11.85 TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CRIME FREE MULTI-FAMILY RESIDENTIAL HOUSING.

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

SECTION 1. MUNICIPAL CODE ADDED:

1.1 Chapter 11.85 of the Moreno Valley Municipal Code is hereby added to read as follows:

“Section 11.85.010 – Findings and Purpose

Residents in multi-family residential rental housing are frequently victimized when the facility in which they live is unsafe. Proper maintenance of these facilities can reduce criminal activity and improve the safety of residents. The purpose of this Chapter is to require the owner or operator of certain multi-family residential rental housing facilities in the City of Moreno Valley to obtain a crime free certification for the facility by having the facility inspected, submit to training and having each tenant of the facility enter into a lease addendum promising not to commit or allow the commission of criminal activity on the leased premises.

Section 11.85.020 – Certification Required

1. It shall be unlawful for any person in the City of Moreno Valley to rent a residential dwelling unit that meets the threshold requirements of paragraph (2) of this subsection, unless a Crime Free Multi-Family Housing Certification has been issued by the Moreno Valley Police Department and has been properly maintained for the location of issuance.
2. The Crime Free Multi-Family Housing Certification requirement shall only apply to residential housing facilities that contain more than one (1) residential dwelling unit and that have generated at least ten (10) calls for service to the Moreno Valley Police and/or Fire Departments within any ninety (90) day period. Additionally, the Certification requirement shall also apply to residential rental housing facilities that have a disproportionately higher number of calls for service, as measured by at least 25% higher calls for service when compared to two (2) similar residential rental housing facilities in any ninety (90) day period.
3. When the threshold set forth in subsection (2) has been exceeded, the Police Department shall provide Notice to the facility of the requirement to obtain

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Certification and to cease the rental of any additional units until such Certification has been obtained. Notice may be served by US Mail to the facility's office mailing address or by posting such Notice on the office or manager's unit at the facility.

4. This Chapter shall not apply to any state licensed group home or facility which is operating under and governed by State or federal rules and regulations.

#### Section 11.85.030 – Appeals

1. A person may appeal a Notice determining the requirement for Certification by submitting a request for a hearing, in writing, to the City Manager. A request for a hearing must be received within fourteen (14) days after Notice was served. Failure to timely request a hearing constitutes a waiver of the right to contest the Notice and requirement for Certification.
2. The following issues may be contested in an appeal:
  - a. Whether or not a violation enforceable under this Chapter occurred,
  - b. Whether the person charged is responsible for the violation,
  - c. The dates when the violation occurred,
  - d. Whether or not the threshold for Certification required under Section 11.85.020(2) has been met.
3. Within fourteen (14) days after the City Manager receives a timely request for a hearing, he shall schedule a hearing before a neutral hearing officer designated by the City Manager and provide notice of the date and time of such hearing to the person requesting the hearing.

#### Section 11.85.040 – Hearing Procedures

1. Every witness testifying shall take an oath or make an affirmation. The hearing officer is authorized to issue subpoenas, administer oaths and conduct the hearing.
2. At the time of the hearing, the hearing officer shall hear testimony of all competent persons desiring to testify and review all documents, photographs or other evidence.
3. The hearing officer has the authority to determine the relevance of any evidence and to exclude unduly repetitious and cumulative evidence or testimony and may consider hearsay evidence.
4. If the appellant fails to attend the hearing, the hearing will be terminated and a final determination shall be entered in favor of the City.
5. The hearing shall be conducted in English. The appellant may provide an interpreter at their own expense.
6. At the conclusion of the hearing, the hearing officer shall make a determination upholding the decision of the City or overruling the decision of the City. The appellant shall be served a written notice of the hearing officer's decision within ten (10) days or within such time as the hearing officer has determined is reasonable.
7. The decision of the hearing officer is final.

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Section 11.85.050 – Application for Certification

1. Application for a Crime Free Multi-Family Housing Certification shall be made in the name of the owner of the premises to be rented and submitted to the Moreno Valley Police Department on forms provided by the Police Department. The application shall identify the location of the property; name, address and telephone number of the owner; name, address and 24-hour telephone number(s) of the manager or custodian of the property; the owner's agent for service of process; and such other information as may be required by the Police Department. The applicant shall pay a fee, as adopted by resolution of the City Council, to the City for Payment must be made in full prior to Certification. All fees obtained for Certification shall be used to fund the implementation of this Chapter.
2. A Crime free Multi-Family Housing Certification shall be issued for a period of one year. Certification shall expire twelve (12) months after issuance, unless previously removed. The Certification shall not be transferrable. Each new owner or manager of the rental facility must obtain a new Certification unless either the manager or owner who already completed the Certification is still retained.
3. Application for renewal shall be made in the same manner as for a new Certification. Applicants for renewal shall pay a fee, as adopted by resolution of the City Council, to the City. Applicants shall be required to renew their Certification every year until calls for service have been reduced below the threshold set forth in Section 11.85.020(2) for at least one year from the date of Certification.

Section 11.85.060 – Inspection

No Crime Free Multi-Family Housing Certification shall be issued or renewed unless the dwelling unit(s), and common area(s) in connection with which Certification is sought, are found after inspection to meet all state and local laws and regulations. Rental dwelling units that change ownership shall be required to be inspected before a new Certification may be issued, unless either the manager or owner who already completed Certification is still retained. The owner will be provided with an inspection report describing any condition which constitutes a violation of any applicable law or regulation, and shall be afforded a reasonable opportunity to correct any such conditions. In the event that more than two (2) follow-up inspections are required in order for the Police Department to determine compliance, the applicant shall pay an additional inspection fee as set established by Resolution for Code Enforcement re-inspections. Payment must be made prior to any re-inspection or Certification.

Section 11.85.070 – Seminar

All persons applying for a Crime Free Multi-Family Housing Certification, including all persons administering, managing or controlling the operation of any

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residential rental housing facilities required to obtain Certification shall attend a seminar, administered by the Police Department, prior to Certification. The seminar may be attended after the application has been submitted.

#### Section 11.85.080 – Lease Addendum

1. All facilities required to obtain Certification shall include a “Crime Free Lease Addendum”, in a form provided by the City, providing that tenants shall not engage in illegal, nuisance or criminal activity on the premises, as part of their rental agreement.
2. It shall be unlawful for any person to intentionally allow any tenant to occupy a residential rental property in violation of any provision of the “Crime Free Lease Addendum” required by this Chapter.

#### Section 11.85.090 – Posting of Signage

If the owner does not reside on the premises of any residential multi-family rental housing facility in the City, a notice, stating the name and address of the owner, or the name and address of his agent, shall be posted in a conspicuous place on the premises.

#### Section 11.85.100 – Removal of Certification

If a residential multi-family rental facility is found through inspection by any police, fire, code or building official to be in violation of any law or regulation, reasonable notice shall be provided to the facility to correct such substandard conditions. If the corrections are not made within the time specified in the notice, the Certification shall be removed without further notice.

#### Section 11.85.110 – Penalties

1. A violation of this Chapter shall constitute a misdemeanor criminal offense punishable as set forth in Chapter 1.01 of this Code.
2. A violation of this Chapter may be enforced through the issuance of Civil Citations as set forth in Chapter 1.10 of this Code.
3. A violation of this Chapter may be enforced through a civil action filed by the City for injunctive relief and a civil penalty may be assessed not to exceed \$2,500.00 per violation for each and every day the violation continues to exist.
4. The remedies set forth above are cumulative.”

#### SECTION 2. EFFECT OF ENACTMENT:

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

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SECTION 3. NOTICE OF ADOPTION:

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

SECTION 4. EFFECTIVE DATE:

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

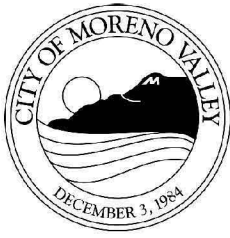
Ordinance No.  
Date Adopted:

ORDINANCE JURAT

[Clerk's office will prepare]

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

Ordinance No.  
Date Adopted:



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

## Report to City Council

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

**FROM:** William L. Bopf, Interim City Manager

**AGENDA DATE:** January 18, 2011

**TITLE:** DISCUSSION AND FUNDING APPROPRIATION  
CONSIDERATION TO PAY FOR THE SHORTAGE OF REVENUE  
ON ZONE B, RESIDENTIAL STREET LIGHTS FUND

---

### RECOMMENDED ACTION

Provide direction to staff regarding the options to resolve the insolvency of CSD Zone B. Staff recommends Short Term Alternative 1 and Long Term Alternative 1.

### BACKGROUND

Moreno Valley Community Services District Zone B was established to fund and provide the residential street light service in the City of Moreno Valley. CSD Zone B required a loan of about \$90,300 from the Special Districts Administration Fund to pay the final expenses for Fiscal Year 2009-10. Therefore, the CSD Zone B Fund began Fiscal Year 2010-11 with zero fund balance, in addition to the outstanding debt of \$90,300.

Staff worked with City Council to place a parcel fee increase on the ballot for voter approval to preserve the financial solvency of the Zone B Fund in June of 2009 and again in September 2010. With the failure of the parcel fee increase based on the vote taken in September 2010, the City Council must now address the issue regarding the current financial insolvency of Zone B. Staff presented a comprehensive staff report on November 16, 2010 (copy is attached) that provided in-depth history on the actions taken to maintain solvency and regarding the extremely challenging operational options now that the fee increase has failed. This report focuses on the necessary short-term action the Council must take to pay the bills for Zone B through June 30, 2010.

In addition, CSD Zone C, the Arterial Street Light Program is in basically the same situation. Expenses exceed revenues by \$208,000 annually with an estimated \$248,000 in fund balance remaining at the end of the fiscal year. Council will need to make a similar decision for this program during the budget process for FY 2011-12.

### **DISCUSSION**

CSD Zone B receives a total of \$1,046,000 in annual revenue. This is supported by \$930,000 in parcel fees charged to support direct residential street light service.

The annual expenses, driven primarily by costs charged by Southern California Edison for street lighting, are budgeted at \$1,615,000. This reflects expenses of about \$135,000 per month. At this rate of expenditure, the fund has sufficient revenues to cover expenses through mid February 2011. As of that point in time, the Zone B Fund will be insolvent. The CSD Zone B Fund requires \$570,000 to support the remaining anticipated expenditures through June 30, 2011 and an estimated \$50,000 additional to support legal fees to assess the long term options for solvency of this fund, totaling \$620,000.

Staff needs direction on how the Council prefers to address the insolvency. Following are alternatives for Council to consider.

### **ALTERNATIVES**

#### **Short Term Alternatives:**

1. Direct staff to loan the funds required to pay the CSD Zone B bills through June 30, 2011 totaling \$620,000 from General Fund "Fund Balance". Return to the Council on February 8, 2011 with the required loan documents to formalize this loan transaction. This action would divert fund balance earmarked for the Three Year Deficit Elimination Plan, thereby accelerating reductions in valued General Fund Services. Reductions to free up the \$620,000 would require reduction of about 8 General Fund positions, 5 firefighters or 3 sworn police officers.
2. Authorize the transfer of funds to subsidize CSD Zone B services from the General Fund. Within the context of the current General Fund budget structure, there are no revenues available to support this option. Current General Fund expenses are budgeted at \$81 million with ongoing revenues of \$68 million.
3. Direct staff to stop paying CSD Zone B bills once the funding has run out. This option creates significant risk and liability to the City, since entities will have provided services to the residents of the City and vendors will take action to enforce payment. This is not a viable action for the Council to consider.

#### **Long Term Alternatives**

1. Direct staff to implement plans in cooperation with SCE to shut off sufficient street lights as of July 1, 2011 to return the fund to solvency, including

establishing a three month fund balance reserve to cash flow the Zone B expenses during each fiscal year.

2. Direct staff to continue to fund the Zone B street lighting costs from the General Fund, either by loan or by subsidy. This will increase the structural deficit from an estimated \$15.4 million to \$16.0 million. Reductions to free up the \$620,000 would require reduction of about 8 General Fund positions, 5 firefighters or 3 sworn police officers. In addition, the deficit would increase by an estimated \$80,000 each year due to SCE's annual rate increases.

**FISCAL IMPACT**

The fiscal impact of each of the above alternatives is very negative due to the current economic environment and fiscal challenges facing the City. The only positive solution is to increase the parcel fee to reestablish fiscal stability of the dedicated funding provided by CSD Zone B for the specific service it was created to provide.

There is no fiscal capacity to support the street light services without a corresponding reduction in some other valuable City service, particularly on an ongoing basis.

Reductions to free up the \$620,000 to complete the FY 2010-11 would require reduction of about 8 General Fund positions, 5 firefighters or 3 sworn police officers. In addition, the deficit would increase by an estimated \$80,000 each year due to SCE's annual rate increases, which would require annual reductions in general fund services to maintain the service levels in the residential street lighting program.

In addition, CSD Zone C, the Arterial Street Light Program is in basically the same situation. Expenses exceed revenues by \$208,000 annually with an estimated \$248,000 in fund balance remaining at the end of the fiscal year. Council will need to make a similar decision for this program during the budget process for FY 2011-12.

**ATTACHMENTS/EXHIBITS**

Attachment – Staff report dated November 16, 2010 – Alternatives for the Community Services District (CSD) Zone B (Residential Street Lighting) Program

Prepared By:  
Rick Teichert  
Financial and Administrative Services Director

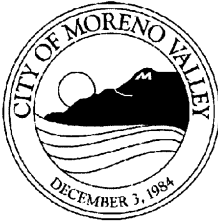
Department Head Approval:  
William L. Bopf  
Interim City Manager

Concurred 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:







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

## Report to City Council

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

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

**AGENDA DATE:** October 12, 2010

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

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### RECOMMENDED ACTION

Staff recommends that the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board") provide direction to staff on the alternatives to be implemented for the CSD Zone B (Residential Street Lighting) program.

### ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

### BACKGROUND

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

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

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

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

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

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

## **DISCUSSION**

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

Given the projected annual shortfalls, staff has reviewed several options including those undertaken by other cities in addressing similar funding deficiencies for street lighting services. Staff has met with representatives from SCE, Moreno Valley Utilities (MVU),

and the City's Transportation Division in an effort to evaluate alternatives to reduce expenditures and address the Zone B program funding shortfall.

Following the announcement of the results of the mail ballot proceeding at the September 21, 2010 Special Meeting, staff was directed to bring this matter back before the CSD Board for further discussion. The following provides an update to the information presented to the CSD Board at the November 17, 2009, Study Session.

**ALTERNATIVES**

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

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

1. Remove Streetlights (47%)

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

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

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

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

## 2. Temporarily Turning Off All Residential Streetlights

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

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

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

## 3. Reduce Hours of Residential Streetlight Operations

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

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

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

#### 4. Reduce Streetlight Wattage

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

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

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

#### 5. New Technology (LED)

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

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

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

#### 6. General Fund Subsidy

Although it is legal for the City's General Fund to subsidize the Zone B program to make up the difference between the revenues and costs on an annual basis; staff believes this option is unadvisable. For property related charges, Proposition 218 does not allow agencies to levy nor collect more than the amount approved by property owners. A General Fund subsidy to fund the known shortfalls may allow residential street lighting services to remain unchanged. However, the General Fund budget has been balanced through the use of one-time funds and recent employee compensation and benefit concessions, with a significant structural deficit remaining. As such, General Fund monies may be limited and may not be able to support additional costs associated with street lighting services, especially on a long term basis. Under this alternative, the General Fund would need to subsidize the Zone B program by approximately \$641,700 for FY 2010/11. Future year

Zone B shortfalls would require additional subsidies as projected in Attachment B – Financial Projections. Any subsidy from the General Fund will impact the overall staffing and programs/services of the City. A subsidy of approximately \$641,700 for FY 2010/11 is the equivalent of eliminating at least three police officer positions, or more than seven General Fund supported positions, or any combination thereof, with the impact increasing in future years. *This alternative would retain streetlight services at the current level.*

#### 7. Do Nothing

If the additional revenues are not identified to continue funding the streetlights, then the CSD will not be able to continue to pay the utility bills for streetlight services. Also, if no alternatives are identified to reduce the ongoing Zone B program cost or any subsidies are identified to address the current shortfall, then the Zone B program may not be able to continue providing streetlight services after January 31, 2011. At the request of the CSD, the current utility contracts for streetlight services may be cancelled with 60 days advance notice provided. Since SCE requires inactive street lights to be removed, there will be additional charges for removal. MVU streetlights may be turned off, but remain in place. Prior to implementation of this alternative, the CSD may seek advice from legal counsel to assist in the process. The Zone B charge would continue to be collected in future FYs until all financial obligations of the zone have been paid off. *This alternative will eliminate streetlight service.*

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

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

\*\* Excludes any future rate increases.

### FISCAL IMPACT

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

Alternatives	No. of Poles Effected	FY 2010/11 Shortfall	Estimated One-Time Costs *	Estimated Annual Savings **
1 – 47% Reduction	4,068	(\$641,700)	(\$623,000)	\$654,000

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

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

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

**CITY COUNCIL GOALS**

**Revenue Diversification and Preservation**

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

**Public Facilities and Capital Projects**

Streetlights aid in the illumination of roadway and sidewalk areas.

**SUMMARY**

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

**NOTIFICATION**

N/A

**ATTACHMENTS**

Attachment A – PowerPoint Presentation of Alternatives and Estimated Costs

Attachment B – Estimated Financial Projections

Prepared By:  
Marshall Eyerman  
Special Districts Program Manager

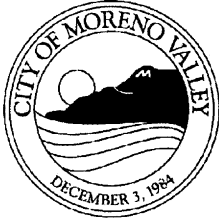
Department Head Approval:  
Chris A. Vogt, P.E.,  
Public Works Director/City Engineer

Concurred By:  
Candace Cassel,  
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:

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

## Report to City Council

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**TO:** Mayor and City Council

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

**AGENDA DATE:** January 18, 2011

**TITLE:** Proposed Renaming of Cactus Avenue

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### RECOMMENDED ACTION

Staff recommends that the City Council receive information and provide direction on the proposed renaming of Cactus Avenue.

### BACKGROUND

On November 11, 1988 the City's Cultural Preservation Advisory Board adopted Resolution CPAB 88-2 which designated Alessandro Boulevard as a historical name and landmark. On December 7, 1989, the same board adopted Resolution CPAB 89-3 which gave landmark status to the other historic avenues and streets listed on the 1891 Bear Valley Historic Map, including Cactus Avenue which ran east from Frederick Street to Theodore Street in 1891.

On November 22, 2009 Moreno Valley resident Private First Class (PFC) Marcus Tynes was killed while serving our country in Afghanistan. PFC Tynes' family contacted the City in November 2009 with a request that the City consider implementing a banner program to honor Moreno Valley servicemen and women. At a City Council Study Session on February 16, 2010, the City Manager's Office presented information on several military banner programs that exist in other local jurisdictions. Council provided direction to the City Manager's Office to establish a Military Banner Program Committee in order to develop a banner program to honor the City's active duty military service personnel. During the development of this program, the Committee, whose members consisted of Mayor Bonnie Flickinger, Mayor Pro Tem Robin Hastings, Major Don Traud, resident Bruce Atlas, Moreno Valley Chamber President/CEO Oscar Valdepena, Chamber Military Affairs Committee Co-Chairs Laura Froehlich and Wendy McCool, and City Staff, discussed renaming a portion of Cactus Avenue as part of this program honoring Veterans.

At a City Council Study Session on August 17<sup>th</sup>, City Council directed City Staff to investigate the renaming of Cactus Avenue to “March Memorial Parkway” in honor of the City’s military servicemen and women. The new street name would also recognize the historical significance of March Air Reserve Base to the City and the surrounding area. The section of Cactus Avenue that was considered for renaming extends from the City’s western city limit to Heacock Street (Attachment A).

### **DISCUSSION**

City Staff mailed letters on September 22<sup>nd</sup> to all affected property owners, as well as to all the business owners who had active business licenses on file with the City, inviting them to attend a meeting on October 11<sup>th</sup> to discuss the proposed renaming of Cactus Avenue. Only two stakeholders attended the meeting; a representative from Caltrans and a representative from the March Joint Powers Authority. At this meeting, staff discussed the origins of the name for Cactus Avenue as well as the historical designation of the street name by the City’s Cultural Preservation Advisory Board. Additionally, stakeholders were informed that the Military Appreciation Banner Program Committee had recommended that the City rename the portion of Cactus Avenue that runs along March Air Reserve Base to “March Memorial Parkway” since military banners honoring active duty military personnel would be displayed on this section of Cactus Avenue and it would also honor March Air Reserve Base. The stakeholders were in support of the proposal.

As the portion of Cactus Avenue that runs from Frederick Street to Heacock Street is part of the historical designated streets of the Bear Valley 1891 map, City Staff went to the City’s Environmental & Historical Preservation Board meeting on November 8<sup>th</sup> for their support in renaming this section of Cactus Avenue. After careful consideration, the Board elected to recommend to City Council that Cactus Avenue not be renamed. The Board further recommended placing two dedication signs (Attachment B) on Cactus Avenue, one on the south side of Cactus Avenue at just west of Elsworth Street and the other on the north side of Cactus Avenue just west of Heacock. These signs would designate that portion of Cactus Avenue as “March Memorial Parkway” in order to honor our military service personnel.

### **ALTERNATIVES**

1. Direct Staff to proceed with the process for renaming Cactus Avenue from the City’s western city limit east to Heacock Street to “March Memorial Parkway”. *Staff does not recommend this action due to the historical designation of a portion of Cactus Avenue affected by the renaming of the street and it would be financially prohibitive.*
2. Direct Staff to proceed with investigating the installation of two “March Memorial Parkway” dedication signs on Cactus Avenue; with one sign on the south side of Cactus Avenue just west of Elsworth Street and the other sign on the north side of Cactus

Avenue just west of Heacock Street. *Staff recommends this alternative as it will create a sense of neighborhood pride.*

3. Leave the name unchanged with no "March Memorial Parkway" dedication signs. *Staff does not recommend this alternative.*

### **FISCAL IMPACT**

Based on the direction given by City Council, the fiscal impact can range from \$0.00 to \$85,000. Alternative 1 would require the City to work with Caltrans to change the name on all freeway signs to "March Memorial Parkway" that reference Cactus Avenue. The City would also need to change all the street signs on the affected portion of Cactus Avenue to "March Memorial Parkway". The total cost of Alternative 1 is approximately \$85,000.

Alternative 2 would require City Council to choose either option 1 or option 2 from Attachment B. The cost of option 1 is estimated at \$300 per sign for a total cost of \$600 while the cost for option 2 is approximately \$500 per sign for a total cost of \$1,000.

Finally, Alternative 3 would not have a fiscal impact on the City as the name for Cactus Avenue would remain unchanged and there would be no dedication signs that designate Cactus Avenue as "March Memorial Parkway".

### **CITY COUNCIL GOALS**

#### **POSITIVE ENVIRONMENT:**

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

#### **COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:**

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

### **SUMMARY**

The proposed renaming of Cactus Avenue was not recommended by the City's Environmental & Historical Preservation Board as Cactus Avenue beginning at Frederick Street and extending east to Theodore Street was designated as a historical landmark in 1989 by Resolution CPAB 89-3. As such, City Staff is recommending that Council direct staff to return to a regular City Council meeting with a staff report that would provide an honorary designation of "March Memorial Parkway" to Cactus Avenue from just west of Elsworth Street to Heacock Street.

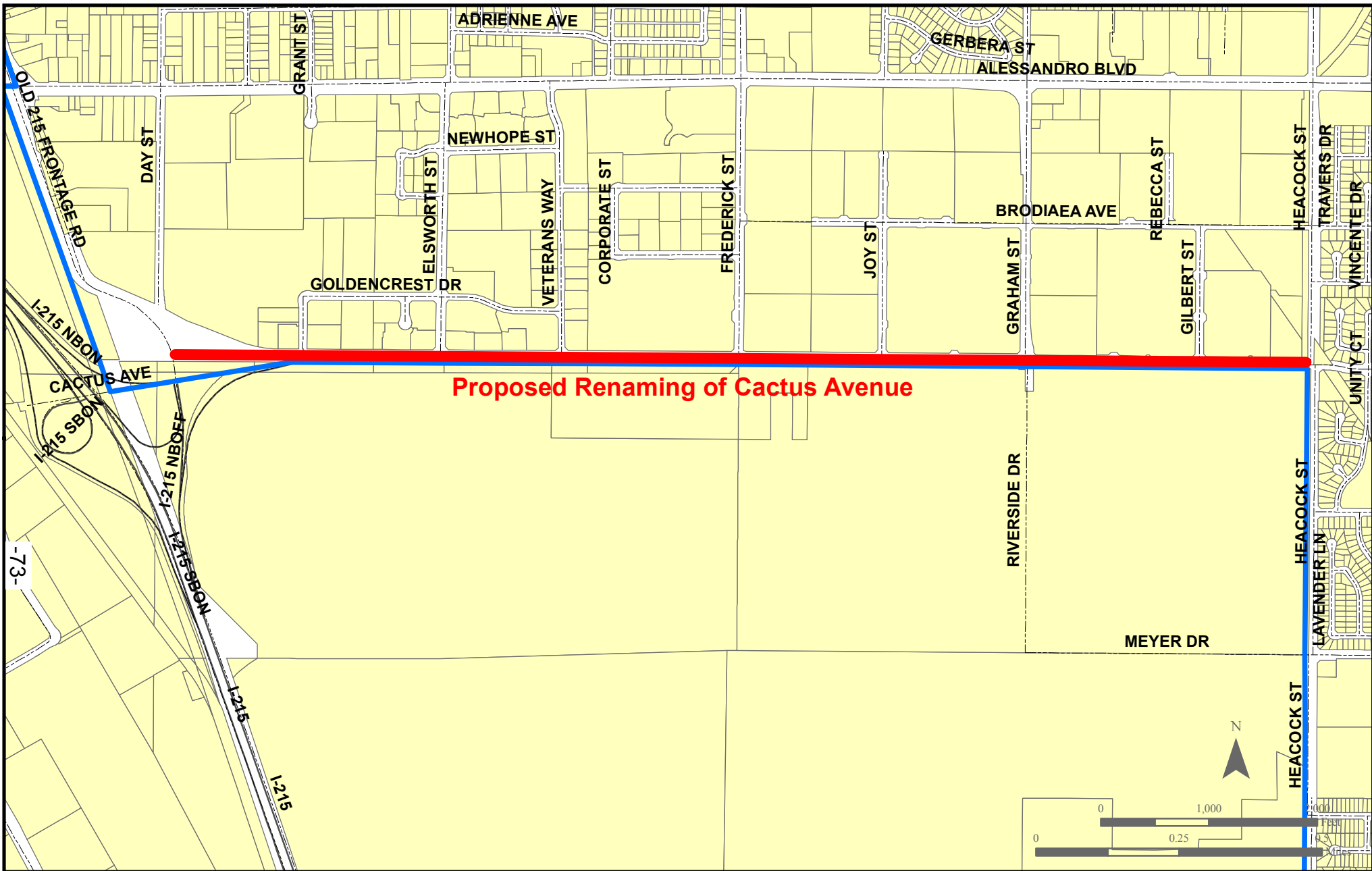
**ATTACHMENTS**

Attachment A: Map of Cactus Avenue  
Attachment B: March Memorial Parkway Dedication Signs

Prepared By:  
Cynthia Owens  
Acting Assistant to the City Manager

Department Head Approval:  
Michelle Dawson  
Acting Assistant City Manager

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



Attachment  
 Item No. 5.  
 A  
 Map\CMOffice\  
 Memorial\_cactus.mxd  
 Date: November 23, 2010

### PROPOSED RENAMING OF CACTUS AVENUE

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

Map Produced by Moreno Valley Geographic Information System

- ### Map Legend
- City Boundaries
  - Streets
  - Highways



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**Option 1**

**March  
Memorial  
Parkway**

**Option 2**



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